



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON  
ON 22 JULY 2019 at 7.06PM**

PRESENT	Cr. Michael O'Reilly (Mayor) Cr. Colin Hampton Cr. Sandra Mayer Cr. Glenn Aitken Cr. Brian Cunial Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam Cr. Lillian O'Connor
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Dr. Gillian Kay, Director Community Development Mr. Doug Dickins, Acting Director Community Assets Ms. Brianna Alcock, Acting Director Corporate Development Mr. Michael Papageorgiou, Manager Planning & Environment Mr. Stuart Caldwell, Coordinator Statutory Planning Mr. Taylor McVean, Coordinator Communications Ms. Tenille Craig, Councillor Support Officer Ms. Michelle Tipton, Coordinator Governance Ms. Sharon Lozsan, Project and Business Support Officer
EXTERNAL REPRESENTATIVES:	Nil.

### COUNCILLOR STATEMENT

Councillor Mayer made the following statement:

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

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

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

Chairperson's initials

**PRAYER**

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

**ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

Councillor Cunial 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.

Chairperson’s initials



<b>1. PRESENTATION TO COMMUNITY GROUPS.....</b>	<b>4</b>
<b>2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....</b>	<b>4</b>
Ordinary Meeting No. OM8 held on 1 July 2019. ....	4
<b>3. APOLOGIES.....</b>	<b>4</b>
<b>4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST .....</b>	<b>4</b>
<b>5. PUBLIC QUESTION TIME.....</b>	<b>4</b>
<b>6. HEARING OF PUBLIC SUBMISSIONS .....</b>	<b>4</b>
<b>7. ITEMS BROUGHT FORWARD .....</b>	<b>5</b>
<b>8. PRESENTATIONS / AWARDS.....</b>	<b>6</b>
<b>9. PRESENTATION OF PETITIONS AND JOINT LETTERS.....</b>	<b>6</b>
<b>10. DELEGATES' REPORTS.....</b>	<b>6</b>
<b>ITEMS BROUGHT FORWARD.....</b>	<b>7</b>
11.1 Planning Permit Application 111/2019/P - 66A Cliff Road, Frankston South - To construct two (2) double storey dwellings on a lot and to construct and carry out buildings and works and a domestic swimming pool in a Design and Development Overlay Schedule 9 (DDO9) .....	7
11.2 Planning Permit Application 642/2018/P - 35 Playne Street Frankston - Construction of a 14 storey mixed use building for Leisure and Recreation Facility (Gym), Accommodation (11 Student Rooms and 77 Apartments), Office, Retail (Café, Hairdresser, Restaurant and Motor Vehicle Sales) and a reduction in car parking requirements of Clause 52.06 .....	13
11.3 Planning Permit Application - Town Planning Application 55/2019/P - 26 Juliana Drive Carrum Downs - To construct one (1) single storey dwelling to the rear of existing dwelling (two (2) dwellings).....	23
11.5 Planning Application 134/2019/P - 1/330 Cranbourne Road, Frankston - To use the land to sell liquor (Packaged Liquor) in association with a Section 1 Use (Supermarket) .....	28
11.7 Planning Application 181/2019/P - 1/330 Cranbourne Road, Frankston 3199 - To use the land to sell liquor (Packaged Liquor) in association with a Section 1 Use (Bottle Shop) .....	30
12.11 Corrections to Adoption of Budget 2019-2020.....	32
13.2 Response to NOM1377 - McClelland Gallery Interconnectedness and Peninsula Link .....	33

13.3	Response to 2018/NOM56 - Proposed Boulevard Tree Planting Works along Cranbourne Road and Nepean Highway .....	34
14.1	2019/NOM17 - Kananook Rail Stabling Facility .....	35
14.4	2019/NOM21 - Funding for Frankie's Cafe at Frankston South Community and Recreation Centre .....	36
<b>11.</b>	<b>CONSIDERATION OF TOWN PLANNING REPORTS .....</b>	<b>38</b>
11.4	Planning Permit Application 199/2019/P - Shop 17-18/317 Ballarto Road, Carrum Downs - To use the land to sell packaged liquor.....	38
11.6	Town Planning Application 173/2019/P - 439 Nepean Highway Frankston - To use the land for sale and consumption of liquor (Restaurant and Cafe Licence).....	40
11.8	Planning Permit No.47/2018/S173 - 125 Union Road Langwarrin - To end Section 173 agreement AJ372169E which affects Lot 1 of Plan of Subdivision 627056B.....	42
11.9	Frankston Planning Scheme Amendment C127 - Public Open Space Contribution Rates - Briefing on the recommendations of the panel report and authorisation to request approval of Amendment C127 as exhibited.....	43
11.10	Response to Petition - 4 Cassowary Close, Carrum Downs.....	44
11.11	June 2019 Planning and Environment Progress Report.....	45
<b>12.</b>	<b>CONSIDERATION OF REPORTS OF OFFICERS.....</b>	<b>46</b>
12.1	Notice of Motion Status Update for 22 July 2019.....	46
12.2	Asset Management Policy .....	47
12.3	Records Management Policy.....	48
12.4	Resubmission of the draft Procurement Policy 2019/20 .....	49
12.5	2019 Local Government Community Satisfaction Survey results .....	50
12.6	Response to Petition - Installation of Combined Water Fountain and Dog Tap at Whistlestop Reserve .....	51
12.7	Discontinuance of part of Plowman Place, Frankston .....	52
12.8	Langwarrin Library and Family Centre.....	53
12.9	Frankston City Visitor Economy Strategy 2019-2024 .....	54
12.10	New Signature Event - Research Results .....	55
<b>13.</b>	<b>RESPONSE TO NOTICES OF MOTION .....</b>	<b>56</b>
13.1	Response to NOM1346 - MyFrankston App and Crime Stoppers Decals .....	56
13.4	Response to 2019/NOM7 - At-call Hard Waste Collection .....	57
13.5	Response to 2019/NOM10 - Boat Moorings at Kananook Creek .....	58

<b>14. NOTICES OF MOTION</b> .....	<b>59</b>
14.2 2019/NOM19 - CCTV in Frankston CAA .....	59
14.3 2019/NOM20 - Re-Affirmation of Victorian Local Government Women's Charter.....	60
14.5 2019/NOM22 - Save our Red Gums.....	61
14.6 2019/NOM23 - Evelyn Street Park .....	62
14.7 2019/NOM24 - Small Business Friendly Councils (SBFC) .....	63
<b>15. LATE REPORTS</b> .....	<b>64</b>
<b>16. URGENT BUSINESS</b> .....	<b>64</b>
<b>17. CONFIDENTIAL ITEMS</b> .....	<b>65</b>
C.1 Minutes of the Frankston Arts Board - 21 May 2019 .....	65
C.2 Minutes of the Frankston Arts Board - 18 June 2019 .....	65
C.3 Ballam Park South West Soccer Pitch Reconstruction Contract No 2018/19-86.....	65
C.4 PARC Business Plan 2019-2020.....	65
C.5 Peninsula Leisure Pty Ltd - Quarterly Report period ending March 2019.....	65
C.6 Potential Sale of Council Land - 5R-7R Keys Street Frankston.....	65
<b>18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS</b> .....	<b>66</b>
C.5 Peninsula Leisure Pty Ltd - Quarterly Report period ending March 2019 (considered at this meeting) .....	66
C.6 Potential Sale of Council Land - 5R-7R Keys Street Frankston (considered at this meeting) .....	66
Urgent business - Cr Toms Leave of Absence (considered at this meeting).....	66



**1. PRESENTATION TO COMMUNITY GROUPS**

Nil

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

Ordinary Meeting No. OM8 held on 1 July 2019.

**Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor Mayer**

That the minutes of the Ordinary Meeting No. OM8 held on 1 July 2019 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

**Carried Unanimously**

**3. APOLOGIES**

Nil

**4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST**

Nil

**5. PUBLIC QUESTION TIME**

There were no questions with or without notice submitted to Council.

