



COUNCIL MEETING AGENDA 2020/OM16 Monday 14 December 2020 Being held online

In accordance with the Minister's Good Practice Guidelines, from 1 May 2020 until April 2021, Councils can conduct virtual meetings which must be streamed live through its website. Frankston City will continue to stream its Council Meetings.

During 1 May 2020 to April 2021, all meetings will be closed to the public. If circumstances change, updates will be provided.

Verbal Submissions

If you have registered or intend to register to speak to an item on the Council Meeting Agenda, speakers now only have the option of making a verbal submission via telephone. Officers will make contact and the speaker will be greeted by the Chair who will invite the speaker to make their verbal submission.

There are no changes to the limit on speakers i.e. the limit is still a maximum of 10 speakers and it will be at the discretion of the Chair, if further speakers are permitted. Speakers still have 3 minutes to address Council, with the exception of S223 submitters who will receive 5 minutes.

Questions with/without notice

If you wish to submit questions with or without notice, the same timeframes apply. It is strongly encouraged to submit questions via email or on-line by the specified timeframes. If you still prefer to submit these in person, a box will be placed at the front entrance in the Civic Centre only. It should be noted that the questions, including responses will not be read by the CEO at the Council Meeting. All questions will be taken on notice and a written response will be provided within 5-7 business days.

Live streaming is available from the below link:

<https://www.facebook.com/FrankstonCityCouncil>



THE COUNCIL MEETING

Welcome to this Meeting of the Frankston City Council

The Council appreciates residents, ratepayers and other visitors taking their places in the Public Gallery, as attendance demonstrates an interest in your Council and community affairs. Community spirit is encouraged.

This information sheet is designed to help you to understand the procedures of Council and help you to gain maximum value from your attendance.

The law regarding the conduct of Council meetings enables the public to observe the session. However, to ensure the manageability of Council meetings, opportunities for public participation are limited to Question Time and registered submissions in accordance with Council's guidelines, which are available from Council's Councillors Office (call 9768 1632) and on our website, www.frankston.vic.gov.au. It is not possible for any visitor to participate in any Council debate unless specifically requested by the Chairperson to do so.

If you would like to have contact with Councillors or Officers, arrangements can be made for you to do so separately to the meeting. Call the Councillors Office on 9768 1632 and ask for the person you would like to meet with, to arrange a time of mutual convenience.

When are they held?

Generally speaking, the Council meets formally every three (3) weeks on a Monday and meetings start at 7.00 pm, unless advertised otherwise. **This Ordinary Meeting has been moved to the Frankston Arts Centre, Corner Young & Davey Streets, Frankston due to the COVID-19 crisis and to support the State/Federal Government directive to adhere to social distancing.**

Council meeting dates are posted in the Davey Street and Young Street entrances to the Civic Centre (upper level) and also on our website, www.frankston.vic.gov.au.

Frankston City Council Governance Rules (adopted 31 August 2020)

25. Chair's Duty

Any motion which is determined by the *Chair* to be:

- 25.1 *defamatory of or embarrassing to any Councillor, member of Council staff or other person;*
- 25.2 *abusive or objectionable in language or nature;*
- 25.3 *a direct negative of the question before the Chair;*
- 25.4 *vague or unclear in intention;*
- 25.5 *outside the powers of Council; or*
- 25.6 *irrelevant to the item of business on the agenda and has not been admitted as*

79. Chair May Remove

- 79.1 *The Chair may order and cause the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 78.2, or cause the removal of any object or material that is deemed by the Chair as being objectionable or disrespectful.*
- 79.2 *Any person removed from the meeting under sub-Rule 79.1 must not return to the meeting without the approval of the Chair or Council.*

It is intended that this power be exercisable by the Chair, without the need for any Council resolution. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threatens his or her authority in chairing the meeting.

The Penalty for an offence under this clause is 2 penalty units which is \$200

Live Streaming of Council Meetings

Frankston City Council is now Live Streaming its Council Meetings.

During the COVID-19 crisis, Council is strongly encouraging residents to view the meetings via the live streaming.

Live Streaming allows you to watch and listen to the meeting in real time, giving you greater access to Council decision making and debate and improving openness and transparency.

There are three (3) fixed cameras in the Council Chambers and it is intended that the cameras will only provide vision of the Councillors who are present at the meeting.

Every care will be taken to maintain privacy and as far as practically possible, it is not intended that there be either live or recorded footage of the public or Media personnel, however, there might be incidental capture; for example footage of a person exiting the building depending on which camera is being used at the time, or audio recording of a person who interjects the meeting. Council officers who address Council will be heard on the live audio stream, and audio of them speaking will be recorded.

Archives of meetings will be published on Council's website generally within three (3) business days after the meeting date for the public's future reference. Council will make every reasonable effort to ensure that a live stream and recording is available. However technical difficulties may arise in relation to live streaming or access to Council's website.

Appropriate signage will be placed at the entrance to the meeting location notifying all attendees that the meeting will be streamed live and recorded.

It is not intended that public speakers will be visible in a live stream of a meeting. Cameras are to be positioned so that these members of the public are not visible. If you do not wish to be recorded you will need to contact the Councillors Office on telephone (03) 9768 1632 or via email councillors.office@frankston.vic.gov.au to discuss alternative options prior to the meeting.

The Formal (Ordinary) Meeting Agenda

The Council meeting agenda is available for public inspection immediately after it is prepared, which is normally on the Thursday afternoon four (4) clear days before the meeting. It is available from the Reception desk at the Civic Centre (upper level), on our website www.frankston.vic.gov.au or a copy is also available for you in the chamber before the meeting.

The following information is a summary of the agenda and what each section means:-

- **Items Brought Forward**

These are items for discussion that have been requested to be brought forward by a person, or a group of people, who have a particular item on the Agenda and who are present in the Public Gallery.

- **Presentation of Written Questions from the Gallery**

Question Time forms are available from the Civic Centre and our website, www.frankston.vic.gov.au.

“Questions with Notice” are to be submitted before 12 noon on the Friday before the relevant Ordinary Meeting either in person at the Frankston Civic Centre, online using the Question Time web form or via email to questions@frankston.vic.gov.au.

“Questions without Notice” are to be submitted between 12 noon on the Friday before the relevant Ordinary Meeting up until 4pm on the day of the relevant Ordinary Meeting either in person via the designated Question Time box located at the Frankston Civic Centre front reception or the after-hours mail box or via email to questions@frankston.vic.gov.au.

A maximum of 3 questions may be submitted by any one person at one meeting. There is no opportunity to enter into debate from the Gallery.

More detailed information about the procedures for Question Time is available from Council's Councillors Office (call 9768 1632) and on our website, www.frankston.vic.gov.au.

- **Presentation of Petitions and Joint Letters**

These are formal requests to the Council, signed by a number of people and drawing attention to matters of concern to the petitioners and seeking remedial action from the Council. Petitions received by Councillors and presented to a Council meeting are usually noted at the meeting, then a report is prepared for consideration at the next available meeting.

- **Presentation of Reports**

Matters requiring a Council decision are dealt with through officer reports brought before the Council for consideration. When dealing with each item, as with all formal meeting procedures, one Councillor will propose a motion and another Councillor will second the motion before a vote is taken. If the members of the public wish to clarify any of the items on the Agenda, please contact the relevant manager by phoning 1300 322 322.

- **Presentation of Delegate Reports**

A Councillor or member of Council staff who is a delegate may present to Council on the deliberations of the external body, association, group or working party in respect of which he or she is a delegate or an attendee at a Council approved conference / seminar.

- **Urgent Business**

These are matters that Councillors believe require attention and action by Council. Before an item can be discussed, there must be a decision, supported by the majority of Councillors present, for the matter to be admitted as “Urgent Business”.

- **Closed Meetings**

Because of the sensitive nature of some matters, such as personnel issues, contractual matters or possible legal action, these matters are dealt with confidentially at the end of the meeting.

Opportunity to address Council

Any person who wishes to address Council must pre-register their intention to speak before 4.00pm on the day of the meeting, by telephoning Council's Councillors Office (call 9768 1632) or by submitting the online web form or by using the application form both available on the website, www.frankston.vic.gov.au.

The submissions process is conducted in accordance with guidelines which are available from Council's Councillors Office and on our website. All submissions will be limited to 3 minutes in duration, except for Section 223 submitters, who have a maximum of 5 minutes. No more than ten (10) members of the public are to be permitted to address the Council. Further speakers will be permitted to address the meeting at the discretion of the Chair. All speakers need to advise if they are speaking on behalf of an organisation and it is deemed that they have been appropriately authorised by that said organisation.

Public submissions and any subsequent discussion will be recorded as part of the meeting, and audio recordings of Council meetings will be made available to members of the public. If a submitter does not wish to be recorded, they must advise the Chair at the commencement of their public submission.

Disclosure of Conflict of Interest

If a Councillor considers that they have, or might reasonably be perceived to have, a direct or indirect interest in a matter before the Council or a special committee of Council, they will declare their interest and clearly state its nature before the matter is considered. This will be done on every occasion that the matter is considered by the Council or special committee.

If a Councillor has an interest in a matter they will comply with the requirements of the Local Government Act, which may require that they do not move or second the motion and that they leave the room in which the meeting is being held during any vote on the matter and not vote on the matter.

If a Councillor does not intend to be at the meeting, he or she will disclose the nature of the interest to the Chief Executive Officer, Mayor or Chairperson prior to the meeting commencing.

MAYOR



NOTICE PAPER

ALL COUNCILLORS

NOTICE is hereby given that an Ordinary Meeting of the Council will be held at the Civic Centre, Davey Street, Frankston, on 14 December 2020 at 7.00pm.

COUNCILLOR 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 in the debate or vote on the issue.

OPENING WITH PRAYER

Almighty God, we ask for your blessing upon this Council. Direct and prosper its deliberations to the advancement of your glory and the true welfare of the people of Frankston City. Amen.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We respectfully acknowledge that we are situated on the traditional land of the Boon Wurrung and Bunurong in this special place now known by its European name, Frankston. We recognise the contribution of all Aboriginal and Torres Strait Islander people to our community in the past, present and into the future.

BUSINESS**1. PRESENTATION TO COMMUNITY GROUPS**

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. CM15 held on 23 November 2020.

3. APOLOGIES

Nil

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST**5. PUBLIC QUESTIONS**

Nil

6. HEARING OF SUBMISSIONS**7. ITEMS BROUGHT FORWARD****8. PRESENTATIONS / AWARDS****9. PRESENTATION OF PETITIONS AND JOINT LETTERS**

Nil

10. DELEGATES' REPORTS

Nil

11. CONSIDERATION OF TOWN PLANNING REPORTS

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Phil Cantillon

CHIEF EXECUTIVE OFFICER

9/12/2020

Executive Summary**11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ)**

Enquiries: (Sam Clements: Communities)

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.1 Community Infrastructure
Priority Action	1.1.6 Ensure community infrastructure and services match community need

Purpose

This report considers the merits of the planning application to construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ).

Recommendation (Director Communities)

That Council resolves to issue a Notice of Decision to Grant a Planning Permit 158/2020/P to construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ), subject to the conditions contained in the officers assessment.

Key Points / Issues

- Proposal to construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ).
- The rooming houses are proposed to be constructed side by side sharing a common wall with four (4) shared car parking spaces provided within the front setback.
- Each rooming house contains eight (8) rooms with an ensuite and a communal living area/kitchen is provided to the rear of each building. Each rooming house has approximately 73 square metres of communal private open space.
- The proposed development is consistent with the State and Local Planning Policy Frameworks as it provides for an increase in diversity and supply of housing stock within the municipality, which increases housing choice for residents.
- The proposed development responds appropriately to Clause 55 – ResCode and car parking is provided in accordance with the requirements of Clause 52.06.
- Following advertising of the application 121 objections were received. Issues raised predominately related to car parking, traffic, tree removal, neighbourhood character, safety/amenity issues and internal amenity (internal floor spaces).
- The application is being reported to Council as it is a current protocol to bring Rooming House permit applications to a Council Meeting for approval. In addition, it was also called in by former Councillor Hampton.

For further information, please refer to the officer's assessment contained within this report.

Financial Impact

The permit application fee paid to Council is \$1,547.70. The average cost to process a planning application is \$2,265, which is a difference of \$717.30.

11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ)**Executive Summary****Consultation****1. External Referrals**

The application was referred externally.

2. Internal Referrals

The application was referred internally to Council's Drainage Engineer, Traffic Engineer and Environment Officers who have raised no major concerns that would warrant refusal of the application.

Notification of Proposal

Notification of the planning application was given pursuant to the requirements of Section 52 of the *Planning and Environment Act 1987*.

Notification was given in the form of:

- Mail to adjoining owners and occupiers; and
- One (1) sign erected on the site frontage

As a result of the public notification, 121 objections were received. The grounds of objection are summarised in the officer's assessment contained within this report.

Analysis (Environmental / Economic / Social Implications)

The proposal will have a minimal impact on the environment. There will be adequate space for substantial landscaping including planting of canopy trees within the site.

The proposal will have a beneficial economic impact. In the short-term it will create employment opportunities during the construction phase and in the longer-term new residents will utilise local business.

The proposal will have a net social benefit to the community. It adds to the City's diversity of housing stock to meet housing demands by creating more affordable housing.

Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities**

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

Council has complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987* in processing the planning application.

Policy Impacts

Council has assessed the planning permit application in accordance with the relevant State and Local Planning provisions, zones, particular and general provisions of the Frankston Planning Scheme.

11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ)**Executive Summary**Officer's Declaration of Interests

Under Division 2 of the *Local Government Act 2020*, officers providing advice or a report to Council must disclose any general or material conflict of interest they have in a matter.

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

Any risks associated with this proposal have been addressed in the recommended conditions.

Conclusion

Overall, through the inclusion of conditions the proposal is generally consistent with the relevant objectives and decision guidelines of the Scheme.

ATTACHMENTS

Attachment A: [!\[\]\(e3275251d0893157c3584e20c81dc3ba_img.jpg\)](#) Aerial Locality Map

Attachment B: [!\[\]\(f60b7a900783ac3fd531bfd9c111be6d_img.jpg\)](#) Locality Map

Attachment C: [!\[\]\(f1c5da15572e3e09d343161be98f508d_img.jpg\)](#) Plans

11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ)**Officers' Assessment****Summary**

Existing Use	Single storey residential dwelling
Site Area	1011 square metres
Proposal	To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ)
Site Cover	52.81%
Permeability	29.68%
Zoning	General Residential Zone
Overlays	Nil
Neighbourhood Character Precinct	N/A
Reason for Reporting to Council	Rooming house

Background***Subject Site***

The subject site regular in shape and located on the eastern side of Potts Road in Langwarrin.

The site has front and rear boundaries with a width of 18.6 metres, side boundaries of 54 metres and an overall area of 1011 square metres. There are no easements on the subject site.

The subject site currently contains on single storey dwelling, carport, outbuilding and six (6) trees all of which is proposed to be removed to facilitate the development. The existing dwelling is setback approximately 10.5 metres.

Locality

The surrounding area is characterised by both conventional and medium density housing constructed of brick with either tiled or Colorbond® roofs. Directly to the north, south and west of the site is a three (3) storey residential aged care facility that is currently under construction.

Site History

No planning permits have previously been issued for the site.

Proposal

The proposal is to construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ). The details of the proposal are summarised as:

Buildings and works

11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ)**Officers' Assessment**

- The existing single storey dwelling is proposed to be removed and replaced by two side by side buildings that share a common wall.
- The buildings have a minimum setback of 12.5 metres from the front western boundary, 6.7 metres from the rear eastern boundary and 3 metres from the side boundaries.
- The buildings are proposed to have a maximum height of 5.6 metres and constructed of brick and a Colorbond® roof.
- Four (4) car spaces including two (2) disabled car spaces are proposed within the front setback.