**6. HEARING OF PUBLIC SUBMISSIONS**

Mr. Kerry Shade made a submission to Council regarding Item 11.1: Planning Permit Application 111/2019/P – 66A Cliff Road, Frankston South – To construct two (2) double storey dwellings on a lot and to construct and carry out buildings and works and a domestic swimming pool in a Design and Development Overlay Schedule 9 (DDO9);

Mr. Brian Bird made a submission to Council regarding Item 11.1: Planning Permit Application 111/2019/P – 66A Cliff Road, Frankston South – To construct two (2) double storey dwellings on a lot and to construct and carry out buildings and works and a domestic swimming pool in a Design and Development Overlay Schedule 9 (DDO9);

Ms. Patricia Wright made a submission, on behalf of Mr Jeremy Bird, to Council regarding Item 11.1: Planning Permit Application 111/2019/P – 66A Cliff Road, Frankston South – To construct two (2) double storey dwellings on a lot and to construct and carry out buildings and works and a domestic swimming pool in a Design and Development Overlay Schedule 9 (DDO9);

Ms. Patricia Wright made a submission to Council regarding Item 11.1: Planning Permit Application 111/2019/P – 66A Cliff Road, Frankston South – To construct two (2) double storey dwellings on a lot and to construct and carry out buildings and works and a domestic swimming pool in a Design and Development Overlay Schedule 9 (DDO9);

Mr. Brad Smith made a submission to Council regarding Item 11.2: Planning Permit Application 642/2018/P – 35 Playne Street, Frankston – Construction of a 14 Storey mixed use building for Leisure and Recreation Facility (Gym), Accommodation (11 Student Rooms and 77 Apartments), Office, Retail (Café, Hairdresser, Restaurant and Motor Vehicle Sales) and a reduction in car parking requirements of Clause 52.06;

Mr. Richard Umbers made a submission to Council regarding Item 11.3: Planning Permit Application – Town Planning Application 55/2019/P – 26 Juliana Drive Carrum Downs – To construct one (1) single storey dwelling to the rear of existing dwelling (two (2) dwellings);

Ms Hilary Poad made a submission to Council regarding Item 13.2: Response to NOM1377 – McClelland Gallery Interconnectedness and Peninsula Link;

Ms. Kirsty Stevenson made a submission to Council regarding Item 14.1: 2019/NOM17 – Kananook Rail Stabling Facility;

Ms. Courtney Anderson made a submission to Council regarding Item 14.4: 2019/NOM21 – Funding for Frankie’s Café at Frankston South Community and Recreation Centre; and

Ms. Nicole Yiannakou made a submission to Council regarding Item 14.4: 2019/NOM21 – Funding for Frankie’s Café at Frankston South Community and Recreation Centre.

## 7. ITEMS BROUGHT FORWARD

### Items Brought Forward

#### Council Decision

**Moved: Councillor Cunial**

**Seconded: Councillor McCormack**

That the following Items be brought forward.

- Item 11.1: Planning Permit Application 111/2019/P – 66A Cliff Road, Frankston South – To construct two (2) double storey dwellings on a lot and to construct and carry out buildings and works and a domestic swimming pool in a Design and Development Overlay Schedule 9 (DDO9)
- Item 11.2: Planning Permit Application 642/2018/P – 35 Playne Street Frankston – Construction of a 14 storey mixed use building for Leisure and Recreation Facility (Gym), Accommodation (11 Student Rooms and 77 Apartments), Office, Retail (Café, Hairdresser, Restaurant and Motor Vehicle Sales) and a reduction in car parking requirements of Clause 52.06
- Item 11.3: Planning Permit Application – Town Planning Application 55/2019/P – 26 Juliana Drive Carrum Downs – To construct one (1) single storey dwelling to the rear of existing dwelling (two (2) dwellings)
- Item 11.5: Planning Application 134/2019/P – 1/330 Cranbourne Road, Frankston – To use the land to sell liquor (Packaged Liquor) in association with Section 1 Use (Supermarket)
- Item 11.7: Planning Application 181/2019/P – 1/330 Cranbourne Road, Frankston 3199 – To use the land to sell liquor (Packaged Liquor) in association with Section 1 Use (Bottle Shop)
- Item 12.11: Corrections to Adoption of Budget 2019/2020
- Item 13.2: Response to NOM1377 – McClelland Gallery Interconnectedness and Peninsula Link
- Item 13.3: Response to 2018/NOM56 – Proposed Boulevard Tree Planting Works along Cranbourne Road and Nepean Highway
- Item 14.1: 2019/NOM17 – Kananook Rail Stabling Facility
- Item 14.4: 2019/NOM21 – Funding for Frankie’s Café at Frankston South Community and Recreation Centre

**Carried Unanimously**



**8. PRESENTATIONS / AWARDS**

The Mayor presented to the Chamber the following awards:

- 2019 Australian Reporting Awards, which was awarded to Frankston City Council for its 2017-2018 Annual Report;
- 2018 AILA Victoria Landscape Architecture Award, in the Play Space Category, which was awarded to Playce Pty Ltd and Frankston City Council for the Ballam Bumps Regional Playspace design; and
- 2019 AILA Victoria Landscape Architecture Award, in the Play Space Category, which was awarded to Leaf Design Studio and Frankston City Council for the George Pentland Botanic Gardens Playspace design.

**9. PRESENTATION OF PETITIONS AND JOINT LETTERS**

Nil

**10. DELEGATES' REPORTS**

Nil

**ITEMS BROUGHT FORWARD****11.1 Planning Permit Application 111/2019/P - 66A Cliff Road, Frankston South - To construct two (2) double storey dwellings on a lot and to construct and carry out buildings and works and a domestic swimming pool in a Design and Development Overlay Schedule 9 (DDO9)**

*(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 111/2019/P for the construction of two (2) double storey dwellings on a lot and to construct and carry out buildings and works and a domestic swimming pool in a Design and Development Overlay – Schedule 9 (DDO9) at 66A Cliff Road, Frankston South, subject to the following conditions:

**Plans**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be substantially in accordance with the plans submitted with the application but modified to show:
  - a. The removal of the swimming pool at the rear of Dwelling 1 and replacement with additional landscape plantings;
  - b. The height of side boundary fences reduced to a maximum height of 1.2 metres, where they extend forwards of the dwellings' facades towards the street.
  - c. The redesign of the ground floor of Dwelling 1 to provide for a single garage, with incorporation of a habitable room with habitable room window facing the street.
  - d. The setback of garages for both dwellings a minimum of 1 metre behind the front façade of the dwellings.
  - e. The roofing colour to be nominated as a light, neutral tone to reflect the coastal character of the area.
  - f. Detail of the internal boundary fence within the front setback to be nominated and to be open and constructed of natural materials.
  - g. The studies to be nominated on the floor plans (adjacent to the void at the second floor of each dwelling).
  - h. A corner splay area to be nominated to either side of the accessways in accordance with Clause 52.06-9 of the Frankston Planning Scheme.
  - i. Bollard lighting within the access ways in accordance with Condition 19.
  - j. Locations of services/facilities (rainwater tanks, air conditioning units, etc.) to be nominated on site plans and to be in accordance with Clause 55.04-8 of the Frankston Planning Scheme.
  - k. All habitable room windows to be nominated as full size with external screening (not obscured glass or film), with a maximum transparency of 25%, in accordance with Clause 55.04-6 of the Frankston Planning Scheme.
  - l. Balustrading to both balconies to be nominated with a maximum transparency of 25%, in accordance with Clause 55.04-6 of the Frankston Planning Scheme.

Chairperson's initials



- m. Trellis screening in the following locations and to be nominated as in accordance with Clause 55.04-6 of the Frankston Planning Scheme, with locations to be clearly shown on both site and elevation plans:
- (i) Northern boundary fence to 2.2 metres above FFL to screen views from the Dwelling 1 master bedroom and alfresco areas.
  - (ii) Western boundary fence to 2.7 metres above FFL to screen views from the Dwelling 1 and 2 alfresco areas.
  - (iii) Eastern boundary fence to 2.7 metres above FFL to screen views from the Dwelling 2 alfresco area.
  - (iv) Eastern boundary fence to 2 metres above FFL to screen views from Dwelling 2 living room.
  - (v) Eastern boundary fence to 2.3 metres above FFL to screen views from Dwelling 2 master bedroom.
- n. Shading devices to be nominated to all north facing windows.
- o. A landscape plan in accordance with Condition 3.
- p. A Tree Protection Plan in accordance with Condition 4.

#### **No Alterations**

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

#### **Landscape Plans**

3. Before the commencement of buildings and works, a landscape plan in accordance with the submitted development plan, prepared by a suitably qualified landscape professional must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plan must show:
- a. A survey (including botanical names) of all vegetation located within 3 metres of the boundary of the site on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is proposed to be retained and/or removed;
  - b. Buildings on neighbouring properties within 3 metres of the boundary;
  - c. The delineation and details of surface finishes of all garden beds, grassed areas, pathways, driveways, retaining walls and other landscape works including areas of cut and fill throughout the development site;
  - d. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
  - e. A range of plant types from ground covers to large shrubs and trees ;
  - f. Landscaping and planting within all open areas of the site;
  - g. Adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
  - h. The provision of screen planting (minimum mature height of 1.5 metres) within a landscape strip of 600 millimetres at the interface of the property boundary and driveway;

- i. Screen planting to a height of 2 metres along the property boundaries within the secluded private open space areas;
- j. A planting theme of a minimum 60% indigenous, 40% native within each plant group;
- k. 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' (2018) booklet are not to be planted.
- l. The provision of suitable canopy trees (minimum 2 metres tall when planted) in the areas specified below (trees are not to be sited over easements) with species chosen to be approved by the Responsible Authority;
  - (i) Three (3) trees within the front setback with a minimum mature height of 8 metres
  - (ii) One (1) tree within the private open space of each dwelling with a minimum mature height of 8 metres
  - (iii) One (1) tree within the private open space of each dwelling with a minimum mature height of 5 metres
- m. The provision of notes on the landscape plan regarding site preparation, including in-ground irrigation system to be provided to all landscaped areas, removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
- n. All tree stock used must be in accordance with AS2303-2015 *Tree stock for Landscape Use*.

#### **Tree Protection Management Plan**

4. A Tree Protection Management Plan prepared in accordance with Frankston City Council's 'Arboricultural Report Writing Guide' must be submitted to and approved by the Responsible Authority prior to the commencement of the approved development and works (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings) and when approved will be endorsed and form part of this permit. The plan must contain as a minimum but not limited to the following information:
  - a. Tree protection fencing specifications and locations;
  - b. Ground protection requirements;
  - c. Methods for installation of services to minimise the impact on the retained trees e.g.; sewerage, storm water, telecommunications, electricity etc.;
  - d. Supervision as required;
  - e. Alternative construction techniques;
  - f. Remedial works as required.

#### **Prior to Occupation**

5. 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.

**Drainage**

6. Provision of a Stormwater Detention System with a volume capable of retarding the 10 year ARI flow from the development site back to a 5 year ARI pre-development value to the satisfaction of the Responsible Authority.
7. Stormwater management system to be designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
8. A pumped system for each dwelling may be required, with a rising main for each dwelling to connect to the Council drain &/or SE pit in Cliff Rd at the south east corner of the site. Such a system will have to be capable of holding the roof drainage of a 10 year ARI storm to each dwelling with back-up pumps in each to protect adjacent properties in the event of pump failure.
9. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
  - (a) On-site stormwater detention and rainwater tanks.
  - (b) Soil percolation
  - (c) Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc
  - (d) On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
10. Prior to commencement of development construction detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority.
11. Stormwater Drainage Outfall is to be constructed to the satisfaction of the responsible Authority.

**Engineering Requirements**

12. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
13. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.
14. Existing vehicle crossing shall be altered and widened to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
15. Where the development involves work on or access to Council controlled land including roads, reserves and right of way, the owner, operator and their agents under this permit must at all times take adequate precautions to maintain works to the highest public safety standards, to the satisfaction of the Responsible Authority.

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

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

Chairperson's initials



**Urban Design**

16. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
17. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.
18. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.
19. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

**Satisfactorily Completed**

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

**Permit Expiry**

21. This permit will expire if one of the following circumstances applies:
  - The development is not started within two (2) years of the date of this permit.
  - The development is not completed within four (4) years of the issued date of this permit.

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

**Notes**

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

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

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

That Council resolves to issue a Notice of Refusal to Grant a Planning permit in respect to Planning Application Number 111/2019/P for the Construction of Two (2) Double Storey Dwellings at 66A Cliff Road, Frankston South, on the following grounds:

1. The proposed development is contrary to the Neighbourhood Character Policy at Clause 22.08 of the Frankston Planning Scheme, in that it will not contribute to the sense of spaciousness of the streetscape and the coastal character of the area and does not reflect the rhythm of existing dwelling spacing on the street due to the side by side nature of the development, extent of built form, and visual dominance of proposed garages.
2. The proposed development is contrary to the Design and Development Overlay at Clause 43.02 and Schedule 9 of the Frankston Planning Scheme, in that it does not provide adequate opportunity for tree planting and landscaping on site due to the high site coverage, driveway widths, and inclusion of structures such as swimming pools and decks.

**Carried Unanimously**



**11.2 Planning Permit Application 642/2018/P - 35 Playne Street Frankston - Construction of a 14 storey mixed use building for Leisure and Recreation Facility (Gym), Accommodation (11 Student Rooms and 77 Apartments), Office, Retail (Café, Hairdresser, Restaurant and Motor Vehicle Sales) and a reduction in car parking requirements of Clause 52.06**

*(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 642/2018/P for Construction of a 14 storey mixed use building for Leisure and Recreation Facility (Gym), Accommodation (11 Student Rooms and 77 Apartments), Office, Retail (Café, Hairdresser, Restaurant and Motor Vehicle Sales) and a reduction in the car parking requirements of Clause 52.06 at 35 Playne Street Frankston, subject to the following conditions:

**Amended Plans**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application prepared by S. Group, Job J003381, Revision: InFlow Design, 01/04/2019, A01-013; B01-04; C01; D01; E01-07; A-09-12 and LC1-3, subject to the following:
  - (a) Reduce the height of the podium to a maximum of 13.1m above NGL by either recessing level 4 by 5 metres to all boundaries or deletion of this level;
  - (b) The tower to provide a minimum setback of 5 metres to the eastern property boundary to the edge of any balcony and walls;
  - (c) Re-design the architectural resolution of the proposal to address conditions 1(a) and 1(b);
  - (d) Zero ground floor setbacks to Playne Street frontage;
  - (e) Provide direct access to the apartment complex from Playne Street;
  - (f) All balconies to comply with the requirements of Clause 58 of the Frankston Planning Scheme;
  - (g) Relocation of the Restaurant use so that it interfaces with Playne Street;
  - (h) Allocation of car spaces to uses ;
  - (i) Provision of an alternate screening feature for the car park facing Playne Street and Park Lane, including provision of a green façade along Playne Street and Park Lane to assist in screening any car park interface;
  - (j) Provision of weather protection elements to extend over pedestrian footpath. Any canopy should be no higher than 4 metres above footpath NGL and extend no less than 750mm from the Playne Street kerblines;
  - (k) Provision of night illumination of the front and rear entrance with the pedestrian walkway access and of the Park Lane entrance to the substation area;
  - (l) Reduced setback of Park Lane doorway entrance between the loading bay and substation;
  - (m) Re-location of any cooling or heating unit for each apartment so that they can be easily accessed for maintenance;



- (n) Adequate sightlines must be provided where the proposed ramps intersect with the accessway/circulation roadway;
- (o) Car parking spaces and accessway shall be designed in accordance with Clause 52.06-9;
- (p) Provision of disabled car spaces in accordance with AS2890.6;
- (q) Gradient of the queuing area shall be a maximum of 1 in 10 (10%) for not less than 0.8 of the queue length determined in AS2890.1;
- (r) Minimum queuing length at a car park with control point at entrance shall be designed in accordance with AS2890.1;
- (s) Provision and allocation of a storage cage with a minimum area of 6m<sup>3</sup> for each dwelling within the basement car park;
- (t) Recommendations of the Acoustic Report prepared by Clarity Acoustics, dated 18 November 2018 to be incorporated into the building design and building materials;
- (u) Provision of a scaled wind tunnel study in the detailed design stage as recommended by the Wind Impact Statement prepared by Vipac Engineers and Scientists, dated November 2018;
- (v) A detailed materials, finishes and colour schedule in accordance with condition 13;
- (w) Landscaping plan in accordance with condition 15;
- (x) A Construction and Environment Management Plan in accordance with condition 30;
- (y) Waste Management Plan in accordance with Condition 24.

### **No Alteration or Changes**

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

### **S173 Agreement**

3. Prior to the commencement of the any building and works, the owner of the land must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987* in respect to provide for:
  - a) Upon the completion of the development approved by this permit, the owner must make available of five (5) student rooms and six (6) 2-bedroom apartments for affordable housing.
  - b) The housing provided must be rented at an agreed rate based on the *Planning and Environment Act 1987*, Section 3AB – Specification of Income Ranges for “very low income range” and “low income range” for a minimum period of 10 years.
  - c) The affordable housing will be managed by Block 53.
  - d) In the event that Block 53 does not achieve legal status as non-for-profit organisation or trust, the affordable housing is to be managed by a Registered Housing Agency with Victoria’s Registrar for Housing Agencies under the Victorian Housing Act 1983.

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

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

**Financial Contribution for Car Parking Reduction**

4. Prior to the commencement of the development allowed under this permit, the owner of the land must enter into an agreement under section 173 of the Planning and Environment Act 1987 with the responsible authority in which the owner agrees to a payment of \$19,500 excluding GST (indexed annually by applying the Building Price Index, Melbourne, in Rawlinsons Australian Construction Handbook) for each car parking space required for the commercial uses, but not provided on the land.

The agreement may provide for the payment of the contribution in instalments, plus an interest component equivalent to the interest payable on unpaid rates and charges under the Local Government Act 1989 and it must provide that all instalments and accrued interest are paid within 5 years of the first instalment.

**Student Housing**

5. Not more than one (1) adult person who is enrolled and attending a tertiary or TAFE institution may reside in each student room at any one time.
6. The Student accommodation is for the exclusive use of student and must be vacated within three (3) months of that student's completion of studies.
7. The Student accommodation must be managed by a single management entity and shall not be leased or otherwise managed other than under the control of that management entity.
8. Prior to the occupation of the student accommodation, an Operational Management Plan must be submitted to an 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 student accommodation;
  - c) Details of the terms of accommodation and maximum number of persons to be accommodated on-site and within each room.
  - d) Requirement for recording of evidence that all occupants are bona fide students by the manager;
  - e) No student room is to be equipped with a kitchen sink or fixed cooking facilities;
  - f) General terms and conditions of the rental accommodation;
  - g) House rules regarding occupancy and behaviour of students and visitors, and grievance procedures;
  - h) House rules for the use of communal areas;
  - i) Resolution process for disputes between students;
  - j) Critical Incident Management and Emergency and Evacuation Procedures
  - k) Arrangements for the storage of garbage and recyclables and for waste collection;

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.