Use

- Each building is proposed to be used as a rooming house.
- Each building has eight (8) bedrooms (total of sixteen (16) bedrooms).
- Each room is single occupancy with a maximum of eight (8) residents to each building (maximum of 16 residents across the two buildings).
- A manager is proposed to be available between Monday to Saturday between 9am and 6pm.

State and Local Planning Policy Frameworks

State Planning Policy Framework relevant to this application are summarised as follows:

- Clause 11: Settlement
- Clause 15: Built Environment and Heritage
- Clause 16: Housing
- Clause 16.01s: Integrated Housing

Local Planning Policy Framework relevant to this application are summarised as follows:

- Clause 21.04: Settlement
- Clause 21.07: Housing

Planning Scheme Controls

A Planning Permit is required pursuant to:

- Clause 32.08-2 - General Residential Zone of the Frankston Planning Scheme for a Section 2 Use of Rooming Houses that do not meet the requirements 52.23-2.
- Clause 32.08-4 – General Residential Zone of the Frankston Planning Scheme for buildings and works associated with the construction of two residential buildings on the lot and works associated with a Section 2 Use (Rooming House that does not meet the requirements of Clause 52.23-2);
- Clause 52.23-2 - Rooming House provision of the Frankston Planning Scheme to use the land for two (2) rooming houses that does not meet the requirements of Clause 52.23-2;
- Clause 52.23-3 - Rooming House provision of the Frankston Planning Scheme to construct two (2) rooming houses that does not meet the requirements of Clause 52.23-3

11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ)**Officers' Assessment*****Notification of Proposal***

The grounds of objection are summarised as follows:

- Car parking
- Traffic
- Tree removal
- Neighbourhood character
- Safety/amenity issues
- Internal amenity

No Resident Discussion Meeting was held due to the current Covid-19 Pandemic.

Discussion**State and Local Planning Policy**

The proposal is consistent with State and Local Planning Policy which seeks to provide opportunities for residential development increasing in density within the municipality as well as providing a diverse range of housing including affordable housing for low income and disadvantaged persons. This policy has an emphasis on facilitating high quality affordable housing that is integrated with infrastructure and services. The proposal is suitably located relative to key services and infrastructure which helps support this State and Local Planning Policy.

It is considered that this proposal appropriately responds to State and Local Planning Policies.

Clause 32.08 - General Residential Zone

The subject site is located within the General Residential Zone where a permit is required for the use of a rooming house where the 'exemption' requirements of Clause 52.23-2 are not met. Similarly a permit is required for buildings and works when the requirements of Clause 52.23-3 have not been met. These exemptions have not been satisfied as the proposal exceeds 300 square metres in floor area and involves more than one (1) rooming house.

The application is required to be assessed against Clause 55 and has been found to comply (see assessment below).

The proposal must also satisfy the garden area requirements of Clause 32.08-4 whereby a lot greater than 650 square metres must provide 35% of the site as garden area. The proposal satisfies this requirement with the provision of 35.2%.

It is considered that the proposal satisfies the decision guidelines of the General Residential Zone as it:

- Supports the Planning Policy Framework by providing affordable housing in an appropriate location, and adding to the diversity of housing types particularly in a location offering good access to employment, services and transport. The subject site is located on Potts Road which provides a bus service to Frankston and Langwarrin Plaza. The nearest bus stop is located approximately 1.2 kilometres from the subject site;
- The built form respects neighbourhood character as the development from the streetscape will appear like two (2) side by side single storey dwellings. Within

11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ)**Officers' Assessment**

the surrounding area multi-dwelling developments are a prominent characteristic in the existing neighbourhood character;

- The proposed use is appropriately located as it is residential in nature and would take place in a residential zone. It should also be noted that the site is surrounded by a three (3) storey residential aged care facility containing 144 beds that is currently under construction which is a more intensive residential use; and
- Through the inclusion of an amended management plan and inclusion of amenity conditions the proposal should not unreasonably impact on the amenity of the area.

Clause 52.06 – Car Parking

Table 1 of Clause 52.06 of the Frankston Planning Scheme requires one (1) car space to be provided to each four (4) bedrooms. Sixteen (16) bedrooms are proposed and therefore four (4) car spaces are required to be provided. Four (4) car spaces (including two (2) disabled spaces) have been provided within the front setback to comply with the requirements of the clause. Through the inclusion of conditions the proposal also complies with the Design Standards for Car Parking Detailed within Clause 52.06-8.

Clause 52.23 – Rooming House

This Clause provides an exemption for the use and development of rooming housing from planning approval where certain requirements are met. The proposal does not satisfy these exemptions as the proposal is for two (2) rooming houses and the total floor area of the proposal exceeds 300 square metres. This Clause therefore does not provide an exemption from planning approval.

Clause 55 – Two or more Dwellings on a lot and Residential Buildings**Neighbourhood Character and Infrastructure**

The subject site is not located within a Neighbourhood Character Precinct under Clause 22.08 (Neighbourhood Character). Despite this, it is considered that the design of the buildings respects the existing neighbourhood character by being single storey, providing setbacks to all boundaries and being constructed of materials (brick with a Colorbond® roof) that is consistent with many residential developments within the surrounding area.

The proposed development provides housing options in an establishing area that takes advantage of existing infrastructure.

The proposed development remains street facing with the entry having direct views to the street and therefore the proposals integration into the existing streetscape is considered to be satisfactory.

Site Layout and Building Massing

The minimum front setback of the buildings are 12.5 metres which is consistent with the prevailing street setbacks of the area and meets the objectives of Clause 55.03-1 of the Frankston Planning Scheme.

The proposal accords with the requirements of Standard B7 as the maximum building height of each building is 5.6 metres which is well below the maximum height for the General Residential Zone.

The proposal accords with Standard B8 with site coverage of 52.81% and Standard B9 with permeability of the site being 29.68%.

11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ)**Officers' Assessment**

The buildings will have reasonable energy efficiency with eaves and main living area windows and primary areas of private open space being orientated and located to the east.

The communal open spaces located to the east of the buildings provides sufficient recreational space for future occupants to comply with Standard B11.

The entrances to the buildings are appropriately orientated and will not be obscured or isolated from the street. Each entrance is accessed via a porch that is orientated to the street for good passive surveillance. If a permit was to be issued a condition would be included for bollard lighting to be provided within the car parking area to further assist with safety.

The proposed tree removal is considered satisfactory subject to the preparation of a landscape plan which will be required as a condition of any permit issued. This also provide new canopy tree planting. It is considered the development provides reasonable space for landscaping. This ensure appropriate planting as well as ensuring the development integrates well within the area.

The proposed crossovers accounts for approximately 18.82% of the street frontage and complies with Standard B14.

The parking facilities are considered to be secure and close to the rooms of the proposed buildings.

Amenity Impacts

The proposal provides setbacks to all boundaries that is consistent with the requirements of Standards B17 and B18.

The proposal will not unreasonably impact daylight to existing windows or future windows of the neighbouring aged care facility currently under construction, including north facing windows. Adequate setbacks from the boundaries are provided to comply with Standards B19 and B20.

Given the proposal is single storey and provides setbacks from all boundaries potential overshadowing is minimal. As demonstrated by the submitted shadow diagrams any overshadowing generated from the proposal to surrounding properties would be consistent with the shadow cast from the existing boundary fences.

Whilst the finished floor levels are relatively high at the rear of the site it is not possible for the buildings to be stepped down due to the required disability access. Despite this, the potential for the proposal to create an overlooking into the surrounding age care facility currently under construction is relatively minimal. Adjoining the entire length of the northern boundary and a partial length of the southern boundary is a proposed car park. Habitable room windows are significantly setback on the remainder of the southern and western boundaries with open space adjoining these boundaries. A 1.8 metre paling fence along the rear eastern boundary and 1.8 metre paling fence with a 600 millimetre trellis extension on the southern boundary will further reduce the potential for overlooking to these private open spaces and ensure compliance with Standard B22. Internal views within the development are minimal and comply with the Standard B23.

11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ)**Officers' Assessment**

Proposed locations for noise sources (i.e. mechanical equipment) have not been nominated on the plans, however it is considered that the development can provide these without impacting neighbouring properties. Consideration of noise from residents has been addressed within the submitted management plan by limiting the hours that private open space can be accessed. As discussed above, significant setbacks are provided to sensitive rooms on neighbouring properties which will further reduce external noise issues from arising.

A review of a number of VCAT cases of similar proposals has been undertaken with the following considerations found:

- Concerns in relation to amenity impact, VCAT states that *'with appropriate management in accordance with a Site Management Plan to the satisfaction of the Responsible Authority the risk of anti-social behaviour would be considerably reduced'*.
- Concerns related to the impact of noise, safety and behaviour of future residents, VCAT states *'the scheme does not contain policies seeking to regulate the behaviour of individuals with a domestic scale residential development'*.

These cases highlight that it is not necessarily open to Responsible Authorities to consider Rooming Houses differently to other forms of residential development, and to the extent that concerns about risks of anti-social behaviour may arise, a management plan may be suitable mechanism to reduce prevalence.

A management plan has been prepared as part of the application. It has set out requirements of general site management, amenity of occupants, house rules, evacuation procedures, occupation health and safety, internal and external cleanliness and compliant register. In general, this management plan includes measures that will reduce the potential for anti-social incidents and that if these issues do arise they will be able to be appropriately dealt with.

One area of concern with the plan relates to a manager being available between the hours of 9:00am and 6:00pm, Monday to Saturday. It is noted that incidents could occur outside of these timeframes. If a permit was to be issued a permit could be included for the management plan to be amended to ensure that a manager is available for 24 hour contact. An additional condition can be included for the telephone number or numbers with 24 hour access to the operator/manager of the residential building to be displayed on the front door entry so that any neighbouring residents can register a complaint or address other matters arising from the use of the site. These tools would provide some basis for self-resolution of any issues or matters arising from the use of the land, however ultimately if the actions of person's impacts directly on the safety of the community then these are matters which fall within the remit of Victoria Police to respond to.

11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ)**Officers' Assessment*****On-Site Amenity & Facilities***

People with limited mobility have been considered through the design of the buildings with steps being avoided with ramps included to access the buildings and Secluded Private Open Space.

The entries to the buildings are easily identifiable from the street and porches are provided which act as a transitional space.

All proposed habitable room windows will have sufficient daylight access.

Each building proposes 73 square metres of communal Private Open Space that is easily accessible from the communal living areas to ensure the recreation needs of future residents and requirements of Standard B28 are satisfied. In addition to this each bedroom has a small secluded private open space area.

The communal Private Open Space is located to the east of the buildings and would receive good solar access.

A six (6) cubic metre storage shed has been nominated within the secluded private open space to each building which complies with the requirements of Standard B30.

Detailed Design

The design of the buildings includes façade articulation, window proportions and roof forms that are consistent with the surrounding neighbourhood.

No front fences are proposed as part of this development which ensures the openness to the streetscape will be maintained.

The design and layout of the dwellings provides sufficient space for services and facilities to be installed and maintained appropriately.

Response to Objections

Most of the concerns raised by the objections have been addressed in the planning assessment above. However, some objection points have been further considered.

Concerns have been raised in relation to car parking. The Scheme requires 1 car parking space to be provided per 4 bedrooms within a rooming house. As such the 16 bedroom proposal is required to provide 4 car spaces to meet the statutory parking requirements. The proposal is also well serviced by public transport and it is therefore expected that any traffic generated by the proposal would not put undue pressure on Potts Road or the surrounding street network.

Also, concerns have been raised that persons who may take up residence in the building will impact the safety of the area including an aged care facility that surrounds the subject site and the Woodlands Primary School which is located approximately 550 metres from the subject site. As identified above, it is not really open to Council to speculate or assume that the behaviour of persons who may reside in this proposed building will be different to others, or present a safety risk to others in the area. Notwithstanding, an accepted method to provide a mechanism for more general nuisance concerns is the preparation of a management plan. As detailed above, a management plan has been submitted with the application that requires some amendment to the proposal, which can be conditioned as part of any permit issued.

Additionally, concerns have been raised in relation for the potential for property values to decrease in insurance premiums to increase. These matters are not generally considered planning issues, are not considered within the Planning Scheme.

11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ)**Officers' Assessment**

Objections have been raised in regards to the proposed tree removal and impact on neighbouring trees. A total of six (6) trees are proposed to be removed of varying significance. This is considered acceptable subject to a landscape plan being prepared, and this is recommended to be required as a condition of any permit issued. This will include canopy tree planting to offset the tree loss and ensure the site will provide an improved landscape outcome into the future. Council's Arborist has also reviewed the impact the proposal would have on neighbouring trees and has confirmed that the health of all neighbouring trees can be maintained through the inclusion of standard Tree Protection conditions.

Finally, concern has been raised in relation the proposal having poor internal amenity as a result of the length of internal corridors and size of living areas. The proposed communal living areas are considered to be a reasonable size given each space would be utilised by a relatively minor number of people (eight (8) residents). The site also provides additional communal and private open spaces that will ensure the recreational needs of residents are met.

Conclusion

On balance, it is considered that the proposal satisfies the requirements of the State and Local Planning Policy Framework and the purpose of the Clause 32.08 (General Residential Zone) and other relevant provisions of the Frankston Planning Scheme and warrants support.

Recommendation (Director Communities)

That Council resolves to issue a Notice of Decision to Grant a Planning Permit 158/2020/P to construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ) at 70 Potts Road, Langwarrin 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) All trees growing on the site and on the adjoining properties within 3m of the boundaries must be clearly illustrated on all relevant plans to demonstrate canopy width, trunk location and clearly labelled whether the tree is to be retained or removed.
 - (b) The Tree Protection Zone, Structural Root Zone and the tree protection fence locations for all trees to be retained illustrated on all relevant plans.
 - (c) Landscape Plan in accordance with Condition 3.
 - (d) Tree Protection Conditions noted in accordance with Conditions 6, 7 and 8.
 - (e) Drainage Strategy in accordance with Conditions 9 to 16.
 - (f) Amended Management Plan in accordance with Condition 17.
 - (g) Construction and Environmental Management Plan in accordance with Condition 24.
 - (h) Bollard lighting within the front setback in accordance with Condition 27.
 - (i) Corner splay/areas to be provided on both sides of the proposed accessway

11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ)**Officers' Assessment**

in accordance with Clause 52.06 of the Frankston Planning Scheme.

No Alterations

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

Landscaping

3. Before the commencement of buildings and works, a landscape plan in accordance with the submitted development plan, prepared by a suitably qualified landscape professional must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A survey (including botanical names) of all existing vegetation on the site and those located within three (3) metres of the boundary of the site on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed.
 - b) The tree number, TPZ, SRZ and notations regarding protection methods during construction of retained trees.
 - c) Buildings on neighbouring properties within three metres of the boundary.
 - d) All landscape design and construction to adhere to the tree protection requirements for all neighbouring trees.
 - e) 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.
 - f) 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.
 - g) A range of plant types from ground covers to large shrubs and trees.
 - h) Landscaping and planting within all open areas of the site.
 - i) A planting theme of a minimum 20% indigenous and 40% native within each plant group.
 - j) All existing environmental weed species are to be removed from the site and environmental and noxious weeds found in the 'Sustainable Gardening in Frankston City' (2015) booklet are not to be planted.
 - k) 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:
 - One (1) tree within the front setback of both buildings with a minimum mature height of 5 metres.
 - One (1) tree within the POS areas of both buildings with minimum mature heights of 8 metres.

11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ)**Officers' Assessment**

- l) The provision of notes on the landscape plan regarding site preparation, including in-ground irrigation system to be provided to all landscaped areas, removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- m) All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use.
- n) The provision of screen planting (minimum mature height of 1.5m) within a landscape strip of 60cm at the interface of the property side boundaries.