**Use**

9. No more than 110 patrons are allowed within the Restaurant at any one time.
10. No more than 50 patrons are allowed within the Café at any one time.
11. Hours of operation will be restricted to:

BRAAAP Showroom	Monday to Saturday, 11.00am to 5.00 pm
BRAAP Function Centre	7.00am to 9.00pm, daily
Cafe	7.00am to 3.00pm, daily
Barber	Monday to Friday, 10.00am to 6.00 pm
Restaurant	11.00am to 10.00pm, daily
Office	Monday to Friday, 9.00am to 5.00pm
Gym	Monday to Friday, 5.00am to 8.00pm
12. The function room and roof garden area to be operated ancillary to the primary uses of the apartments and not for general public use.

**Materials, finishes and colour schedule**

13. 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.
14. 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.

**Landscaping**

15. Before the commencement of buildings and works, a landscape plan generally in accordance with the Landscape 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 generally in accordance with the Landscape plan, prepared by MemLa Pty Ltd dated March 2019, but modified to show:
  - a) the delineation and details of surface finishes of all garden beds, open spaces and other landscape works;
  - b) a range of plant types and differing heights from ground covers to small shrubs and trees;
  - c) Additional benches and communal seating areas;
  - d) Shelter and wind protection;
  - e) The planting theme to include a minimum 50% indigenous coastal plants;
  - f) Details of the balustrade/fence around the edge of the rooftop;
  - g) Details of irrigation systems and utilisation of rainwater capture

All species selected must be to the satisfaction of the Responsible Authority.

16. Before the commencement of buildings and works, a landscape management 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 include:

- a) Details of the initial Plant Established period;
  - b) Long term maintenance regime for all landscaped areas including balcony planter boxes and roof garden to include detail on but not limited to the following: maintenance schedule including inspections, weeding, watering and inspection of any irrigation systems, pruning and replacement of any plants that fail, mulching, pest and disease control.
  - c) Maintenance responsibilities for landscaping.
17. 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;

### Drainage

18. 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.
- (a) 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
  - (b) Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
    - On-site stormwater detention and rainwater tanks.
    - Soil percolation
    - Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc
- On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
19. New vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
20. All disused vehicle crossing shall be removed and are reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.

### Car Parking Management Plan

21. Prior to the commencement of works (including vegetation removal) a Car Parking 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 Car Parking Management Plan must:
- (a) Identify the number of car spaces to be provided on the land;
  - (b) Detail as to how the allocation of car spaces will be managed, including the provision of staff parking and resident car parking;
  - (c) Detail the pedestrian route through the car park;
  - (d) Detail access arrangements to the car parking
22. Prior to the occupation of the building, areas set aside for parking vehicles, loading bays, bicycles, 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.

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

23. 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 conditions**

24. Prior to the commencement of buildings and works, an amended Waste Management Plan must be submitted to the satisfaction of the Responsible Authority and be approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include, but not limited to, the following:
- a. Detail the estimated waste and recycling generation for the separate uses;
  - b. Detail the number and size of each bin to cater for the estimated waste and recycling generation;
  - c. Specify the frequency at which waste and recycling materials will be collected from the site by the private waste collection service provider;
  - d. Details the proposed hours/days for collection;
  - e. Identify where the bins will be collected from;
  - f. Detail the size of the waste collection vehicle;
  - g. Detail swept paths and turning circles for waste management vehicles.
25. All waste generated by the development must be collected by a Private Waste Management Agency to the satisfaction of the responsible authority.
26. No goods must be stored or left exposed outside the building 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 outside the land.

28. The loading and unloading of goods from vehicles must only be carried out within the designated loading bay area on site.
29. Air-conditioning and other plant and equipment installed on or within the buildings must be so positioned and baffled that any noise emitted complies with the appropriate Australian Standards and EPA requirements.

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

30. 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 creek protection, 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. Proposed drainage lines and flow control measures.
  - g. Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.
  - 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. Target of recycling and re-using a minimum of 80% of construction and demolition waste by weight.
  - l. Hours during which construction activity will take place

### **Urban Design**

31. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
32. Mailboxes shall be provided within the development to the satisfaction of the Responsible Authority and Australia Post.
33. All plumbing work, sewer pipes etc. associated with the building shall be concealed from general view.
34. All roof plant and equipment must be screened so as not to be visible from public areas
35. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.



**Amenity**

36. 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) Presence of vermin.
  - e) In any other way.

to the satisfaction of the Responsible Authority

**Completion of Buildings and Works**

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

**Completion Prior to Occupancy**

38. Unless with the further written consent of the responsible authority, the building must not be occupied until all buildings and works as shown on the endorsed plans have been completed to the satisfaction of the responsible authority.

**Permit Expiry**

39. This permit will expire if:
- a. The development has not started within two (2) years of the date of this permit.
  - b. The development is not completed within four (4) years of the date of this permit.
  - c. 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.

### **Council Decision**

**Moved: Councillor Hampton**

**Seconded: Councillor McCormack**

That Council resolves to issue a Notice of Refusal to Grant a Planning permit in respect to Planning Application Number 642/2018/P for the Construction of a 14 storey mixed use building for leisure and recreation facility (gym), accommodation (11 student rooms and 77 apartments), office, retail (café, hairdresser, restaurant and motor vehicle sales) and a reduction in car parking requirements of Clause 52.06, on the following grounds:

1. The scale, mass and height of the proposed development is not consistent with the preferred maximum building heights and setbacks for Precinct 1 of the Frankston Metropolitan Activity Centre Structure Plan, May 2015 and for Sub-Precinct 1B of the proposed Activity Centre Zone Schedule 1 as adopted in Planning Scheme Amendment C123.
2. The architectural resolution and design response of the proposed development does not represent an appropriate urban design response consistent with the aspirations of Clause 15.01-1S Urban design; Clause 15.01-2S Building design and Clause 21.10 Built Environment and Heritage of the Frankston Planning Scheme, Frankston Metropolitan Activity Centre Structure Plan, May 2015, the proposed Activity Centre Zone Schedule 1 and the Frankston Metropolitan Activity Centre Illustrative Guidelines, May 2018 as adopted by Council in Planning Scheme Amendment C123.
3. The podium carpark public realm interface with Playne Street does not achieve the urban design objectives of the Frankston Metropolitan Activity Centre Structure Plan, May 2015, the proposed Activity Centre Zone Schedule 1 and the Frankston Metropolitan Activity Centre Illustrative Guidelines, May 2018 as adopted by Council in Planning Scheme Amendment C123.
4. The proposed development at the height and scale proposed would unreasonably impact on the public realm amenity and adjoining properties as a result of overshadowing.
5. The proposed development fails to provide for adequate equitable development opportunities for adjoining properties.
6. The proposed development does not achieve an acceptable level of internal amenity for habitable rooms for all apartments in accordance with best practice standards and Clause 58 of the Frankston Planning Scheme.
7. The proposed development fails to provide an acceptable level of amenity to all apartment balconies and the communal open space in accordance with best practice standards and Clause 58 of the Frankston Planning Scheme.
8. The proposal does not comply with the car parking requirements of Clause 52.06 – Car parking and clause 45.09 Schedule 1 of the Frankston Planning Scheme.
9. The relationship and location of proposed land uses and legibility of uses from the public realm is poor and lacks a coherent narrative.

*Councillor Mayer left the chamber at 8:19 pm*

*Councillor Mayer returned to the chamber at 8:21 pm*

Chairperson's initials





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

That Cr Aitken be granted an extension of time.

**Carried Unanimously****The motion was then Put****And Carried**

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

**11.3 Planning Permit Application - Town Planning Application 55/2019/P - 26 Juliana Drive Carrum Downs - To construct one (1) single storey dwelling to the rear of existing dwelling (two (2) dwellings)**

*(MP Community Development)*

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

That Council resolves to issue a Notice of Decision to grant a Planning Permit in respect to Planning Permit Application number 55/2019/P to construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings) at 26 Juliana Drive, Carrum Downs subject to the following conditions:

**Plans**

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application (or some other specified plan) but modified to show:
  - a. Tree protection conditions noted in accordance with Conditions 3 and 4.
  - b. A Landscape Plan in accordance with Condition 5.
  - c. The tandem parking space for Dwelling 1 to be clearly delineated with pavement line markings and 500mm spacing be provided between tandem car space and carport in accordance with Clause 52.06 of the Frankston Planning Scheme.
  - d. The location of any external plant or equipment.

**No Alterations**

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

**Tree Protection**

3. Tree protection must be carried out in accordance with the Australian Standard AS 4970-2009 Protection of trees on development sites to the satisfaction of the Responsible Authority.
4. 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 at the edge of the defined tree protection zone where it occurs within the nature strip of the Street Tree 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. Tree roots must not be severed or injured.
- i. 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

### Landscaping

- 5. Before the commencement of buildings and works, a landscape plan in accordance with the submitted development plan, prepared by a suitably qualified landscape professional must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plan must show:
  - a. buildings on neighbouring properties within three metres of the boundary;
  - b. 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;
  - c. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
  - d. a range of plant types from ground covers to large shrubs and trees;
  - e. landscaping and planting within all open areas of the site
  - f. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
  - g. the provision of screen planting (minimum mature height of 1.5m) within a landscape strip of 60cm at the interface of the property boundary and driveway
  - h. A planting theme of a minimum 20% indigenous and 40% native within each plant group;
  - i. All existing environmental weed species are to be removed from the site and environmental and noxious weeds found in the 'Sustainable Gardening in Frankston City' (2018) booklet are not to be planted.
  - j. the provision of suitable canopy trees (minimum two metres tall when planted) in the areas specified below (trees are not to be sited over easements) with species chosen to be approved by the Responsible Authority;;
    - i. Two (2) within the front setback minimum mature height of 10m
    - ii. One (1) within the private open space of dwelling 1 minimum mature height 5m
    - iii. One (1) within the private open space of dwelling 2 minimum mature height 7m
  - k. the provision of notes on the landscape plan regarding site preparation, including in-ground irrigation system to be provided to all landscaped areas, removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
  - l. All tree stock used must be in accordance with AS2303-2015 *Tree stock for Landscape Use*

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

### **Drainage**

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

### **Access and Parking**

10. Existing vehicle crossing to be retained, should the crossing be damaged during construction works the crossing must be reconstructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
11. Prior to occupation of the dwellings hereby permitted by this permit starts, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be:
  - a. Constructed to the satisfaction of the Responsible Authority;
  - b. Properly formed to such levels that they can be used in accordance with the plans;
  - c. Surfaced with an all-weather sealcoat; and
  - d. Drained and maintained to the satisfaction of the Responsible Authority.
  - e. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
12. Where the development involves work on or access to Council controlled land including roads, reserves and right of way, the owner, operator and their agents under this permit must at all times take adequate precautions to maintain works to the highest public safety standards, to the satisfaction of the Responsible Authority.

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

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

**Urban Design**

13. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
14. Mailboxes shall be provided to the proposed dwellings to the satisfaction of the Responsible Authority and Australia Post.
15. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.
16. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

**Satisfactorily Completed**

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

**Permit Expiry**

18. This permit will expire if one of the following circumstances applies:
  - The development is not started within two (2) years of the date of this permit.
  - The development is not completed within four (4) years of the issued date of this permit.

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

**Notes**

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

If a request is made out of time, the Responsible Authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.
- D. Times during which construction occurs must comply with legislated limits on construction time and noise.

**Carried Unanimously**

Chairperson's initials



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

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

- 11.5 Planning Application 134/2019/P - 1/330 Cranbourne Road, Frankston - To use the land to sell liquor (Packaged Liquor) in association with a Section 1 Use (Supermarket)
- 11.7 Planning Application 181/2019/P - 1/330 Cranbourne Road, Frankston 3199 - To use the land to sell liquor (Packaged Liquor) in association with a Section 1 Use (Bottle Shop)

**Carried Unanimously**

**11.5 Planning Application 134/2019/P - 1/330 Cranbourne Road, Frankston - To use the land to sell liquor (Packaged Liquor) in association with a Section 1 Use (Supermarket)**

(MP Community Development)

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

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application Number 134/2019/P to use the land to sell liquor (Packaged Liquor) in association with a Section 1 Use (Supermarket) at 1/330 Cranbourne Road, Frankston, subject to the following conditions:

**No Alterations**

1. The permitted use must not be altered without the prior written consent of the Responsible Authority.

**Hours of Liquor Retailing**

2. Unless with the prior written consent of the Responsible Authority, the sale of alcohol must only take place during the following times:
  - Monday to Saturday: Between 8.30am - 9:00pm, other than Good Friday, ANZAC Day or Christmas Day.
  - Sunday: Between 10am and 11pm.
  - ANZAC Day: Between 12:00pm - 9:00pm.

No liquor may be sold on Good Friday or Christmas Day.

**Amenity**

3. The licensee must not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the license relates during or immediately after the trading hours authorised under the permit to the satisfaction of the responsible authority.

**Permit Expiry**

4. This permit will expire if the use does not commence within two (2) years after the issued date of this permit.

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

**Notes**

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

Chairperson's initials



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

- C. The permit holder is encouraged to become a member of the Frankston Liquor Industry Accord.

**Carried Unanimously**

**Note:** Refer to Page 27 of the Minutes where this item was block resolved



**11.7 Planning Application 181/2019/P - 1/330 Cranbourne Road, Frankston 3199 - To use the land to sell liquor (Packaged Liquor) in association with a Section 1 Use (Bottle Shop)**

*(MP Community Development)*

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

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application Number 181/2019/P to use the land to sell liquor (Packaged Liquor) in association with a Section 1 Use (Bottle Shop) at 1/330 Cranbourne Road, Frankston, subject to the following conditions:

**No Alterations**

1. The permitted use must not be altered without the prior written consent of the Responsible Authority.

**Hours of Liquor Retailing**

2. Unless with the prior written consent of the Responsible Authority, the sale of alcohol must only take place during the following times:
  - Monday to Saturday: 9:00am - 11:00pm on each day, other than Good Friday, ANZAC Day or Christmas Day.
  - Sunday: 10:00am – 11:00pm.
  - ANZAC Day 12:00pm – 11:00pm.

No liquor may be sold on Good Friday or Christmas Day.

**Amenity**

3. The licensee must not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the license relates during or immediately after the trading hours authorised under the permit to the satisfaction of the responsible authority.

**Permit Expiry**

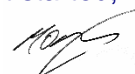
4. This permit will expire if the use does not commence within two (2) years after the issued date of this permit.

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

**Notes**

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

Chairperson's initials



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.

C. The permit holder is encouraged to become a member of the Frankston Liquor Industry Accord.

**Carried Unanimously**

**Note:** Refer to Page 27 of the Minutes where this item was block resolved

**12.11 Corrections to Adoption of Budget 2019-2020**

*(KJ Corporate Development)*

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

That Council notes:

1. the administration error in Item 1.1 of the Adoption of the Annual 2019-2020 of the resolution where the renaming of the capital project title read 'Centenary Park Golf Course – extension **including** pro shop'.
2. the revised recommendation for Item 1.1 will now read as follows:
  1. **Adoption of the Annual Budget 2019-2020**
    - 1.1 *Fund additional projects not currently included in the proposed Annual Budget 2019-2020 and offset by other sources totalling \$250,000:*
      - *Additional \$250,000 for Downs Estate Stage 2 to be funded from \$90,000 Open Space Reserve – Seaford and \$160,000 from '2855' – Fairy Bud lighting at various locations*
      - *Rename the capital project title 'Centenary Park Golf Course – pro shop' to read 'Centenary Park Golf Club Building - extension **excluding** pro shop'*
3. that an error in the table on Page 5 of the 2019-2020 Annual Budget Report has been rectified. The error stated that the change in rates for Acacia Heath was 11.08% and it should have read 5.16% as stated in the same document on Page 55.
4. that the 2019-2020 Annual Budget Report will be updated and replaced on the Frankston City Council website.

**Carried Unanimously**

**13.2 Response to NOM1377 - McClelland Gallery Interconnectedness and Peninsula Link**

*(AM Community Development)*

**Recommendation (Director Community Development)**

That Council:

1. Notes progress of resolutions to date as detailed in the body of this report.
2. Notes issues raised in NOM 1377 are of a long term relationship building nature. Progress on items 1 and 2 have seen positive engagement and discussions regarding a number of potential sculptures for loan and further notes the Manager Arts & Culture will continue to work with the Frankston Arts Board (FAB) regarding items 1 and 2 and respond to Council via the already established process of FAB meetings and recommendations to Council.
3. Notes that Items 3 & 4 have concluded and do not require any further action.
4. Notes progress on item 5; A brief for Eel Race Road gateway sculpture has been drafted and will go to market in August.

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Aitken**

That Council:

1. Notes progress of resolutions to date as detailed in the body of this report.
2. Notes issues raised in NOM 1377 are of a long term relationship building nature. Progress on items 1 and 2 have seen positive engagement and discussions regarding a number of potential sculptures for loan and further notes the Manager Arts & Culture will continue to work with the Frankston Arts Board (FAB) regarding items 1 and 2 and respond to Council via the already established process of FAB meetings and recommendations to Council.
3. Notes that Items 3 & 4 have concluded and do not require any further action.
4. Notes progress on item 5; a brief for Eel Race Road gateway sculpture has been drafted and will go to market in August.
5. Provides a report to the November 2019 Ordinary Meeting with clarity on the potential sculptures for Frankston North, Cranbourne Road/Beach St, PARC and the Pines Pool sites.

**Carried Unanimously**

**13.3 Response to 2018/NOM56 - Proposed Boulevard Tree Planting Works along Cranbourne Road and Nepean Highway**

*(VG Community Assets)*

**Recommendation (Director Community Assets)**

That Council:

1. Notes the proposed planting plans for the section of Cranbourne Road and Nepean Highway;
2. Authorises Council officers to commence community engagement with the key stakeholders and wider community on the proposed works; and
3. Notes that the outcomes of the community engagement and a final proposal will be reported to Council prior to implementation of the works in 2019/20.