Prior to Occupation

- 4. The landscaping as shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or commencement of the use or at such later date as is approved by the Responsible Authority in writing.
- 5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged trees are to be replaced.

Tree Protection

- 6. 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.
- 7. Prior to the commencement of the development (including vegetation removal), a Tree Protection Fence defined by a 1.8 metre high (minimum) temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape, must be installed around Trees 3 and 4 to protect the trees to the satisfaction of the Responsible Authority. A fixed sign is to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from Frankston City Council".

The requirements below must be observed within this area –

- a) Coarse mulch laid to a depth of 50-100 mm (excluding street trees).
- b) No vehicular or pedestrian access.
- c) The existing soil level must not be altered either by fill or excavation.
- d) The soil must not be compacted or the soil's drainage changed.
- e) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.
- f) No storage of equipment, machinery or material is to occur.
- g) Open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used unless approved by the Responsible authority to tunnel beneath.
- h) Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.
- i) Tree roots must not be severed or injured.

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

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

Tree Pruning

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

Drainage

9. The development must be provided with 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. Including providing over-land stormwater surcharge routes and cut-off drains for the safe and effective passage of stormwater flows arising from the subject land;
10. Soakage systems for Stormwater drainage shall be provided with Geotechnical design to demonstrate that effective drainage can be provided without detriment to premises and/or other properties.
11. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
- On-site stormwater detention and rainwater tanks.
 - Soil percolation
 - Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc.
 - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
12. Prior to commencement of the 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.
13. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
14. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.
15. Prior to commencement of the use 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:-
- Constructed to the satisfaction of the Responsible Authority;

11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ)**Officers' Assessment**

- Properly formed to such levels that they can be used in accordance with the plans;
 - Surfaced with an all-weather sealcoat; and
 - Drained and maintained to the satisfaction of the Responsible Authority.
 - Car spaces, access lanes and driveways must be kept available for these purposes at all times.
16. 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.

Amended Management Plan

17. Before the commencement of the use, the owner of the land must prepare an Amended Management Plan and have it approved by the Responsible Authority. The Management Plan must, to the satisfaction of the Responsible Authority:
- a. set out the proposed method of operation of the use carried out on the land including the use of outdoor areas, maintenance of grounds and landscaping, storage and collection of garbage.
 - b. set out the house guest rules to be observed and the action to be taken if they are not observed;
 - c. explain the role of the Manager/caretaker;
 - d. provide that management arrangements to be put in place when the manager/caretaker is not on the site;
 - e. set out a process or procedure that will be available to neighbours in the event that they need to contact the Manager/caretaker in relation to some aspect of the operation of the use, and
 - f. Any other matter that is relevant to the conduct of the use in accordance with the conditions of this permit.
18. When the plan is approved by the Responsible Authority, the use must therefore be conducted in accordance with the Management Plan. The Management Plan may be amended by the Responsible Authority after a written request by the owner or the operator of the use.
19. A copy of this permit and the Management Plan shall be displayed at all times in a prominent location within the premises to the satisfaction of the Responsible Authority.

Telephone

11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ)**Officers' Assessment**

20. A telephone number or numbers with 24 hour access to the operator, manager and/or caretaker of the residential building must be displayed on the front door entry in order that any neighbouring resident can register a complaint or address any other matter arising from the use of the site.

Maximum Number of Residents

21. Not more than 16 residents shall be accommodated on the premises at any one time unless with the prior written consent of the Responsible Authority.

Amenity

22. The amenity of the area must not be detrimentally affected by the use or development, through the:
- Transportation of materials, goods or commodities to or from the land;
 - Appearance of any building, works or materials;
 - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil;
 - Presence of vermin, or
 - In any other way.

Construction and Environment Management Plan

23. Prior to the commencement of any stage 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.

11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ)**Officers' Assessment****Waste Management Plan**

24. The waste management procedures identified within the Waste Management Plan submitted with the application identified as *'70 Potts Road, Langwarrin Waste Management Plan, prepared by Frater, dated 15 May 2020'* must be implemented to the satisfaction of the Responsible Authority.

Urban Design

25. Air-conditioning plant, compressors and exhaust fans must be located so as to minimise adverse amenity impacts on abutting and nearby residential properties, to the satisfaction of the Responsible Authority.
26. Outdoor lighting, external sign lighting and building illumination must at all times be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
27. All fences must be maintained in sound condition, to the satisfaction of the Responsible Authority.
28. All bins and receptacles must be screened from view and be maintained in a clean and tidy condition and free from offensive odour.

Use of Car Parking Spaces

29. Car spaces must not be used for any other purpose other than the parking of vehicles in association with residents of and visitors to the land, to the satisfaction of the Responsible Authority.

Satisfactorily Completed

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

Permit Expiry

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

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

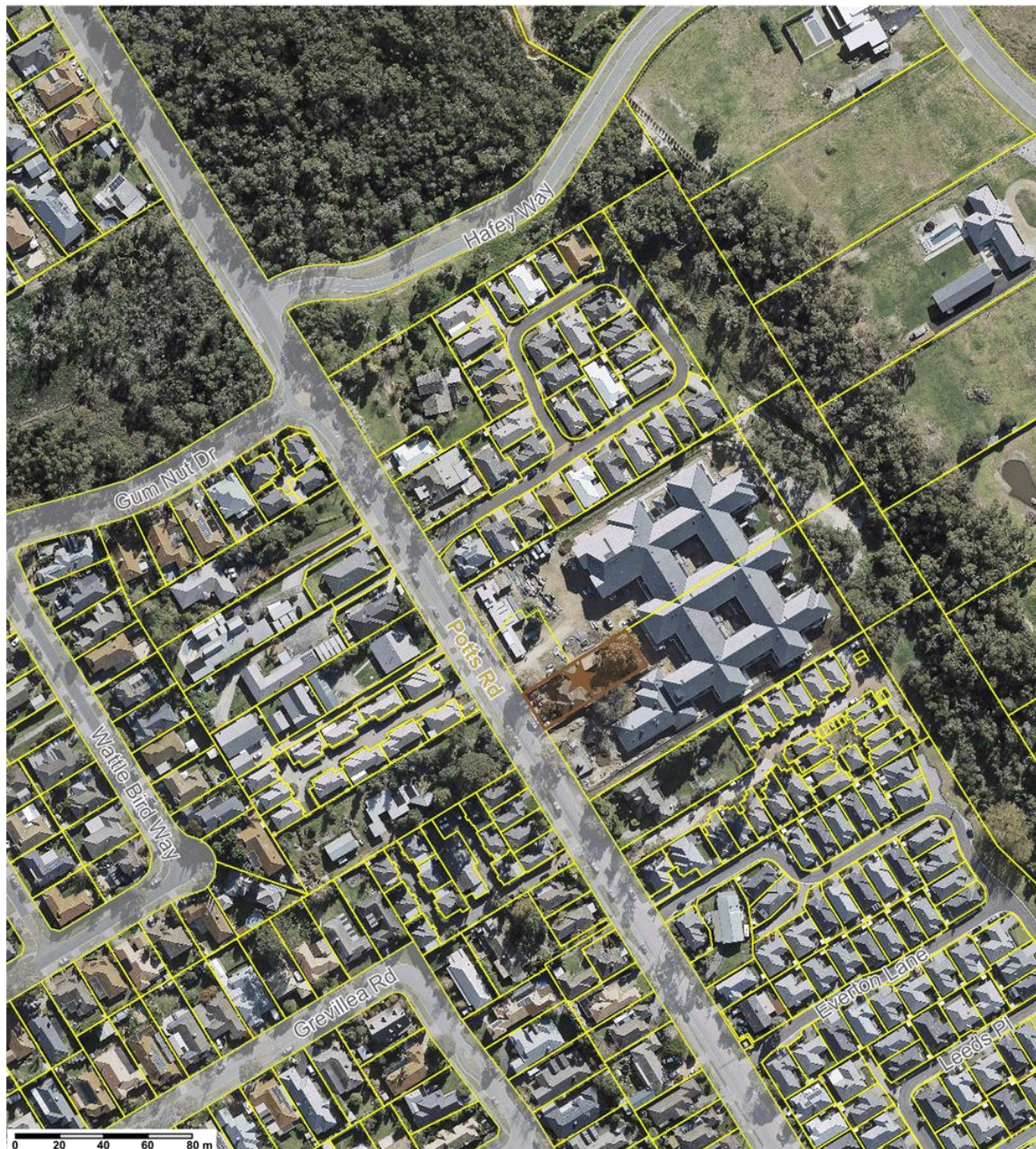
11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ)**Officers' Assessment**

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.

Locality Map (aerial) - Town Planning Application 158/2020/P - 70 Potts Road, Langwarrin
Subject Site - ★



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Date Printed: 26/10/2020

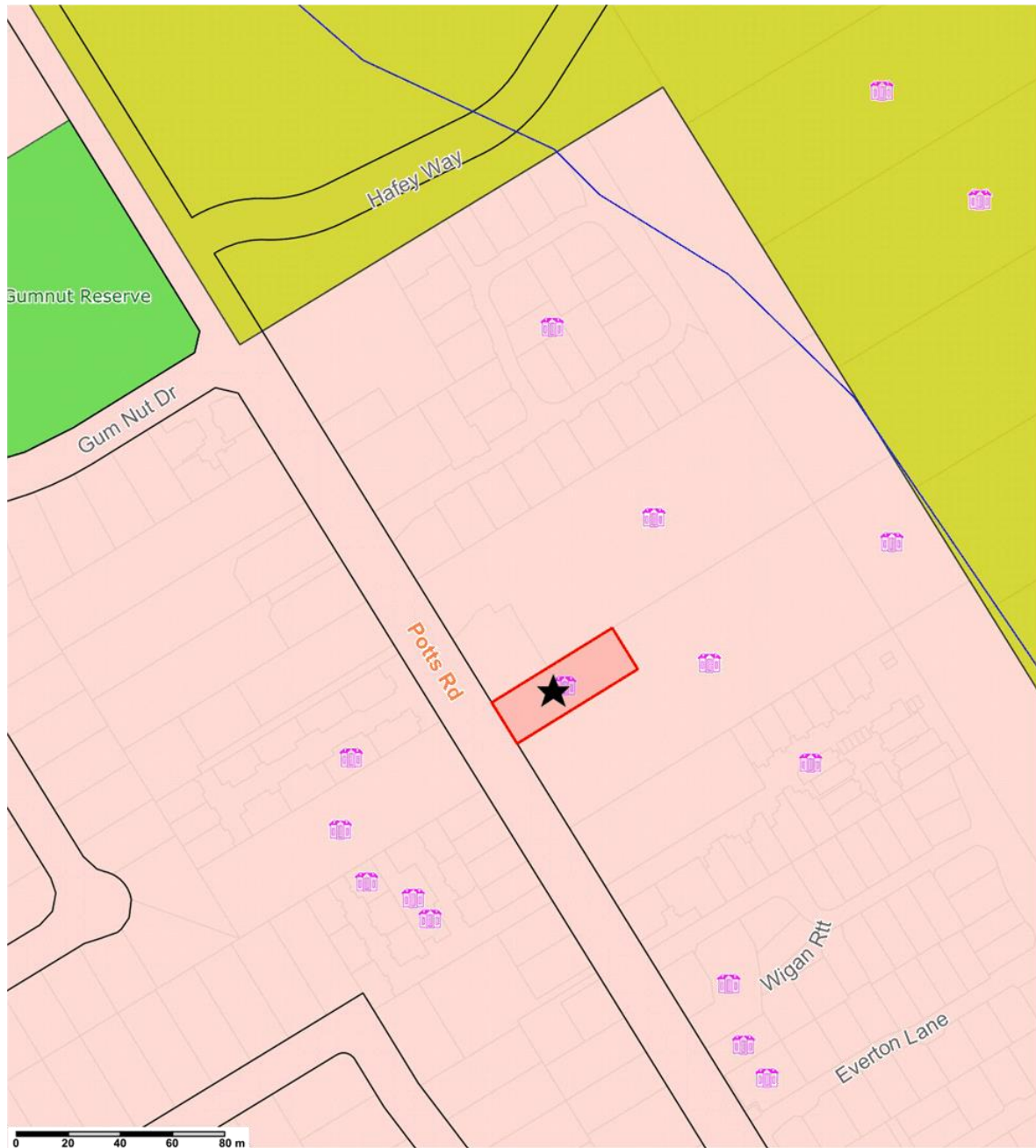
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Issued by: Peter Hampton



Locality Map - Town Planning Application 158/2020/P - 70 Potts Road, Langwarrin

Subject Site - ★



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ADVERTISED PLAN

CHECK BEARING & DISTANCE WITH A CLEAR COPY OF SUB-DIVISION. THIS IS NOT A PLAN OF TITLE BOUNDARY RE-ESTABLISHMENT. THIS PLAN IS FOR ARCHITECTURAL & TOWN PLANNING PURPOSES ONLY. NLS ASSUMES NO RESPONSIBILITIES IN THE USE OF THIS SURVEY.

WARNING

THE PLACEMENT OF BOUNDARIES ON THIS DRAWING ARE MADE BY A BEST FIT TO FENCES, FOOTPATHS OR OTHER POSSIBLE INDICATORS AND DOES NOT NECESSARILY ACCORD WITH THE TRUE POSITION OF THE TITLE BOUNDARIES. A TITLE RE-ESTABLISHMENT SURVEY IS RECOMMENDED TO ASCERTAIN THE TRUE EXTENTS OF TITLE BOUNDARIES. THE QUESTION OF FENCES OR REGS HAVE NOT BEEN CHECKED WITH TITLE. THE EXISTENCE OF EASEMENTS HAVE NOT BEEN INVESTIGATED. ALL MEASUREMENTS TO BE CONFIRMED ON SITE

NOTE

LEVELS ARE TO AN AUSTRALIAN
HEIGHT DATUM
CONTOUR INTERVAL IS 0.200m
THIS IS NOT AN RE-ESTABLISHMENT
SURVEY

SERVICE NOTE

SERVICES SHOWN HEREON HAVE BEEN LOCATED BY FIELD SURVEY. OTHER HIDDEN UNDERGROUND SERVICES MAY EXIST & PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON SITE, THE RELEVANT AUTHORITIES SHOULD BE CONTACTED.

TREE NOTE

TREE'S SHOWN ON THIS DRAWING ARE SHOWN AS APPROXIMATE SIZES AND APPROXIMATE HEIGHTS NOTED. OTHER NONE SIGNIFICANT VEGETATION MAY BE PRESENT.

OFFSET NOTE

OFFSETS TO ADJOINING BUILDINGS
ARE APPROXIMATE DISTANCES TAKEN
FROM EITHER ASSUMED PROPERTY
BOUNDARY OR SURVEYED FENCE LINE.

CLIENT	PEYMAN DAMANGIR
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SITE ADDRESS

70 POTTS ROAD
LANGWARRIN

JOE HAD	1230
---------	------

PAPER SIZE	A2
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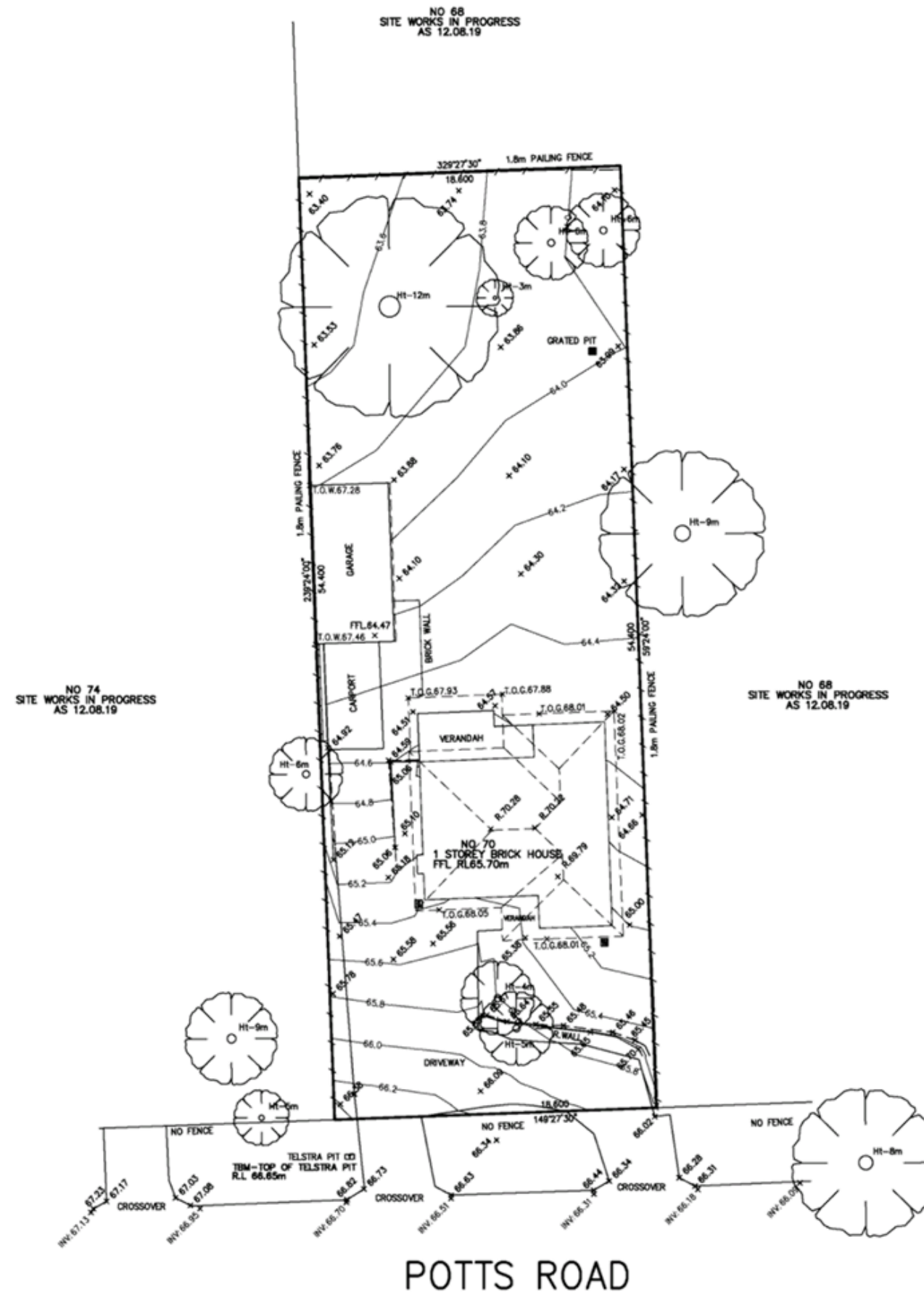
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DATE STARTED
12.08.19

	DRAIN
	R8 A

FIELD
RB MB

CHICKS RB



ADVERTISED PLAN

OPPORTUNITIES FOR THE DEVELOPMENT

1. THE SITE IS IDEAL FOR 2 ROOMING HOUSE EACH CONSIST OF 8 BEDROOMS.
2. CLOSE PROXIMITY TO COMMUNITY FACILITIES, PUBLIC TRANSPORT AND PUBLIC OPEN SPACE.
3. NEARBY SHOPS, PRIMARY SCHOOLS AND SECONDARY SCHOOLS.
4. THE PROPOSED UNITS WILL NOT HAVE AN EFFECT ON THE SURROUNDING AREA, AS THE PROPOSED BUILDING IS SINGLE STOREY AND THE SURROUNDING AREA CONSIST OF MIXTURE OF SINGLE STOREY AND TWO STOREY DWELLINGS.
5. PRIVATE YARD OF THE PROPOSED DWELLING WILL BE ORIENTATED TO RECEIVE NORTH SUNLIGHT WHERE POSSIBLE.

CONSTRAINTS

1. THE PROPOSED SITE HAS A DWELLING WHICH WILL BE REMOVED.
2. NO DRAINAGE CONSTRAINS, USUAL SERVICES AVAILABLE.
3. AFTER ALL THE INFORMATION HAS BEEN COLLECTED AND ADDRESSED AND ALL THE NEIGHBOURS HAVE BEEN TAKEN INTO CONSIDERATION, WE DON'T BELIEVE THAT THERE ARE ANY CONSTRAINTS THAT WILL LIMIT THE DEVELOPMENT.

STREET CHARACTER

1. MAINLY SINGLE STOREY AND A FEW TWO STOREY IN THE AREA. A MAJORITY OF THE DWELLINGS IN THE AREA ARE BRICK VENEER WITH TILED ROOFS.
2. SETBACK WILL BE TAKEN INTO ACCOUNT. (PROPOSED SETBACK: 11.3m)
3. FRONT GARDEN STYLES ARE MIXED WITH EITHER MEDIUM HIGH FENCES, OR WELL LANDSCAPED FRONT YARDS WITH MATURE TREES AND SHRUBS.

 CRANBOURNE-FRANKSTON ROAD 650M	 WESTERN PORT HWY 1.6KM
 WOODLANDS PRIMARY SCHOOL 500M	 GATEWAY SHOPPING CENTRE 1.9KM
 WOOLWORTHS LANGWARRIN 600M	 ELISABETH MURDOCH COLLEGE 3KM
 BUS STOP 180M	 CARING FOR YOU AGED CARE 2.6KM
 RANFURIE GOLF CLUB 3.3KM	 ST AUGUSTINE FAMILY MEDICAL CENTRE 700M



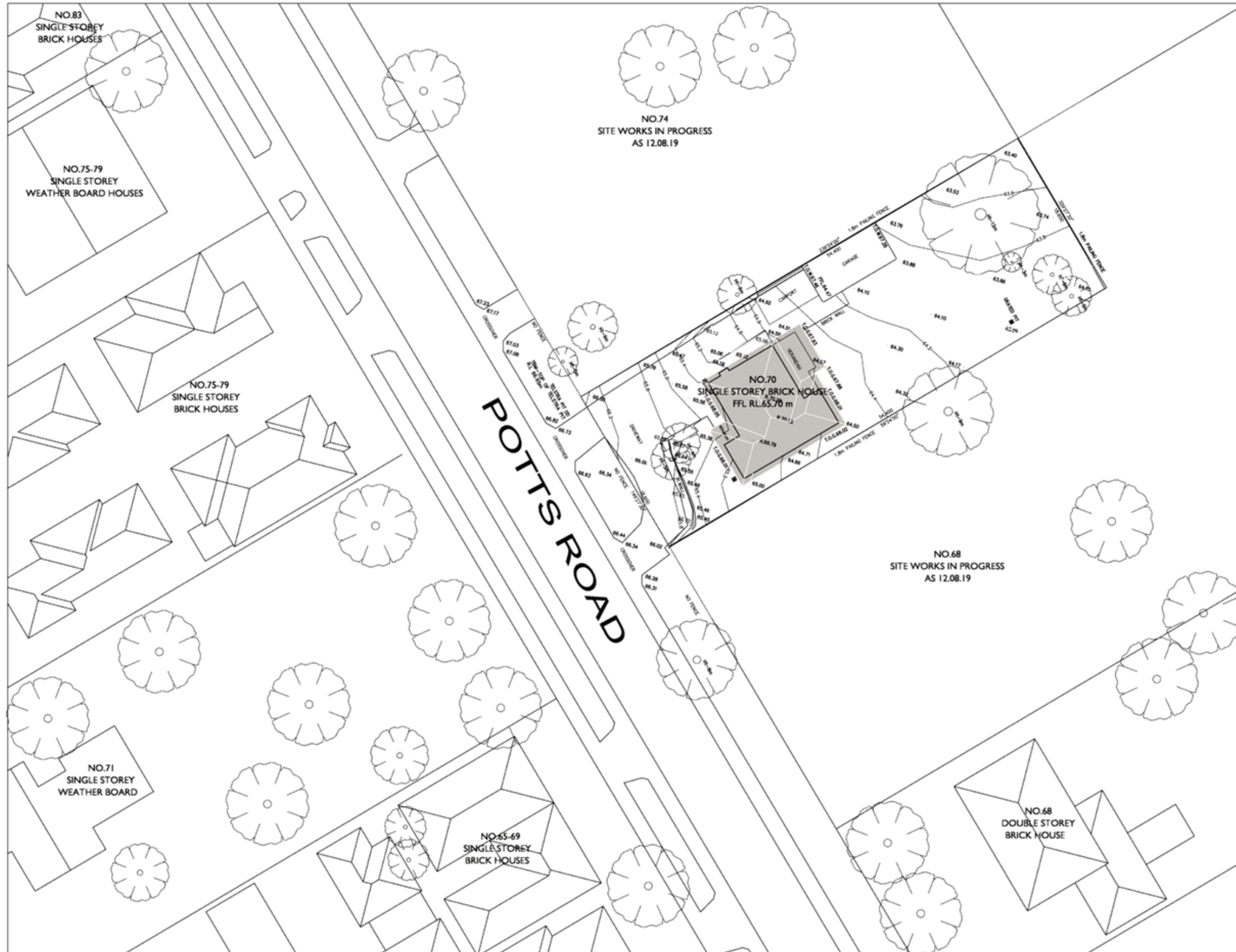
PEYMAN DAMANGIR
ARCHITECTURAL PLAN & TOWN PLANNING
25 BALLANTYNE STREET BURWOOD EAST VIC.3151
MOB. 0405436880 EMAIL. PEYMANDAMANGIR@GMAIL.COM

SITE ANALYSIS

PROJECT: PROPOSED ROOMING HOUSE AT
70 POTTS ROAD, LANGWARRIN,
VIC 3910

CLIENT:

SHEET: 3	JOB No.	REV.
DATE: JUNE.2020	19-TP-07	B
DRAWN: P.D.		



SITE ANALYSIS
SECTION

ADVERTISED PLAN

DESIGN RESPONSE

1. Set back will be taken into account as the existing dwelling will be removed. 11.3m setback is proposed.
2. The street-scape will be kept the same and the proposed rooming houses have been designed to blend in with the characteristic of the surrounding area and to give a fresh look.
3. The existing crossings along Potts Road will be removed and a new crossover is proposed for the use of Unit 1 & 2.
4. Both Units private open space being situated at the rear. Private courtyards are provided to each room as well.
5. Both units will have North facing courtyards which have been achieved at the rear of them.
6. No wall is proposed on the title boundary to avoid casting a shadow on any habitable room windows.
7. Overshadowing and overlooking will not cause a problem as the proposed rooming houses are single storey and been side setback to prevent from overshadowing.
8. Elements of neighbouring homes have been taken into consideration with single storey aspects & two storey, protruding gables and hip roofs forming part of the street-scape.
9. Landscaping will be provided along the driveway for additional noise pollution and promote privacy and to provide a new fresh look.
10. Larger trees will be provided to the front of Unit 1 & 2 to maintaining a landscaped street-scape.



70 POTTS ROAD EXISTING HOUSE



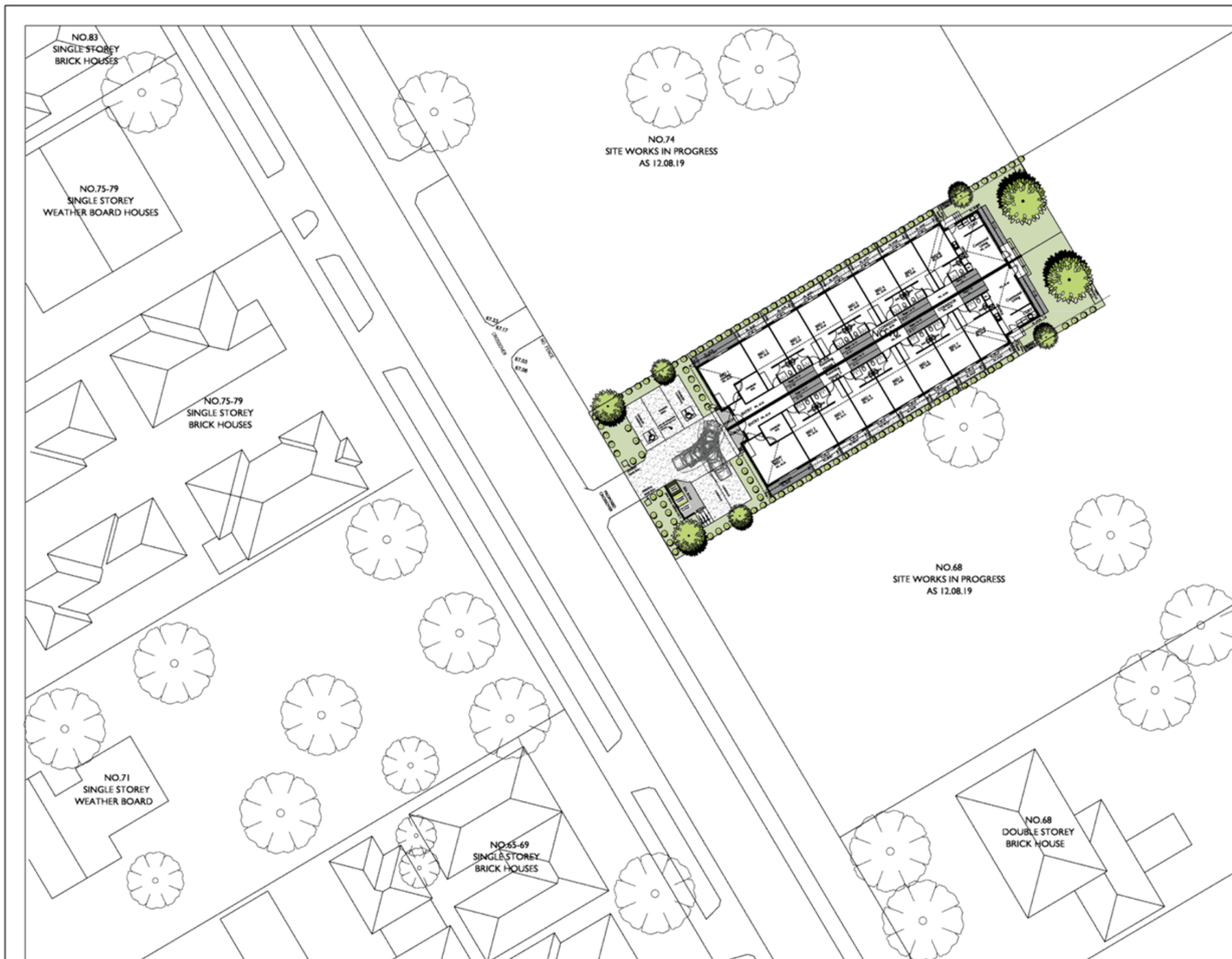
PEYMAN DAMANGIR
ARCHITECTURAL PLAN & TOWN PLANNING
25 BALLANTYNE STREET BURWOOD EAST VIC.3151
MOB. 0405436880 EMAIL: PEYMANDAMANGIR@GMAIL.COM

SITE RESPONSE

PROJECT: PROPOSED ROOMING HOUSE AT
70 POTTS ROAD, LANGWARRIN,
VIC 3910

CLIENT:

SHEET: 4	JOB No.	REV.
DATE: JUNE.2020	19-TP-07	B
DRAWN: P.D.		