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Hampton**

That Council:

1. Notes the proposed planting plans for the section of Cranbourne Road and Nepean Highway;
2. Authorises Council officers to commence consultation process with the key stakeholders and wider community on the proposed works; and
3. Notes that the outcomes will be presented to Council on the outcomes of the consultation process prior to implementation of the works in 2019/20.
4. a) Requests to the CEO where project savings can be achieved for/from the upcoming Cranbourne Road retaining wall works project and the citywide 'boulevard and gateway treatment' line-item, any remaining funds are to be allocated to improving the appearance and maintenance of existing trees, foliage and ground soil (through flower bombing) particularly between Ferndale Drive and Craig Street;  
b) Provides a memorandum to Councillors by September 2019 on what these adjunct works will entail and whether savings were found; and
5. Notes that plantings at the Karingal Hub development is a condition associated with the current planning permit issued to ISPT, the developer.

**Carried Unanimously**

**14.1 2019/NOM17 - Kananook Rail Stabling Facility**

*(AG Community Assets)*

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

That Council writes to the Hon. Jacinta Allan MP, Minister for Public Transport, the Hon. David Davis MLC, Shadow Minister for Public Transport and Ms Sonya Kilkenny MP (State Member for Carrum) requesting that the current design and construction of the Kananook Rail Stabling Facility incorporate:

1. Effective noise mitigation measures to attenuate noise disturbance from the operation of the facility to adjoining residential areas with relevant project team staff that are delivering the facility to be available to consult and appropriately explain the noise testing data and design measures to residents and interest groups;
2. A permanent security presence to deter inappropriate behaviour and activities attributable to the facility;
3. Work sheds to house operating rail infrastructure to improve the overall aesthetics of the facility.

**Carried Unanimously**

**14.4 2019/NOM21 - Funding for Frankie's Cafe at Frankston South Community and Recreation Centre**

(TC Chief Executive Office)

*Councillor Hampton left the meeting at 8.53 pm*

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

That Frankston City Council include the installation of Bi-fold doors and a servery with supporting HVAC system at Frankie's Café at the Frankston South Community and Recreation Centre, to be referred for consideration in the 2020/21 Capital Works budget to increase the capacity of the training café for the benefit of the trainees, their customers and the centre to offer social inclusion programs.

The works are estimated to be \$150,000.

**Carried**

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

Against the Motion: Nil

Abstained: Cr McCormack

*The Meeting was adjourned at 9.00pm*

*The Meeting resumed at 9.06 pm  
Cr Toms was not present in the Chamber*

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

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

- 11.4 Planning Permit Application 199/2019/P – Shop 17-18/317 Ballarto Road, Carrum Downs – To use the land to sell packaged liquor
- 11.6 Town Planning Application 173/2019/P – 439 Nepean Highway Frankston – To use the land for sale and consumption of liquor (Restaurant and Café Licence)
- 11.8 Planning Permit No. 47/2018/S173 – 125 Union Road Langwarrin – To end Section 173 agreement AJ372169E which affects Lot 1 of Plan of Subdivision 627056B
- 11.9 Frankston Planning Scheme Amendment C127 – Public Open Space Contribution Rates – Briefing on the recommendations of the panel report and authorisation to request approval of Amendment C127 as exhibited
- 11.10 Response to Petition – 4 Cassowary Close, Carrum Downs
- 11.11 June 2019 Planning and Environment Progress Report
- 12.2 Asset Management Policy
- 12.3 Records Management Policy
- 12.5 2019 Local Government Community Satisfaction Survey Results
- 12.7 Discontinuance of part of Plowman Place, Frankston
- 12.8 Langwarrin Library and Family Centre
- 13.4 Response to 2019/NOM7 – At-Call Hard Waste Collection

**Carried Unanimously**



## 11. CONSIDERATION OF TOWN PLANNING REPORTS

*Cr Toms returned to the Chamber at 9.08 pm.*

### 11.4 Planning Permit Application 199/2019/P - Shop 17-18/317 Ballarto Road, Carrum Downs - To use the land to sell packaged liquor.

*(MP Community Development)*

#### Council Decision

**Moved: Councillor Aitken**

**Seconded: Councillor Mayer**

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 199/2019/P to use the site for sale of packaged liquor at shop 17-18, 317 Ballarto Road Carrum Downs, subject to the following conditions:

#### **No Alterations**

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

#### **Hours of Liquor Retailing**

2. Unless with the prior written consent of the Responsible Authority, the sale of alcohol must only take place during the following times:
  - Monday to Saturday: Between 9am – 11pm
  - Sunday: Between 10am and 11pm
  - Anzac Day: Between 12 noon and 11pm

No liquor may be sold on Good Friday and Christmas Day.

#### **Amenity**

3. The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under the permit to the satisfaction of the Responsible Authority.

#### **Permit Expiry**

4. This permit will expire if the use does not commence within two (2) years after the issued date of this permit.

#### **Notes:**

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

Chairperson's initials



the matter.

- C. The permit holder is encouraged to become a member of the Frankston Liquor Industry Accord.

**Carried Unanimously**

**Note:** Refer to Page 37 of the Minutes where this item was block resolved

**11.6 Town Planning Application 173/2019/P - 439 Nepean Highway Frankston - To use the land for sale and consumption of liquor (Restaurant and Cafe Licence)**

*(MP Community Development)*

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

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 173/2019/P for to use the land at 439 Nepean Highway, Frankston for sale and consumption of liquor (Restaurant and Cafe Licence) 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 45 patrons shall be permitted at any one time, unless with the prior written consent of the Responsible authority.

**Hours of Liquor Consumption**

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 Sunday – 11am until 11pm

**Amenity**

4. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence/permit relates during or immediately after trading hours authorised by the licence/permit.
5. Noise emissions from the premises must comply with the requirements of the *State Environment Protection Policies (Control of Noise from Commerce, Industry and Trade) No. N-1* (as varied).

**Permit Expiry**

6. 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

Chairperson's initials



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 Unanimously**

**Note:** Refer to Page 37 of the Minutes where this item was block resolved

**11.8 Planning Permit No.47/2018/S173 - 125 Union Road Langwarrin - To end Section 173 agreement AJ372169E which affects Lot 1 of Plan of Subdivision 627056B**  
*(MP Community Development)*

**Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor Mayer**

That Council having given consideration to Section 178E(2)(a) and any other matters in Section 178B of the Planning and Environment Act 1987 in respect to Planning Application 47/2018/S173, resolves to end Section 173 Agreement AJ372169E which affects Lot 1 of Plan of Subdivision 627056B at 125 Union Road Langwarrin..

**Carried Unanimously**

**Note:** Refer to Page 37 of the Minutes where this item was block resolved

**11.9 Frankston Planning Scheme Amendment C127 - Public Open Space Contribution Rates - Briefing on the recommendations of the panel report and authorisation to request approval of Amendment C127 as exhibited.**

*(MP Community Development)*

**Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor Mayer**

That Council:

1. Notes the Panel Report for Frankston Planning Scheme Amendment C127.
2. Adopts Frankston Planning Scheme Amendment C127 as exhibited.
3. Authorises officers to request the Minister for Planning to approve Frankston Planning Scheme Amendment C127 as exhibited.

**Carried Unanimously**

**Note:** Refer to Page 37 of the Minutes where this item was block resolved

**11.10 Response to Petition - 4 Cassowary Close, Carrum Downs**

*(MP Community Development)*

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

That Council:

1. Notes that a petition of 9 signatures was received by Council on 1 July 2019, objecting to a planning application for 3 double storey dwellings at 4 Cassowary Close, Carrum Downs
2. Further notes that the head petitioner has been advised that a Resident Discussion Meeting will be held to discuss concerns raised and that the matter will be reported to a future Council meeting for decision.

**Carried Unanimously****Note:** Refer to Page 37 of the Minutes where this item was block resolved

**11.11 June 2019 Planning and Environment Progress Report**

*(MP Community Development)*

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

That Council

1. Receives and notes the June 2019 Planning and Environment Progress Report.
2. Notes the very positive result for June 2019 that 74% of permit decisions were made within 60 statutory days and that this exceeds the adopted target of 70% for this KPI.

**Carried Unanimously****Note:** Refer to Page 37 of the Minutes where this item was block resolved



**12. CONSIDERATION OF REPORTS OF OFFICERS****12.1 Notice of Motion Status Update for 22 July 2019**

*(PC Chief Executive Office)*

**Recommendation (Chief Executive Office)**

That Council:

1. Receives the Notices of Motion Report as at 22 July 2019.
2. Notes and accepts that there are no Notices of Motion that have been reported as being complete.
3. Notes that the reports 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:
  - Visitor Information Centre
  - Response to 2018/NOM69 – White Street Mall Revitalisation
  - Response to Petition – Objection to the proposal to install High Voltage Power Transmission line along Silver Ave, Frankston North
  - Further response to NOM1312 – Unemployment in Frankston

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Aitken**

That Council:

1. Receives the Notices of Motion Report as at 22 July 2019.
2. Notes and accepts that there are no Notices of Motion that have been reported as being complete.
3. Notes that the reports 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:
  - Visitor Information Centre
  - Response to 2018/NOM69 – White Street Mall Revitalisation
  - Response to Petition – Objection to the proposal to install High Voltage Power Transmission line along Silver Ave, Frankston North
  - Further response to NOM1312 – Unemployment in Frankston
4.
  - a) Includes in the attached monthly report (Notice of Motion Cost Summary), the number of Urgent business items per councillor
  - b) Includes the updates of the status of Urgent Business items in the attached monthly report (Notice of Motion Report)

**Carried Unanimously**

**12.2 Asset Management Policy**

*(LU Community Assets)*

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

That Council:

1. Notes the results of the public exhibition of the Draft Asset Management Policy (2019); and
2. Adopts the updated Asset Management Policy (2019).