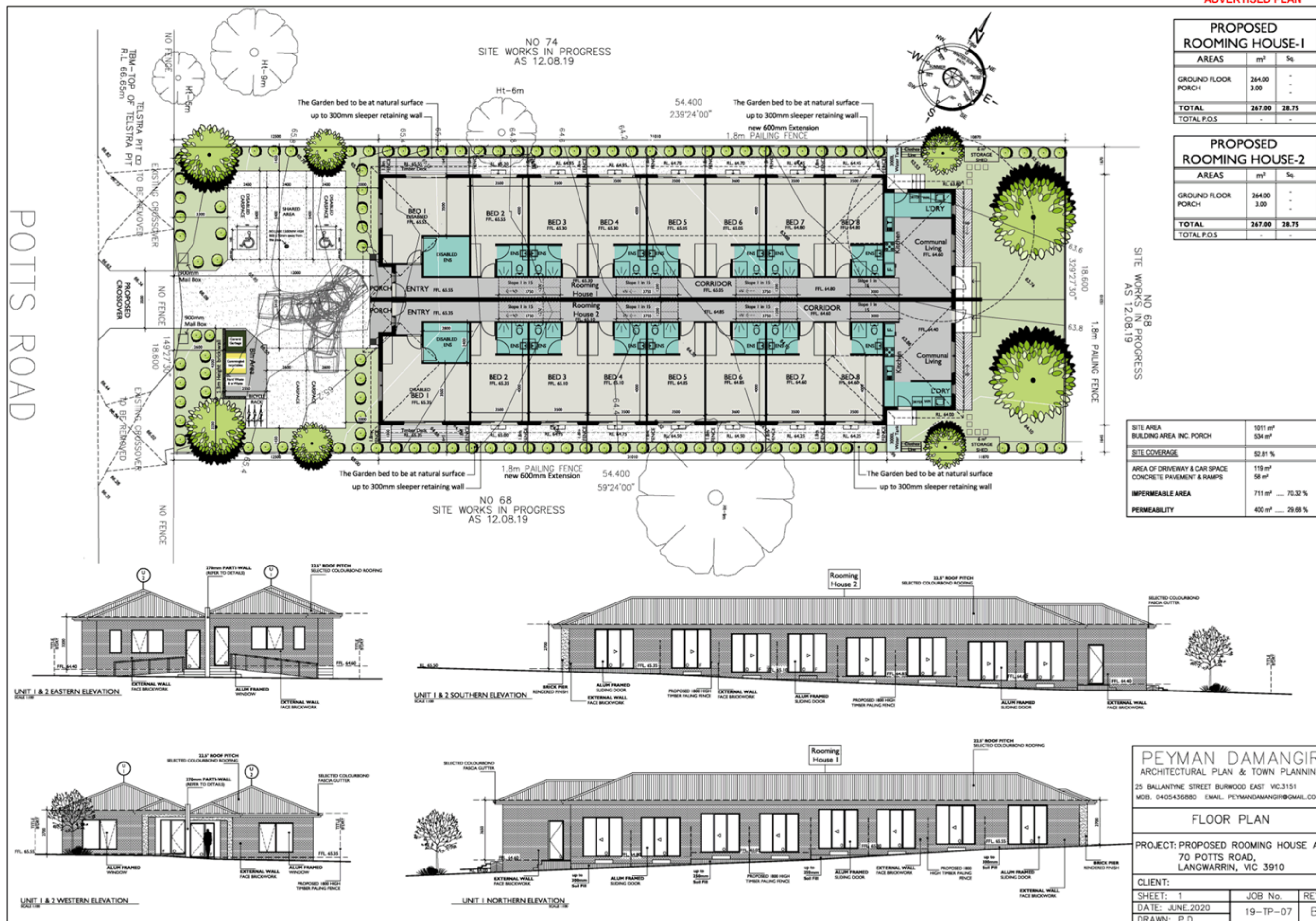
SITE ANALYSIS
SCALE 1:100

ADVERTISED PLAN

PROPOSED ROOMING HOUSE-		
AREAS	m ²	%
GROUND FLOOR PORCH	264.00	-
	3.00	-
		-
TOTAL	267.00	28.75
TOTAL P.O.S.	-	-

PROPOSED ROOMING HOUSE-2		
AREAS	m ²	Sq.
GROUND FLOOR PORCH	264.00	-
	3.00	-
TOTAL	267.00	28.75
TOTAL P.O.S.	-	-

SITE AREA	1011 m ²
BUILDING AREA INC. PORCH	534 m ²
<u>SITE COVERAGE</u>	52.81 %
AREA OF DRIVEWAY & CAR SPACE CONCRETE PAVEMENT & RAMPS	119 m ² 56 m ²
IMPERMEABLE AREA	711 m ² 70.32
PERMEABILITY	400 m ² 29.68






POTTS ROAD

POTTS ROAD

POTTS ROAD

ADVERTISED PLAN

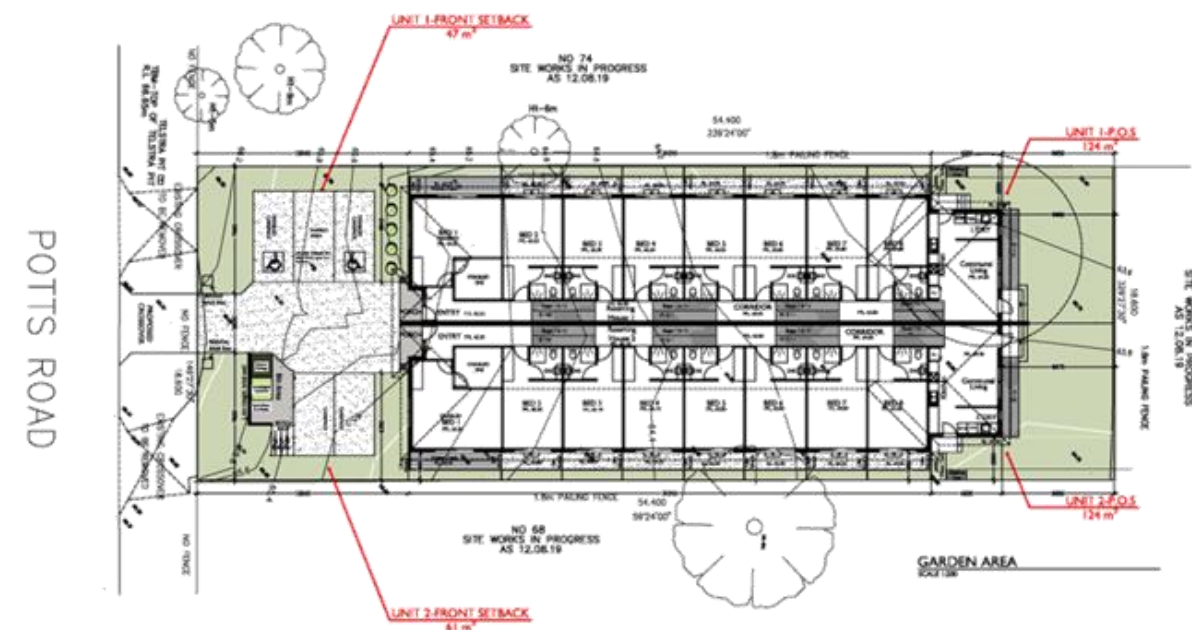
SHADOWS LEGEND

9:00am	SHADOW	
9:00am	FENCE SHADOW	
12:00am	SHADOW	
12:00am	FENCE SHADOW	
3:00pm	SHADOW	
3:00pm	FENCE SHADOW	

NOTE:
ALL SHADOWS HAVE BEEN CALCULATED
DURING SEPTEMBER EQUINOX

GARDEN AREA REQUIREMENTS

SITE AREA	1011 m ²
MINIMUM GARDEN AREA = 35%	353.85 m ²
GARDEN AREA FRONT SETBACK	47 m ² +61 m ² =108 m ²
GARDEN AREA UNIT 1 P.O.S	124 m ²
GARDEN AREA UNIT 2 P.O.S	124 m ²
TOTAL GARDEN AREA	356 m ² = 35.2%



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SHADOW PLAN &
GARDEN AREA

PROJECT: PROPOSED ROOMING HOUSE AT
70 POTTS ROAD, LANGWARRIN,
VIC 3910

CLIENT:

SHEET: 2	JOB No.	REV.
DATE: JUNE.2019	19-TP-07	B
DRAWN: P.D.		

Executive Summary**11.2 Town Planning No. 4/2019/P - 28 Beach Street, Frankston - To erect and display an electronic major promotion sign on the pedestrian bridge across Beach Street**

Enquiries: (Sam Clements: Communities)

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.2 Development and Housing
Priority Action	1.2.3 Ensure built form, displays architectural excellence and embodies creative urban design

Purpose

This report considers the merits of the planning application to erect and display an electronic major promotion sign on the pedestrian bridge across Beach Street.

Recommendation (Director Communities)

That Council resolves to issue a Notice of Refusal to Grant a Planning Permit to Planning Permit Application Number 4/2019/P with the grounds contained in the officers assessment.

Key Points / Issues

- The proposal is to erect and display an electronic major promotion sign on the pedestrian bridge between buildings comprising the Bayside Shopping Centre, across Beach Street.
- The sign would have dimensions of 9.05m x 3.3m, with a display area of 9m x 3m (27 square metres).
- The sign would be single sided with a maximum height above ground level of 9m and erected on the western façade (single sided).
- One (1) objection has been received.
- The original planning permit for the pedestrian bridge was issued by the Minister. As this Planning Permit includes conditions relating to the pedestrian bridge to remain lightweight, transparent and have no advertising signage erected, the proposed major promotion sign is contrary to this planning permit.
- Notwithstanding this threshold issue, the location of the sign, scale and form of the sign does not satisfactorily complement the features and architectural design of the existing bridge.
- The applicant has also not supplied sufficient information to enable Council to be satisfied that the signage will have acceptable road safety impacts, or to demonstrate that the sign is located within the title boundaries of the site, and that the sign and supporting structure will not compromise the structural integrity and engineering of the pedestrian bridge.
- The application is being reported to Council as it was called in by former Councillor Aitken.

For further information, please refer to the officer's assessment contained within this report.

11.2 Town Planning No. 4/2019/P - 28 Beach Street, Frankston - To erect and display an electronic major promotion sign on the pedestrian bridge across Beach Street
Executive Summary**Financial Impact**

The fee paid for this application is \$1,510.00. The average cost to process a planning application is \$2,265. This represents a difference of \$755.00. However, these costs can be accommodated within existing budgets.

Consultation**1. External Referrals**

The application was not referred externally.

2. Internal Referrals

The application was referred internally to Council's Traffic, Commercial Services and Urban Design.

Notification of Proposal

Notification of the planning application was given pursuant to the requirements of Section 52 of the *Planning and Environment Act 1987*.

Notification was given in the form of:

- Three (3) signs erected – one (1) sign located on each entrance at ground floor at Beach Street and one (1) sign to be located internally on the bridge.

As a result of the public notification, one (1) objection was received. The grounds of objection are summarised in the officer's assessment contained within this report.

Analysis (Environmental / Economic / Social Implications)

The proposal will have no direct impact on the environment, although may be considered to impact on the general amenity of the area through its scale, bulk, and bright messaging.

It is considered that the proposed sign could create some economic activity through advertising and related commerce.

Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities**

All matters relevant to the Charter of Human Rights and Responsibilities have been considered in the preparation of this report and are consistent with the standards set by the Charter.

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

The proposal requires a planning permit under Clause 52.05 (Signs) of the Frankston Planning Scheme.

Policy Impacts

Council has assessed the planning permit application in accordance with the relevant State and Local Planning provisions, zones, particular and general provisions of the Frankston Planning Scheme.

11.2 Town Planning No. 4/2019/P - 28 Beach Street, Frankston - To erect and display an electronic major promotion sign on the pedestrian bridge across Beach Street**Executive Summary**Officer's Declaration of Interests

Under Division 2 of the *Local Government Act 2020*, officers providing advice or a report to Council must disclose any general or material conflict of interest they have in a matter.

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

There are no particular risks associated with this matter.

Conclusion

Due to the existing Planning Permit, issued by the Minister, Council should not issue a Planning Permit. Notwithstanding this threshold issue, the location of the sign, scale and form of the sign does not satisfactorily complement the features and architectural design of the existing bridge. Further, there is not sufficient information to be satisfied that the signage will have acceptable road safety impacts, that the sign is located within the title boundaries of the site and that the sign and supporting structure will not compromise the structural integrity and engineering of the pedestrian bridge.

ATTACHMENTS

- Attachment A: [↓](#) Locality Map
- Attachment B: [↓](#) Locality Map (Aerial)
- Attachment C: [↓](#) Plans
- Attachment D: [↓](#) Original Planning Permit for Pedestrian Bridge

11.2 Town Planning No. 4/2019/P - 28 Beach Street, Frankston - To erect and display an electronic major promotion sign on the pedestrian bridge across Beach Street
Officers' Assessment**Summary**

Existing Use	Pedestrian bridge
Site Area	261 square metres
Proposal	To erect and display an electronic major promotion sign on the pedestrian bridge across Beach Street
Site Cover	N/A
Permeability	N/A
Zoning	Commercial 1 Zone
Overlays	<ul style="list-style-type: none">• Special Building Overlay• Parking Overlay – Schedule 1
Neighbourhood Character Precinct	N/A
Reason for Reporting to Council	Councillor call in

Background

The original Planning Permit enabling construction of the bridge was granted and issued by the Minister under Division 6 of Part 4 of the Planning and Environment Act 1987 on 16/01/2004. This is discussed further under Site History.

Subject Site

The site is a pedestrian bridge located above Beach Street Road Reserve connecting the central and northern portions of the Bayside Shopping Centre. The bridge is positioned in a north south orientation across Beach Street.

The pedestrian walkway is located within a separate land title, being Crown Allotment 2011, Township of Frankston, Volume 10931 Folio 050, as shown on TP835642N.

Locality

The subject site is located within the Frankston Major Activity Centre (FMAC) and is surrounded by commercial developments, situated between the railway line and Nepean Highway.

Site History

Previous planning permit applications for the site include:

Planning Permit 568/2003/P was granted and issued by the Minister under Division 6 of Part 4 of the Planning and Environment Act 1987 on 16/01/2004 for the development of the land for advertising signage, buildings and works and a reduction in the car parking requirement, main road access, Special Building Overlay consent and works to the north elevation (Beach Street frontage) of the Bayside Shopping Centre to accommodate the overhead pedestrian link associated with the development of land for

11.2 Town Planning No. 4/2019/P - 28 Beach Street, Frankston - To erect and display an electronic major promotion sign on the pedestrian bridge across Beach Street
Officers' Assessment

the purpose of approximately 18,860 square metres of new retail floor area, comprising shops, food and drink premises.

It was noted that the Planning Permit was considered by The Minister at the same time as Planning Permit 573/2003/P, which was for a proposed cinema based entertainment and retail complex at 21 Wells Street, Frankston.

The Planning Permit was subsequently amended by the Minister by request of the applicant on the 5 September 2005. The amendment included the approval of amended pedestrian bridge link plans providing for a direct, wider link that remains transparent with improved architectural quality and appearance. In addition, amended signage plans providing for minor changes in the proposed scheme of signage for Gandel's Bayside North Project.

Condition 5 and 6 of Planning Permit 568/2003/P are relevant and state the following:

5. Bridge Structure

The bridge structure must remain lightweight and transparent and consistent in dimensions and design with the architectural drawings Ref Nos. GB101, GB102, GB103, GB104, GB200, GB201, GB250, GB251 and GB252 dated May 2005 and revised in July 2005.

High intensity lighting must be provided beneath the bridge and it must remain switched on from dusk to dawn 7 days a week.

6. Advertising Signage

The location and details of any advertising signs to be erected on the land shall be in accordance with the endorsed plans. There shall be no temporary or permanent external advertising on the bridge linking the complex with the Bayside Shopping Centre, with the exception of bridge identifying signage.

As the proposed major promotion sign is contrary to both above conditions, the application should not be supported.

Proposal

The proposal is for the erection of an electronic major promotion sign on the western elevation of the bridge over Beach Street. The details of the sign are:

- The sign will have dimensions of 9.05m x 3.3m, with a display area of 9m x 3m (27 square metres).
- The sign will be single sided with a maximum height above ground level of 9m.
- The sign will be 5.7m above ground level and 1.2m higher than the base of the bridge.
- An access stair for maintenance is proposed to be installed on the eastern side of the structure.
- The sign will have an internal LED lighting system. Each image on the sign will have a minimum dwell time of 30 seconds, with an instantaneous transition time.
- The sign does not propose any animated or moving images.
- The applicant has advised that the proposed sign can provide for a variety of advertisements and community service messages.

11.2 Town Planning No. 4/2019/P - 28 Beach Street, Frankston - To erect and display an electronic major promotion sign on the pedestrian bridge across Beach Street
Officers' Assessment**State and Local Planning Policy Frameworks**

State Planning Policy Framework relevant to this application are summarised as follows:

- Clause 15.01-1S – Urban design
- Clause 15.01-2S – Building design
- Clause 18.02-3S – Road system

Local Planning Policy Framework relevant to this application are summarised as follows:

- Clause 22.07 – Streetscapes Policy
- Clause 22.09 – Outdoor Advertising Signage Policy

Planning Scheme Controls

A Planning Permit is required pursuant to:

- Clause 52.05-11 – To construct and display a Major Promotion Sign (Section 2).

Particular Provisions

Clause 52.05 - Signs

Clause 65 – Decision Guidelines

Reference documents

- Frankston City Council, Outdoor Advertising Signage Design Guidelines, 2014.

Notification of Proposal

The grounds of objection are summarised as follows:

- Reduce light into the walkway and café.
- Will compromise views from the city centre through to the beach and sunrises and sunsets.
- Dominate the streetscape.
- Impact local residents shining straight into the Long Island houses and the beach street track.
- Spoil the ambience of the local area.
- Compromise the structural integrity of the bridge.

Internal Referrals

A summary of internal referral comments regarding the proposal are provided below.

Commercial Services

Council's Commercial Services unit has reviewed the proposal and provides the following comments (summarised):

11.2 Town Planning No. 4/2019/P - 28 Beach Street, Frankston - To erect and display an electronic major promotion sign on the pedestrian bridge across Beach Street
Officers' Assessment

- The existing pedestrian walkway is physically located at stratum above the Beach Street Road Reserve, and provides connectivity between the central and northern portions of the Bayside Shopping Centre.
- The pedestrian walkway is located within a separate land title, being Crown Allotment 2011, Township of Frankston, Volume 10931 Folio 050, as shown on TP835642N.
- In respect to title information, the plan does not show survey information, or the land parcel boundaries. Therefore, it is unclear whether the proposed sign is able to be wholly constructed within the private title boundary.
- Beach Street is a Government/Crown Road.
- Prior to the granting of any Notice of Decision or Planning Permit, Council must be satisfied where the proposed sign is to be located.
- In respect to risk and liability issues, independent approval of the engineering drawings and specifications in respect to the sign and supporting structure is required prior to the issue of any approval, in addition to a Section 173 Agreement to address Risk and Liability issues.

Traffic Engineer

Council's Traffic Engineers has reviewed the proposal and provides the following comments (summarised):

- Concerns with road safety given the signs location close to a priority pedestrian crossing. To mitigate road safety risks the following traffic recommendations and further information is required:
 - An independent Road Safety Audit conducted on the proposal to demonstrate and identify the safety impacts and an independent Traffic Engineering assessment providing recommendations to mitigate those impacts.
 - A raised threshold treatment to increase awareness of the crossing or other traffic treatments.
 - Electronic sign to be baffled or configured in such a way that the first 86m is not visible to drivers.

Urban Design

Council's Urban Designer has reviewed the proposal and provides the following comments (summarised):

- The proposal is not supported as it is considered to detract from and does not integrate with the architectural style of the walkway bridge. The sign is large and bulky and impacts on the bridge's lightness of design/style and open, transparent appearance.
- The proposal will detract from the experience and vista of the bridge by considerably impacting pedestrians views west down Beach Street. This also reduces visibility into the bridge from pedestrians and vehicles passing below which is a key feature of its design.
- The proposal is also considered to detract from the pedestrian experience of the streetscape.

11.2 Town Planning No. 4/2019/P - 28 Beach Street, Frankston - To erect and display an electronic major promotion sign on the pedestrian bridge across Beach Street
Officers' Assessment**Discussion*****Existing Planning Permit No. 568/2003/P for the pedestrian bridge***

The proposed major promotion sign does not comply with Conditions 5 and 6 of Planning Permit No. 568/2003/P associated with the pedestrian bridge which was approved by the Minister. Condition 5 requires the bridge structure must remain lightweight and transparent and Condition 6 requires no advertising signage on the bridge. As the proposed major promotion sign would contradict both of these conditions, the planning application should not be supported. Apart from the administrative issues of having two contradictory approvals (where one to be granted for the current application), the proposal undermines and does not reflect the important considerations and outcomes achieved in the 'bespoke' design and architecture of the bridge. Such an outcome would undermine achievement of urban design policy outcomes identified in the Frankston Planning Scheme.

It is noted that Council officers requested further information from the applicant to demonstrate that the sign could be located within the title boundaries of the site, engineering and structural integrity of the sign and supporting structure on the pedestrian bridge and a Road Safety Audit to address road safety impacts; however this information has not been provided by the applicant.

Location of Sign

The pedestrian walkway is physically located at stratum above the Beach Street Road Reserve, within a separate land title. In respect to the location of the sign, the submitted information does not show survey information, or the land parcel boundaries. Therefore, it is unclear whether the proposed sign is able to be wholly constructed within the private title boundary of the site and for these reasons this has been included as a ground of refusal.

Engineering of sign/structural integrity

Council's Commercial Services unit have raised concern regarding risk and liability issues associated with the structural integrity of the sign and supporting structure on the pedestrian bridge and have therefore requested independent approval of engineering drawings and specifications.

State and Local Planning Policy

In terms of the merit of the proposal, it is considered that the location, scale and form of the sign on the pedestrian bridge is not in keeping with the existing bridge which includes transparency and light weight structure as features of the bridge. In addition, Council's Traffic Engineers do not have sufficient information to be satisfied that the sign will be acceptable in terms of road safety. The proposed sign must be considered in the context of the decision guidelines set out at Clauses 52.05 (Signs) of the Frankston Planning Scheme.

Location, scale and form of sign

The proposed electronic major promotion sign is located within the Commercial 1 Zone, within the Frankston Major Activity Centre, surrounded by commercial developments and is therefore in an area in which advertising that adds vitality and colour contributing to make the centre interesting and vibrant are encouraged. It is noted that there will be no impact on direct views and vistas, given the pedestrian bridge is surrounded by commercial buildings and located within a narrow corridor and therefore will have no discernible impact on the quality of significant public views. Further, the nearest

11.2 Town Planning No. 4/2019/P - 28 Beach Street, Frankston - To erect and display an electronic major promotion sign on the pedestrian bridge across Beach Street
Officers' Assessment

residential properties are separated by the Nepean Highway and Kananook Creek and the sign will be barely visible to residential properties and to the beach.

Notwithstanding the above, the existing pedestrian bridge has a lightweight and transparent appearance and it is considered that the sign, would detract from the simplicity of the bridge and these architectural qualities. Council's Urban Design Officer comments that the sign is considered to detract from and does not integrate with the architectural style of the walkway bridge. The sign is large and bulky and impacts on the bridge's lightness of design/style and open, transparent appearance. As detailed above, the transparency and lightweight features are included as a condition on the planning permit for the pedestrian bridge, issued by the Minister.

It is also considered that the scale and projection of the sign, including the stairwell structure accentuates the impact upon these architectural qualities. For these reasons, the sign, does not comply with Clause 52.05 (Signs) of the Frankston Planning Scheme.

Council's Urban Design Officer also considers that the sign will detract from the experience and vista of the bridge by impacting pedestrian views west down Beach Street and reduce visibility into the bridge from below, which is a key design feature.

Impact on road safety.

As the subject site is located greater than 60 metres of a freeway or arterial road declared under the Road Management Act 2004, a referral to the Department of Transport (DOT)/Vic Roads is not required under the planning scheme. Therefore, road safety is the sole responsibility of the Responsible Authority. Council's Traffic Engineers have reviewed the Traffic Report submitted with the application and have concerns on the impact on road safety as a result of driver distraction whilst viewing the electronic sign and the approach to a priority pedestrian crossing. The traffic report submitted does not indicate any physical traffic measures to mitigate risks. For example, lane narrowing, vertical deflection or any combination thereof. The objective of these traffic measures is to create a tactile alert for drivers to increase driving-related awareness and focus on the pedestrian priority ahead (to give way to pedestrians) and therefore reduce severity of incidents (at lower travel speed should it occur). For these reasons, the following further information would be required before Council could consider issuing an approval for the proposal:

- A Road Safety Audit is required to determine the road safety implications, specifically in relation to driver distraction and priority pedestrian crossing and a Traffic Engineering Assessment providing recommendations to mitigate those impacts.

Council's Traffic Engineers also recommend that the sign incorporates baffling for the first 86 metres and a raised threshold treatment to increase awareness of the crossing or other traffic treatments. It is noted that the above information was requested from the applicant; however has not been provided and as such this has been included as a ground of refusal.

Consultation

Some of the concerns raised within the objection have been addressed in the planning assessment above. However, the below concerns require addressing:

- Reduce light into the walkway and café.

It is acknowledged the sign will reduce light into the walkway which is a key feature of the bridge's design.

11.2 Town Planning No. 4/2019/P - 28 Beach Street, Frankston - To erect and display an electronic major promotion sign on the pedestrian bridge across Beach Street
Officers' Assessment

- Will compromise views from the city centre through to the beach and sunrises and sunsets.

It is acknowledged that the sign will alter views which is a key feature of the bridge's design.

- Dominate the streetscape.

Given the location of the sign on an existing structure, surrounded by commercial built form, it is not considered the sign will dominate the streetscape; however the promotion sign is incongruous on the streetscape and does not appropriately integrate with the bridge's architectural style as discussed throughout this report.

- Impact local residents shining straight into the Long Island houses and the beach street track.

Given the distance from residential properties and the beach it is not considered that the sign would have adverse impacts from light spillage to residential properties and the beach.

- Spoil the ambience of the local area.

As discussed throughout the report, it is considered that the sign is not in keeping with the architectural style of the existing pedestrian bridge.

Conclusion

As the proposed major promotion sign is contrary to conditions on a permit, issued by the Minister, a planning permit should not be issued. Notwithstanding this, the location, scale and form of the sign does not appropriately integrate with the bridge's architectural style and further information is required to demonstrate that the sign will not have unacceptable road safety impacts, can be located within the private title boundaries of the site and won't compromise the structural integrity and engineering of the pedestrian bridge.

11.2 Town Planning No. 4/2019/P - 28 Beach Street, Frankston - To erect and display an electronic major promotion sign on the pedestrian bridge across Beach Street
Officers' Assessment**Recommendation (Director Communities)**

That Council resolves to issue a Notice of Refusal to Grant a Planning Permit in respect to Planning Permit Application number 4/2019/P to erect and display an electronic major promotion sign on the pedestrian bridge across Beach Street at 28 Beach Street, Frankston, subject to the following grounds:

1. The proposal is contrary to Conditions 5 and 6 of Planning Permit 568/2003/P, associated with the pedestrian bridge, issued by the Minister for Planning.
2. It has not been adequately demonstrated via an independent Road Safety Audit and an independent Traffic Engineering assessment that the sign will not have road safety impacts and it is not known what measures are required to mitigate any impacts.
3. The submitted plans do not include survey information, or the land parcel boundaries and therefore there is not sufficient information to demonstrate the sign is able to be wholly constructed within the private title boundaries of the site.
4. No information has been submitted to demonstrate the engineering and structural integrity of the sign and supporting structure on the pedestrian bridge.
5. The location, scale and form of the sign, including the projection of the sign and stairwell structure do not appropriately integrate with the bridges architectural style, which include lightness of design and an open transparent appearance.
6. The location, scale and form of the sign, including the projection of the sign and stairwell structure, does not meet the decision guidelines of Clause 52.05 (Signs) of the Frankston Planning Scheme.

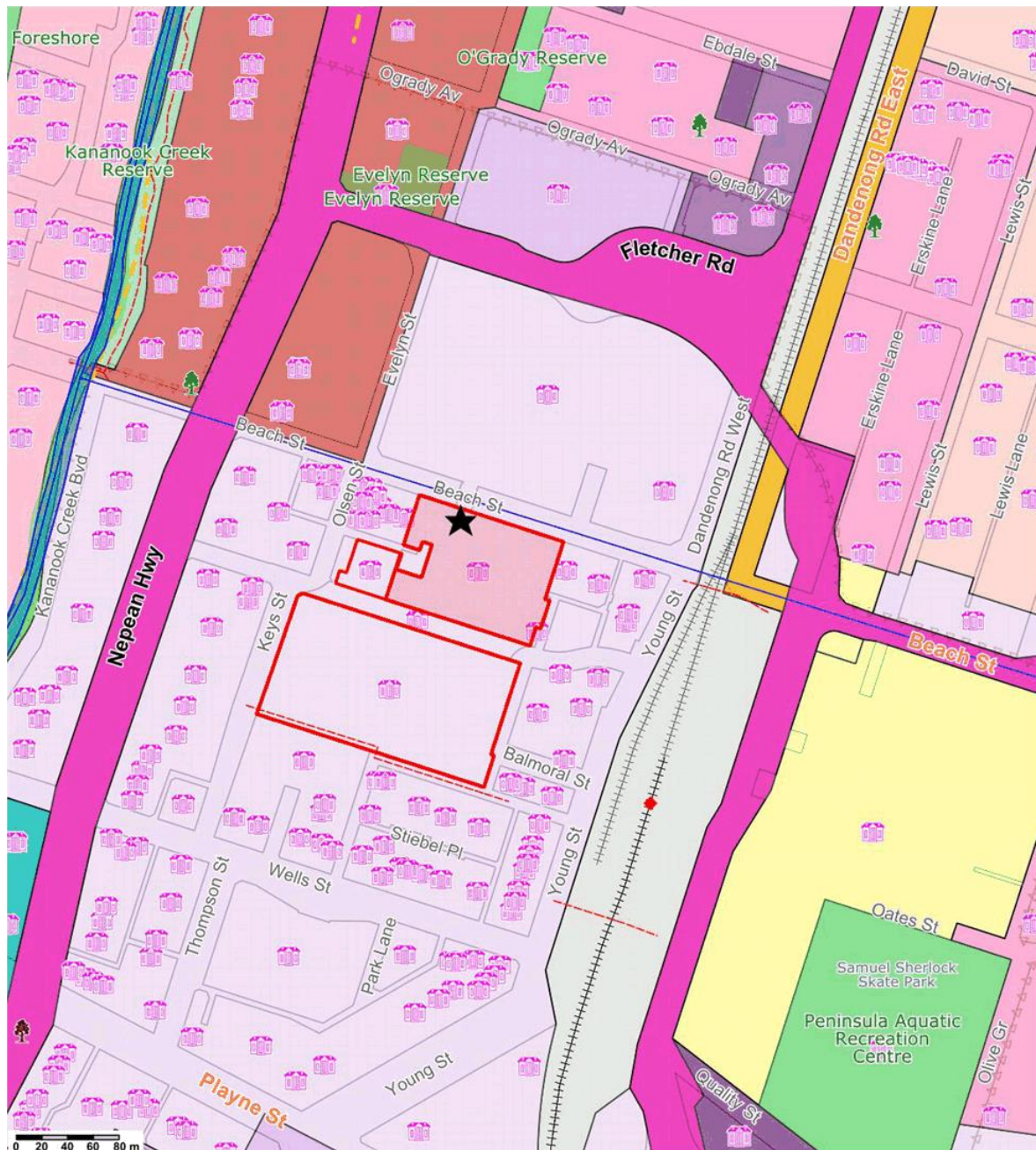
Locality Map - 4/2019/P - 28 Beach Street, FRANKSTON 3199