**Carried Unanimously****Note:** Refer to Page 37 of the Minutes where this item was block resolved

**12.3 Records Management Policy**

*(BA Corporate Development)*

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

That Council publicly releases the Records Management Policy 2019-2021 that was adopted at its Ordinary Council Meeting on 3 June 2019.

**Carried Unanimously**

**Note:** Refer to Page 37 of the Minutes where this item was block resolved

**12.4 Resubmission of the draft Procurement Policy 2019/20**

*(MP Corporate Development)*

**Recommendation (Director Corporate Development)**

That Council notes the resubmission of the draft Procurement Policy 2019/20 to commence a four (4) week community engagement process.

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

That Council:

1. Notes the resubmission of the draft Procurement Policy 2019/20 to commence a four (4) week community engagement process.
2. Provides a report to the October 2019 Ordinary Meeting regarding the modifications to delegations and a timetable for 'going live' in determining contractual matters in Open Council (as per the City of Greater Dandenong's approach);
3. Requests that the CEO is to have approved, and have in effect, the Contractors Code of Conduct by no later than October 2019.

**Carried Unanimously**

**12.5 2019 Local Government Community Satisfaction Survey results**

*(KJ Corporate Development)*

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

That Council notes the Local Government Community Satisfaction Survey results for 2019 for release to the community via Council's website and a media release.

**Carried Unanimously**

**Note:** Refer to Page 37 of the Minutes where this item was block resolved

**12.6 Response to Petition - Installation of Combined Water Fountain and Dog Tap at Whistlestop Reserve**

*(GK Community Development)*

**Recommendation (Director Community Development)**

That Council:

1. Notes the update of the current Playground Strategy is currently underway. Further notes investigations as part of the review and revision of the Playground Strategy will incorporate the concept of Seniors Playgrounds including consideration of Whistlestop Reserve as a trial site for a senior's playground.
2. Notes a further report in August will detail timelines for community consultation and completion of the Strategy.
3. Notes there are 4 sets of picnic tables and seats and 4 park bench seats in the reserve (Refer to attachments A & B for photos and aerial map).
4. Notes the cost of installation of a combined water fountain and dog tap is \$17K and park furniture is estimated at \$4K per set and the BBQ is \$10K with minor planning (supply and installation) at \$9K.
  - a) refers \$17K to the mid-year budget review for consideration for the installation of the water fountain and dog tap
  - b) refers \$19K to the 2020/21 budget for consideration of a BBQ and any additional park furniture for Whistlestop Reserve as part of the revised Playground Strategy. The Playground Strategy will also consider a seniors playground.

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Aitken**

That Council:

1. Notes the update of the current Playground Strategy is currently underway. Further notes investigations as part of the review and revision of the Playground Strategy will incorporate the concept of Seniors Playgrounds including consideration of Whistlestop Reserve as a trial site for a senior's playground.
2. Notes a further report in August will detail timelines for community consultation and completion of the Strategy.
3. Notes there are 4 sets of picnic tables and seats and 4 park bench seats in the reserve.
4. Notes the cost of installation of a combined water fountain and dog tap is \$17K and park furniture is estimated at \$4K per set and the BBQ is \$10K with minor planting (supply and installation) at \$9K.
5. Notes the Playground Strategy is being reviewed and revised to consider and guide future open space environments with play and furniture requirements including the option of seniors playground.
6. Refers \$36K to the 2019/2020 mid-year budget review for consideration for a water fountain and dog tap and BBQ at Whistlestop Reserve

**Carried Unanimously**

Chairperson's initials



**12.7 Discontinuance of part of Plowman Place, Frankston**

(LU Community Assets)

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

That Council:

1. In the proposed exercise of powers, duties and functions conferred by sections 207A(a), 223, and clause 3 of Schedule 10 of the *Local Government Act 1989* (Act), and having considered that there were no submissions received in response to the public notice, makes the determination that the section of Plowman Place, Frankston, as shown in the attached survey plan (road), is not reasonably required for general public use as a road. As such, Council approve to conclude statutory procedures and resolve to discontinue the section of the road reserve and seek to incorporate the land with the adjoining Frankston Park Crown Reserve.
2. Council directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is published in the Government Gazette.
3. Council makes a formal request to the Department of Environment, Land, Water and Planning (DELWP), for the section of discontinued Road formerly known as part of Plowman Place, be Temporarily Reserved for the purposes of Public Recreation under the Crown Land (Reserves) Act 1978. Council also seeks to be appointed as the Committee of Management over the land.
4. Council directs that any easements, rights or interests required to be created or saved over the road by any authority be done so and not be affected by the discontinuance.
5. Council specifies the details of the discontinuance of part of Plowman Place within its Public Road Register, which is available on Council's website.

**Carried Unanimously****Note:** Refer to Page 37 of the Minutes where this item was block resolved

**12.8 Langwarrin Library and Family Centre**

(JR Community Assets)

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

That Council:

1. Notes that Lloyd Park North (Pindara Boulevard) is currently the favoured site for Langwarrin Library and Family Centre.
2. Authorises Council officers to commence community engagement in relation to the proposed Langwarrin Library and Family Centre.
3. Notes the outcomes of the community engagement will be reported to Council by December 2019.

**Carried Unanimously****Note:** Refer to Page 37 of the Minutes where this item was block resolved



**12.9 Frankston City Visitor Economy Strategy 2019-2024**

(SJ Corporate Development)

*Councillor O'Connor left the chamber at 9:14 pm.*

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

That Council:

1. Notes this report and the feedback received during the public exhibition period.
2. Adopts the Frankston City Visitor Economy Strategy 2019-2024.
3. Endorses the referral of the following programs outlined in the Frankston City Visitor Economy Strategy 2019-2024 to the 2019-2020 Mid-year Budget Review for consideration:
  - a) Signature off-peak event attraction - \$200,000 – ongoing for six (6) years
  - b) 10 Year Frankston City Tourism Events, Arts and Culture Strategy - \$50,000
  - c) Interpretative and Way-Finding Signage Strategy - \$50,000
4. Consider future capital works requirements for the Interpretative and Way-Finding Signage Implementation Program when required.
5. Requests that all submitters be written to, thanking them for their support and feedback on the draft Frankston City Visitor Economy Strategy 2019-2024 and advising them of its adoption.

**Carried**

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

**12.10 New Signature Event - Research Results**

*(SJ Corporate Development)*

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

That Council:

1. Notes the findings of the Municipal Event Capacity Audit.
2. Endorse the development of a proposed Winter Festival comprising a month long program of events that meets the following criteria:
  - a. Held late autumn – early spring (commencing 2020)
  - b. Highlights arts, culture and heritage
  - c. Showcases existing events
  - d. Features a new showcase/drawcard event
3. Receive a further report with a detailed concept, costing and timeline at the 2 September 2019 Council Meeting.

**Carried**

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

Against the Motion: Cr McCormack

Absent: Cr O'Connor

**13. RESPONSE TO NOTICES OF MOTION****13.1 Response to NOM1346 - MyFrankston App and Crime Stoppers Decals**

*(SJ Corporate Development)*

**Recommendation (Director Corporate Development)**

That Council:

1. Notes that Snap Send Solve is to be promoted as the primary mobile application for reporting issues to Council; not MyFrankston.
2. Endorses the allocation of funding to promote the message of using Snap Send Solve to report maintenance issues and Crime Stoppers to report anti-social behaviour as follows:
  - a. \$1,500 be invested in the production and installation of entry point street decals
  - b. \$1,000 be invested into a 12 month targeted paid social media campaign
  - c. \$500 be invested in the production and printing of 5000 DL flyers for distribution at Council events
  - d. \$500 be invested in the production and printing of 5000 tear off note pad cards for use by officers when the community reports an issue in person at one of Council's Customer Service Centres
  - e. \$1,500 be invested in the production and erection of signage at Council-run community centres and neighbourhood houses.
  - f. \$1,000 be invested in updating and expanding existing display material at major public toilet facilities

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Toms**

That Council:

1. Notes that Snap Send Solve is to be promoted as the primary mobile application for reporting issues to Council; not MyFrankston.
2. Endorses the allocation of funding to promote the message of using Snap Send Solve to report maintenance issues and Crime Stoppers to report anti-social behaviour as follows:
  - a. \$2,000 be invested in the production and installation of entry point street decals
  - b. \$2,000 be invested into a 24 month targeted paid social media campaign
    - i. \$1000 is allocated for expenditure in 2019-2020
    - ii. \$1000 is allocated for expenditure in 2020-2021
  - c. \$500 be invested in the production and printing of 5000 DL flyers for distribution at Council events
  - d. \$500 be invested in the production and printing of 5000 tear off note pad cards for use by officers when the community reports an issue in person at one of Council's Customer Service Centres
  - e. \$1000 be invested in the production and erection of signage at Council-run community centres and neighbourhood houses.