Subject Site



1 Objector (not shown)



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Scale: 1:4051

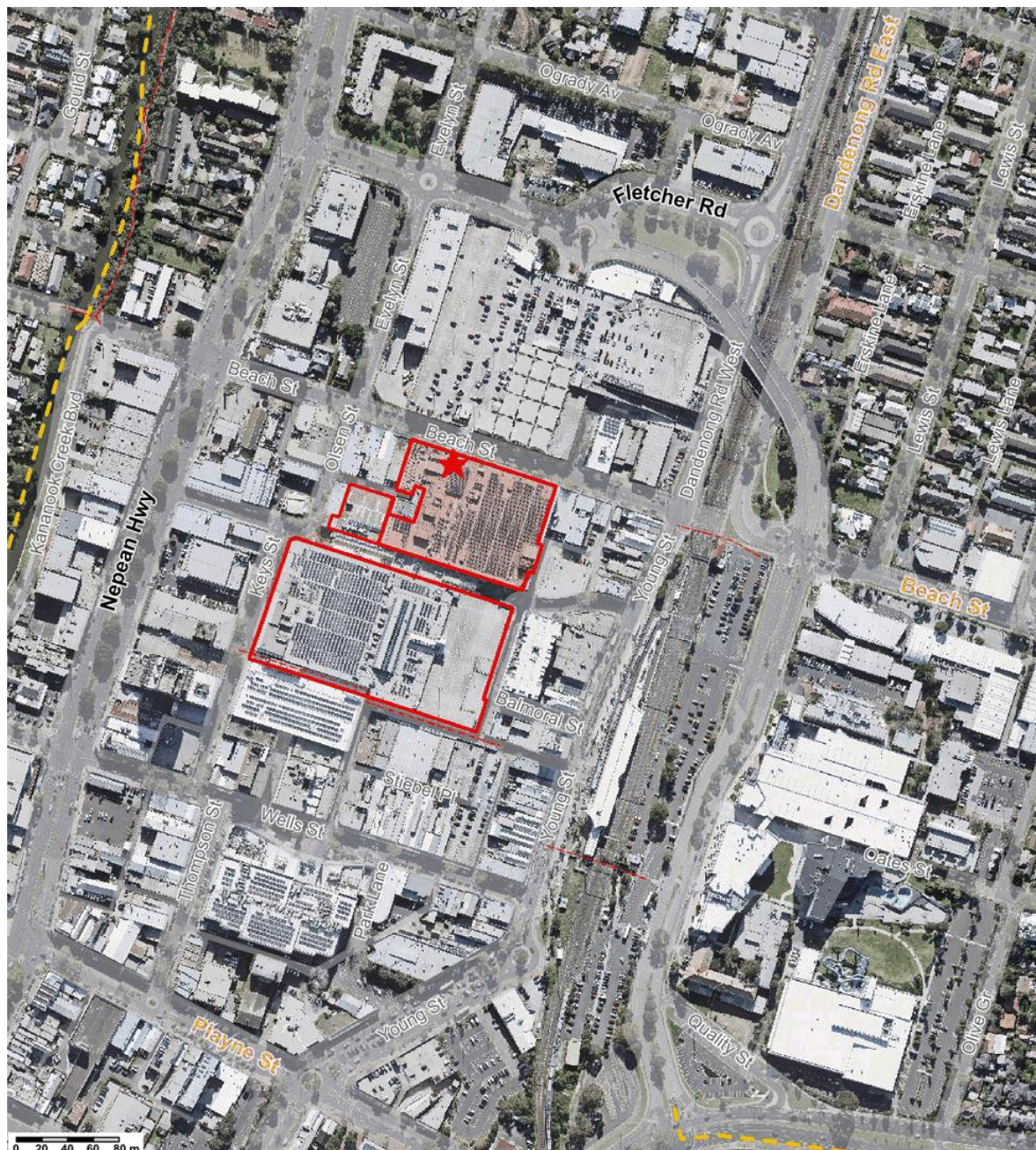
Date Printed: 29/10/2020

Time Printed: 11:33 AM

Issued by: Frances Gurnett



Locality Map - Town Planning Application 4/2019/P - 28 Beach Street, FRANKSTON 3199



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Projection: GDA94 / MGA zone 55

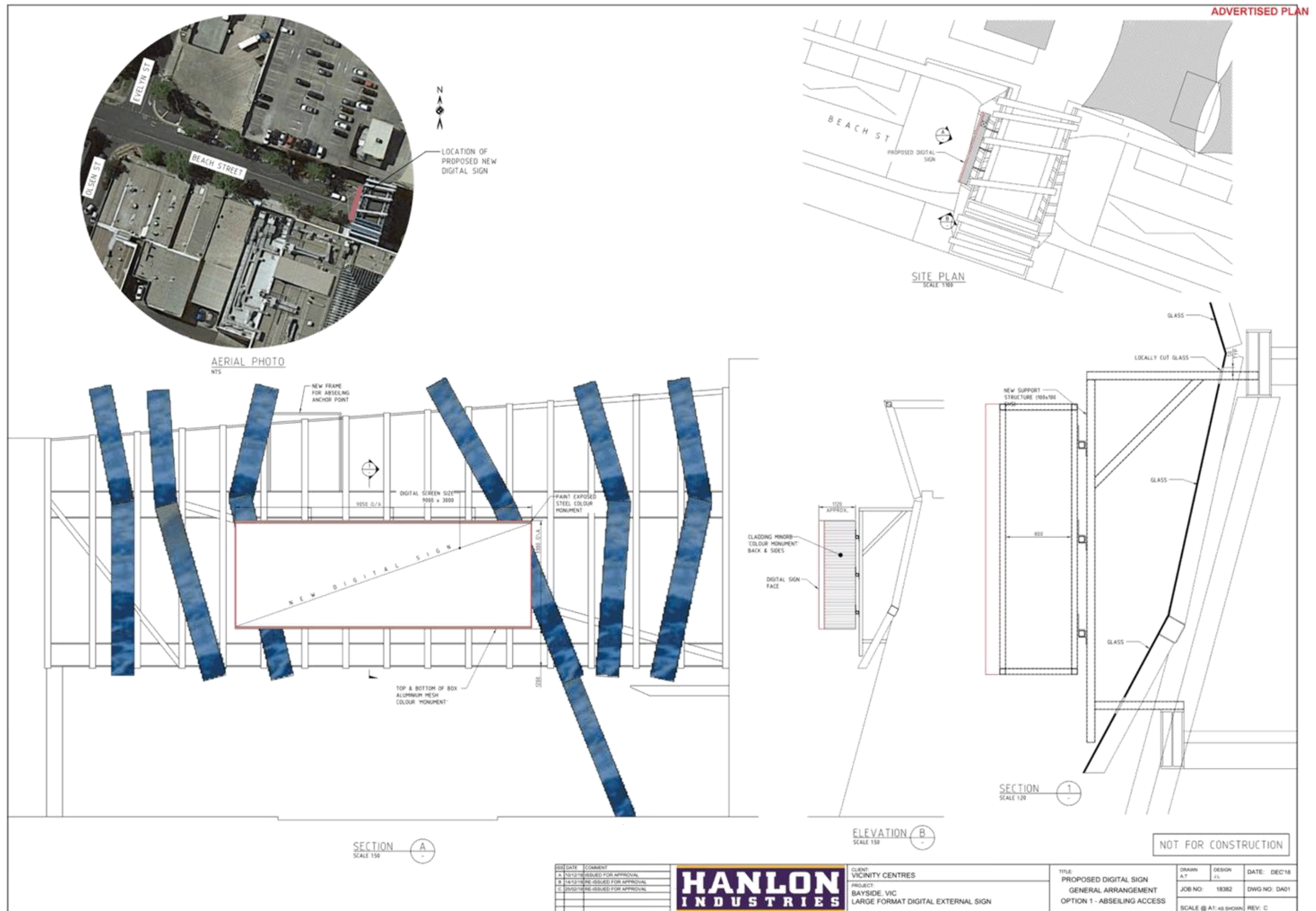
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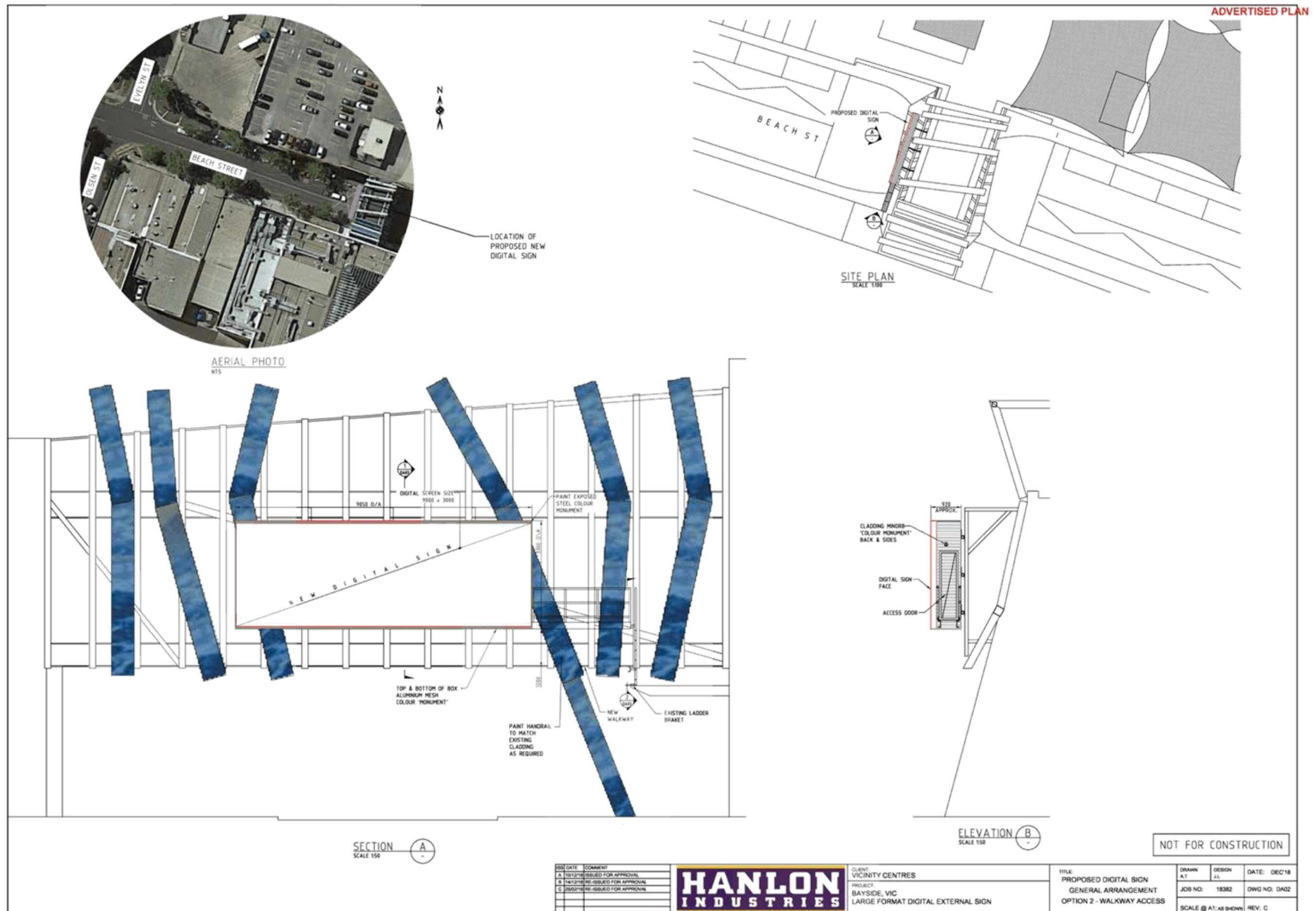
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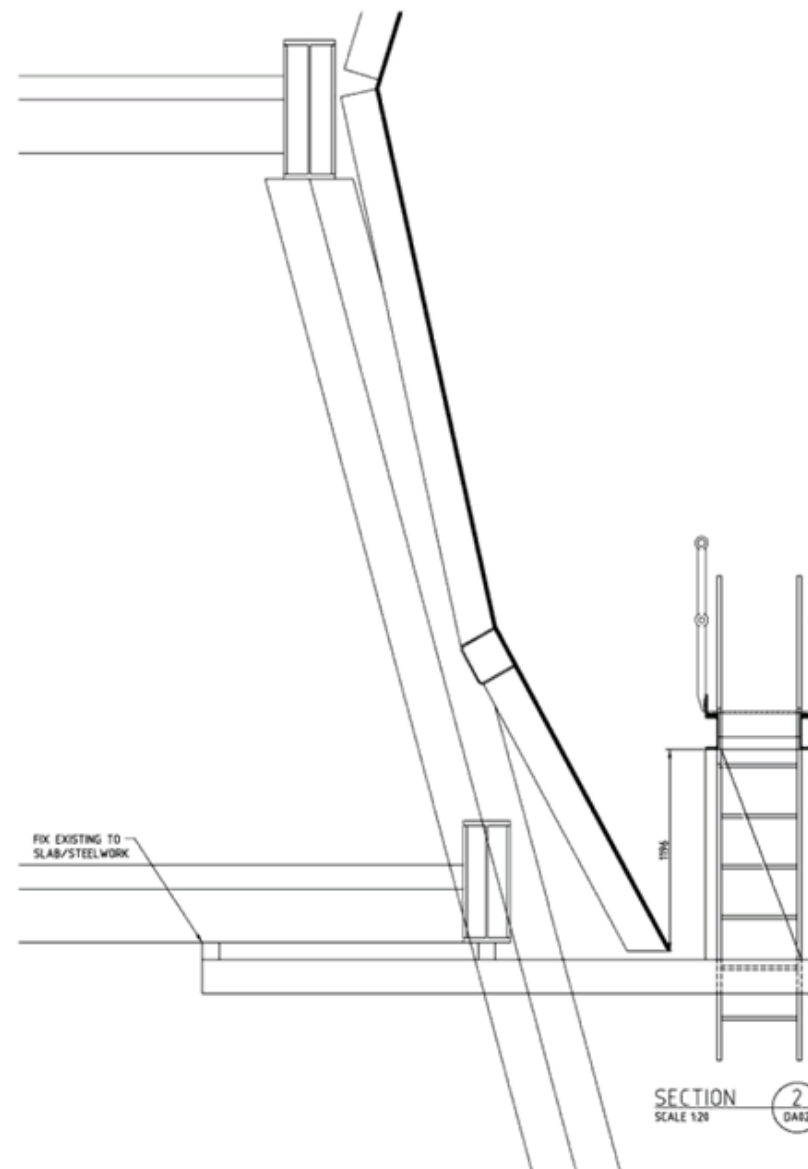
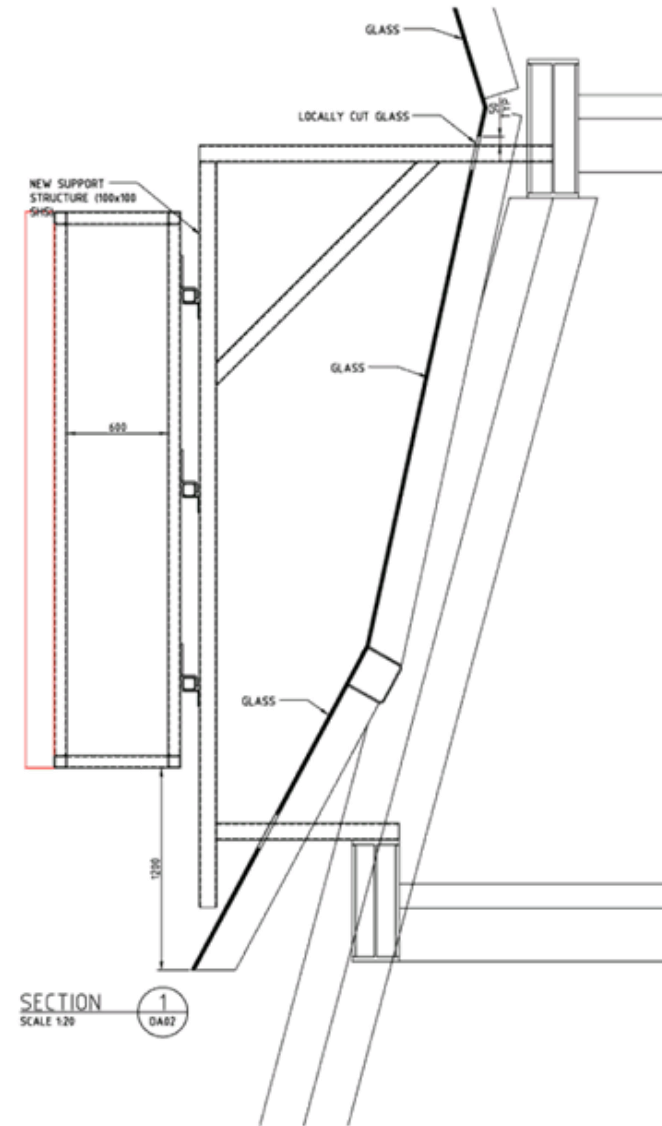
Issued by: Frances Gurnett