**Carried Unanimously**

Chairperson's initials



**13.4 Response to 2019/NOM7 - At-call Hard Waste Collection**

*(BH Corporate Development)*

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

That Council:

1. Notes the additional cost of \$5 million to \$6 million to change to providing an at-call hard waste collection.
2. Notes the hard waste service will be the same blanket collection cost of \$1.4 million for 2019-2020 due to contract commitments.

**Carried Unanimously****Note:** Refer to Page 37 of the Minutes where this item was block resolved

**13.5 Response to 2019/NOM10 - Boat Moorings at Kananook Creek**

(DD Community Assets)

**Recommendation (Director Community Assets)**

That Council:

1. Notes this report regarding proposals to reintroduce permanent boat moorings in Kananook Creek.
2. Notes that this matter will also be included as part of consideration of options for a Safe Boat Refuge and Coast Guard Facility in a report to Council in October 2019.
3. Authorises officers engage with representatives from Department of Environment, Land, Water and Planning, Parks Victoria and other authorities to further understand the management responsibilities of Kananook Creek, with particular reference to Kananook Creek Ministerial Advisory Committee.

**Council Decision**

**Moved: Councillor Cunial**

**Seconded: Councillor Bolam**

That Council:

1. Notes this report regarding proposals to reintroduce permanent boat moorings in Kananook Creek.
2. Notes that this matter will also be included as part of consideration of options for a Safe Boat Refuge and Coast Guard Facility in a report to Council in October 2019.
3. Authorises officers engage with representatives from Department of Environment, Land, Water and Planning, Parks Victoria and other authorities to further understand the management responsibilities of Kananook Creek, with particular reference to Kananook Creek Ministerial Advisory Committee.
4.
  - a) Notes ongoing Council funded studies to improve the appearance of the mouth of Kananook Creek leading to the beach / Port Phillip Bay; and
  - b) Provides a report at the October 2019 Ordinary Meeting on options to significantly reduce siltation on the greater portion of Kananook Creek. This is to include proposals, technical advice from South-East Water and anticipated funding options.

**Carried Unanimously**

**14. NOTICES OF MOTION****14.2 2019/NOM19 - CCTV in Frankston CAA**

*(TC Chief Executive Office)*

*Councillor O'Connor returned to the chamber at 9:22 pm.*

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

That Council:

1. Notes 2018/NOM25 which resolved:

“Should grant funding not be awarded in 19/20 the full list of CCTV cameras will be presented for consideration as part of each year’s capital works budget process”;

2. Notes Priority 11 (Excelsior Drive) at \$10K was approved by Council at its 1 July 2019 Ordinary Meeting;
3. Supports Priority 1 (foreshore park opposite South East Water) at \$54K and Priority 2 (Nepean Highway between Wells St and Fletcher Rd) at \$63K, noting there is a \$27K shortfall in available budget; and
4. Refers \$27K for consideration at the 2019-2020 mid-year budget review.

**Carried Unanimously**

**14.3 2019/NOM20 - Re-Affirmation of Victorian Local Government Women's Charter**

*(TC Chief Executive Office)*

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

That Council:

1. Reaffirms its status as a signatory to the Victorian Local Government Women's Charter.
2. Develops and implements an action plan, incorporating the Charter aims, that supports the progress of gender equality, diversity and active participation in Council.
3. Refers an amount of \$20,000 to the 2019-2020 mid-year budget review for a community event in support of International Women's Day 2020, recognising the centenary of the first ever woman elected to local government in December 2019.

**Carried Unanimously**

**14.5 2019/NOM22 - Save our Red Gums**

*(GK Community Development)*

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

That Council makes representation to the Premier, the Hon. Daniel Andrews MP, Minister for Energy, Environment & Climate Change, Minister for Planning, Minister for Aboriginal Affairs and all local members of Parliament requesting a special significant classification be placed over the native Red Gum (*Eucalyptus Camaldulensis*) population in the municipality of Frankston City. Of particular importance are the more mature trees ranging in age between 100 years and in excess of 500 years.

We also note that, given the life span of this species (around 1000 years), the older trees occupy a highly significant place in both landscape and history, pre-dating European settlement, and therefore are an irreplaceable living link with traditional owners of this land to the present day and, as such, should be enshrined as part of the national heritage.

Supporting information can be sought at <https://www.nationaltrust.org.au/treeoftheyear/>

To support the basis of this Motion, other examples of strict legislation on the protection of native trees include:

- Sequoiadendron Giganteum, United States
- Quercus Robur, United Kingdom

**Carried Unanimously**



**14.6 2019/NOM23 - Evelyn Street Park**

*(AC Chief Executive Office)*

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

Council calls for a report to the August 2019 Ordinary Meeting on the option to formalise Evelyn Street as a public park.

**Carried Unanimously**

**14.7 2019/NOM24 - Small Business Friendly Councils (SBFC)**

*(KJ Corporate Development)*

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

1. That Frankston City Council is to formally become a member and therefore signatory of the 'Small Business Friendly Councils' (SBFC) which is a partnership between the Victorian Small Business Commission (VSBC) and participating local governments (ie. City of Kingston, City of Yarra etc).
2. Upon successful membership, the CEO of the day is to ensure that all parameters of SBFC charter are being adhered to by Frankston City Council; and
3. Frankston City Council is to use its membership with/to the SBFC in economic and social branding exercises

**Carried Unanimously**

**15. LATE REPORTS**

Nil

**16. URGENT BUSINESS**

Nil

Chairperson's initials



**17. CONFIDENTIAL ITEMS****Council Decision****Moved: Councillor Cunial****Seconded: Councillor O'Connor**

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 Minutes of the Frankston Arts Board - 21 May 2019**

Agenda Item C.1 Minutes of the Frankston Arts Board - 21 May 2019 is designated confidential as it relates to proposed developments (s89 2e)

**C.2 Minutes of the Frankston Arts Board - 18 June 2019**

Agenda Item C.2 Minutes of the Frankston Arts Board - 18 June 2019 is designated confidential as it relates to proposed developments (s89 2e)

**C.3 Ballam Park South West Soccer Pitch Reconstruction Contract No 2018/19-86**

Agenda Item C.3 Ballam Park South West Soccer Pitch Reconstruction Contract No 2018/19-86 is designated confidential as it relates to contractual matters (s89 2d)

**C.4 PARC Business Plan 2019-2020**

Agenda Item C.4 PARC Business Plan 2019-2020 is designated confidential as it relates to contractual matters (s89 2d)

**C.5 Peninsula Leisure Pty Ltd - Quarterly Report period ending March 2019**

Agenda Item C.5 Peninsula Leisure Pty Ltd - Quarterly Report period ending March 2019 is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

**C.6 Potential Sale of Council Land - 5R-7R Keys Street Frankston**

Agenda Item C.6 Potential Sale of Council Land - 5R-7R Keys Street Frankston is designated confidential as it relates to contractual matters (s89 2d)

**Carried Unanimously**

.....  
Signed by the CEO

Chairperson's initials



**18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS****C.5 Peninsula Leisure Pty Ltd - Quarterly Report period ending March 2019 (considered at this meeting)**

*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 Cunial**

That:

1. Council receives and notes the Peninsula Leisure (PL) Quarterly report period ending 31 March 2019.
2. Directs that resolution only be released with the minutes of this meeting, but the report and attachments remain confidential.
3. Requests that Peninsula Leisure provides a response about in-principle commitment to Council's previous proposal to jointly co-fund two public art sculptures at PARC and the Pines Pool. Council notes that Peninsula Leisure's previous response was too ambiguous, and it requires a coherent response.

*The motion was put and Carried*

**C.6 Potential Sale of Council Land - 5R-7R Keys Street Frankston (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'.*

**Deferral Motion to another Council Meeting****Moved: Councillor Toms****Seconded: Councillor Cunial**

That the matter be deferred to the 2 September 2019 Ordinary Meeting.

*The motion was put and Carried*

**Urgent business - Cr Toms Leave of Absence (considered at this meeting)**

*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'.*

**Urgent Business – Cr Toms Leave of Absence****Council Decision****Moved: Councillor Toms****Seconded: Councillor Aitken**

That Leave of Absence be granted to Cr Steve Toms for the period of 13 August to 4 September 2019 (inclusive) and that the resolution be incorporated into the public minutes of this meeting.

*The motion was put and Carried*

*The meeting was closed to the public at 9.36 pm*

CONFIRMED THIS

DAY OF

2019

.....  
CHAIRPERSON

**AUTHORITY TO STAMP INITIALS ON MINUTES**

I, Cr. Michael O'Reilly, 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 July 2019, confirmed on Monday 12 August 2019.

.....  
(Cr. Michael O'Reilly, Chairperson – Council Meeting)

Dated this

day of

2019