ADVERTISED PLAN



NOT FOR CONSTRUCTION

ISS	DATE	COMMENT
A	10/12/18	ISSUED FOR APPROVAL
B	14/12/18	RE-ISSUED FOR APPROVAL
C	29/03/19	RE-ISSUED FOR APPROVAL

HANLON
INDUSTRIES

CLIENT:
VICINITY CENTRES

PROJECT:
BAYSIDE, VIC
LARGE FORMAT DIGITAL EXTERNAL SIGN

TITLE:
PROPOSED DIGITAL SIGN
GENERAL ARRANGEMENT
OPTION 2 - WALKWAY ACCESS

DRAWN	DESIGN	DATE
A.T.	J.L.	DEC'18
JOB NO:	18382	DWG NO: DA03
SCALE @ A1: AS SHOWN	REV: C	

Amended Planning Permit No. 03568

Planning and Environment Regulations 2005 Form 4

PLANNING PERMIT

Permit No.: 03568

Planning Scheme: Frankston

Responsible Authority: Frankston City Council

ADDRESS OF THE LAND:

No 2 Evelyn Street and 15-29 Beach Street, Frankston
(& the 11.23 metre wide stratum air space and easement
of support across Beach Street)

THE PERMIT ALLOWS:

Development of the land for advertising signage, buildings and works and a reduction in the car parking requirement, main road access, Special Building Overlay consent and works to the north elevation (Beach Street frontage) of the Bayside Shopping Centre to accommodate the overhead pedestrian link associated with the development of land for the purposes of approximately 18,860 square metres of new retail floor area, comprising shops, food and drink premises.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

1. AMENDED PLANS

- A. 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 these plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and be fully dimensioned with levels marked and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
- i. A detailed schedule showing the exterior treatment for the development including exterior decoration, materials, colours and finishes and paving treatment, including samples. (The schedule must be provided in a form that can be filed ie. material samples to be identified on a page);
 - ii. A schedule showing the interior treatment for the development;
 - iii. A landscape plan indicating the following items:
 - A detailed planting schedule of all proposed trees (and any shrubs or other vegetation proposed) and numbers of plants, size at planting and maturity, height and canopy spread.
 - A schedule of all trees proposed to be removed from within and around the site (including trees located in the Road Reservation) as a result of the development.
 - iv. Details of all external advertising signage, including the sign size, type and details of any proposed methods of lighting or illumination;

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- v. A lighting plan that included detail on the location and orientation of all external lighting, type of lighting (design, height etc.), method of installing (on poles or fixed to building) and any proposed baffles or screening devices;
- vi. Detailed drawings showing the north, south and west first floor building elevations modified to included greater vertical articulation in order to break up the horizontal mass of the building;
- vii. The location of all externally visible plant and equipment for heating/cooling/venting and method to be used to screen it from pedestrian view;
- viii. If proposed, the positioning of any externally located Electrical Substation;
- ix. The provision of turning and passing lanes on Young Street to provide for right turning vehicles entering the top-level car park and staff car park/loading dock "B".
- x. Amended car parking layout plans that address the following:-
 - Improved performance at the 'T' intersection created at the cross-aisle and entry/exit lanes at the Fletcher Road access.
 - Review design at the Evelyn Street access to minimise conflict with parking manoeuvres and entering and departing traffic.
 - Establishment and identification of main access/circulation aisle(s) through each parking level and ramps and provide further details of linemarking to separate pedestrians and vehicles along main circulation routes.
 - Review location and distribution of 'disabled' parking spaces.
 - Review top level access ramp and parking and access aisle 'intersection' immediately at the top of the ramp.
 - All street level car park exits to be designed in accordance with sight line requirements to the satisfaction of the Responsible Authority.
 - Review design of 'intersection' at the end of Horne Street between the car park ramp, loading dock 'D' exit and private car park gateway.
 - Location of shopping trolley storage, parking management systems/hardware to be nominated.
 - All car park lighting to be shown.
 - Minimum headroom clearance to any fixture to the satisfaction of the Responsible Authority.
- xi. Amended car parking layout plans that address the following:-Full details of the road works to adjacent roads shown in the Grogan Richards traffic report (annexure B) which accompanied the permit application.
- xii. A site layout plan showing:
 - The site boundary;
 - Areas beyond the site boundary where works are to be undertaken by Council;
 - Areas (if any) within the site boundary where works are to be undertaken by Council to the Developer's satisfaction.

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- xiii. The Fletcher Road Plaza to align with the existing Fletcher Road median crossing to improve the pedestrian connectivity with the police and law court complex.
- xiv. Amended air bridge structure design plans, based on the plans described at Condition No. 5 of this permit, showing the illumination, materials and colour scheme for the proposed artistic ribbon encasing the bridge to the satisfaction of the Responsible Authority.

- B. The development allowed by this permit and shown on the drawings and/or schedules endorsed to accompany the permit shall not be amended for any reason without the consent of the Responsible Authority.
- C. The owner must incur all costs associated with the construction of all infrastructure upgrades and modifications related to this development including footpaths, traffic management/road works, paving, drainage works, other reticulated services and landscaping within the site, all to the satisfaction of the Responsible Authority.

2. FLOOR AREA

The maximum leasable floor area must not exceed 18,860 square metres, unless written consent is given by the Responsible Authority.

3. DISABLED ACCESS MANAGEMENT PLAN

Prior to the occupation of the buildings hereby permitted, a Disabled Access Management Plan must be submitted to and approved by the Responsible Authority. Such plan must have regard to the relevant Australian Standards and conform to the Disability Discrimination Act (1992). The plan should include reference to:

- Parking for people with disabilities;
- Internal and external paths of travel;
- Tactile signage and ground floor surface indicators (external/internal);
- Building access;
- Ramps and stair design;
- Entrance door design and function;
- Rest areas;
- Information and assistance services catering for people with disabilities; and
- Sanitary facilities for people with disabilities.

Once approved by the Responsible Authority, the Plan shall be endorsed and shall form part of this permit.

4. FAÇADE TREATMENT

All external piping and ducting shall be concealed or designed to be complementary to the building to the satisfaction of the Responsible Authority.

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5. BRIDGE STRUCTURE

The bridge structure must remain lightweight and transparent and consistent in dimensions and design with the architectural drawings Ref Nos. GB101, GB102, GB103, GB104, GB200, GB201, GB250, GB251 and GB252 dated May 2005 and revised in July 2005.

High intensity lighting must be provided beneath the bridge and it must remain switched on from dusk to dawn 7 days a week.

6. ADVERTISING SIGNAGE

The location and details of any advertising signs to be erected on the land shall be in accordance with the endorsed plans. There shall be no temporary or permanent external advertising on the bridge linking the complex with the Bayside Shopping Centre, with the exception of bridge identifying signage.

7. PLANT & EQUIPMENT

- Cooling and heating units and all other plant and equipment installed on the subject site, together with any acoustic screening devices around such units shall be installed in accordance with the endorsed plans.
- Cooling and heating units and all other plant and equipment associated acoustic screens must be located within the envelope of the building or be designed so that they are appropriately screened from the view of adjoining properties and streets (from ground level) to the satisfaction of the Responsible Authority.

8. LANDSCAPING

Prior to the occupation of the buildings hereby approved, landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. Any street tree(s) damaged as a result of the buildings and works or processes carried out or street tree(s) proposed to be removed as a result of the development must be replaced by a mature tree(s) to the satisfaction of the Responsible Authority, (relevant approvals for the removal and replacement of street trees must be obtained from Council's Arborist and Landscape Architect).

9. CAR PARKING

- A. Prior to the occupation of the buildings hereby approved, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
- i. Constructed to the satisfaction of the responsible authority.
 - ii. Properly formed to such levels that they can be used in accordance with the plans.
 - iii. Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.
 - iv. Drained and maintained to the satisfaction of the Responsible Authority.
 - v. Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.
 - vi. Parking areas and access lanes must be kept available for these purposes at all times.

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- B. Unless with the consent of the Responsible Authority, 1,784 publicly accessible car spaces are to be provided on the land.
- C. The dimensions of the car spaces, access lanes, driveways, loading docks and layout of parking areas must be to the satisfaction of the Responsible Authority.
- D. The on site car park must be designed to satisfactorily control any overland flow that may enter, without damage to vehicles or property or injury to users of the car park.
- E. Vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.

10. CAR PARKING AVAILABILITY

The car spaces shown on the endorsed plan shall be made available for public use between at least the hours of 7.00 am and 12.00 midnight and must not be used for any other purpose. The pricing structure must not discriminate against any retail outlets in the Frankston CAD.

11. VEHICULAR ACCESS

Vehicular access to the on site car parking must be available at all times, whilst the complex is in operation. Suitable signs shall be erected and maintained at appropriate places to inform the public of the operation of the car park and its ingress/egress to the satisfaction of the Responsible Authority.

12. GOODS AND WASTE TRANSFER STRATEGY

Prior to the operation of the Shopping Centre, a Goods and Waste Transfer Strategy must be submitted to and approved by the Responsible Authority. The plan should include details on, but not be limited to:

- The location of all waste storage and collection area(s) (such areas to be within the curtilage of the site and properly graded and drained and screened from public view);
- Safety measures to be employed within and around loading bays and waste storage/collection areas particularly having regard to pedestrian and vehicular traffic;
- Waste collection and storage arrangements.

The Goods and Waste Transfer Strategy may be amended with the written consent of the Responsible Authority.

13. LOADING AND UNLOADING

The loading and unloading of vehicles and the delivery of goods to and from the site at all times must be carried out entirely within the designated loading bay area and be so conducted as to cause minimum interference with other vehicular traffic and pedestrian movement.

14. ENGINEERING CONSTRUCTION PLANS

Prior to the commencement of the buildings hereby approved, detailed Engineering Construction Plans for the proposed road works must be submitted to and approved by the Responsible Authority. The plans must provide comprehensive details on the proposed road works and any associated works.

Prior to occupation of the buildings hereby approved, works within Council road reserves as shown on the endorsed plans must be carried out and completed in accordance with Council standards under the supervision of and to the satisfaction of the Responsible Authority, (Council's Infrastructure Manager).

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Prior to commencement of the road works, a supervision fee for road works within the Council road reserves of 2.5% plus GST, (based on a detailed engineers estimate of the works), must be paid to Council, together with payment of a plan checking fee, plus GST.

15. PUBLIC INFRASTRUCTURE

The applicant/Owner shall do the following things to the satisfaction of the Responsible Authority:

- Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for development.
- Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
- Comply with conditions, (if any), required by the Council or other relevant Authorities in respect of alterations/reinstatement.

16. DRAINAGE

The drainage of the site shall be to the requirements of the Responsible Authority and the discharge of water from the land affected by this permit shall be controlled around its limits to prevent any discharge onto any adjacent property to the satisfaction of the Responsible Authority.

17. GENERAL AMENITY

The buildings or works hereby occupied or employed, the processes carried on, the materials and machinery used and the transportation of materials, goods and commodities to and from the premises shall not cause injury to or prejudicially affect the amenity of the locality by reason of appearance or the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin or otherwise, to the satisfaction of the Responsible Authority.

18. COMPLIANCE WITH EPA POLICY

The emission of noise or any other emission to the environment from activities on the site shall conform to the standards contained in the appropriate State Environment Protection Policy N-1 to the satisfaction of the Responsible Authority.

19. EXTERNAL LIGHTING

Any external lighting must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

20. FOOD OR DRINK PREMISES

Prior to the commencement of the use of the land for a food and drink premises restaurant plans are to be submitted to the satisfaction of the Responsible Authority indicating the location of the tenancies within the complex that are to be used for the purpose of a food and drink premises and the maximum seating capacity to be provided within each premises.

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When approved, the plans shall be endorsed to form part of the permit. The location of the food and drink premises or the number of seats provided within each tenancy shall not be altered without written permission of the Responsible Authority.

21. CONSTRUCTION MANAGEMENT PLAN

Prior to the commencement of any buildings and works allowed by this permit the owner and/or developer must submit a full Work Schedule and Construction Management Plan for each individual stage of the development to the satisfaction of the Responsible Authority.

The Construction Management Plan must demonstrate how the construction will be undertaken so that impacts on the environment and local amenity are appropriately managed. Details to be provided in the Work Schedule and Construction Management Plan must include, but not be limited to:-

- Public and worker access and safety control mechanisms to be instituted (for both pedestrians and vehicles)
- Hours of construction activity, (including any proposed 'out of hours work' with details of the type of works proposed to be conducted outside the normal hours).
- Noise attenuation measures to be implemented for transport, construction and other activities relevant to the development.
- The location of public and worker zones, loading zones, hoisting zones, and construction zones (including the location of gantries, cranes, hoists, site sheds, workers parking areas, workers amenities, material storage areas, vehicle storage and large machinery accommodation areas).
- A Traffic Management Plan detailing staged release of Parking Areas during construction period, with a minimum of 500 car parking spaces to be available at all times; Entry and exit points for construction vehicles; Entry and exit points for workers.
- Typical entry and exit timetable for workers and deliveries.
- Temporary and permanent vehicle crossings.
- Anticipated road closures, road occupation and footpath closures.
- Measures to be implemented to protect Council Infrastructure from damage.
- A Waste Management Strategy for waste generated from the demolition, site preparation and construction stages of the development.
- Environmental protection measures that will be implemented to control pollutants produced from the site during construction, such as contaminated soil, silt, sediment, concrete washers, spoils on roadways, placement of rubbish skips, dust etc.
- A monitoring/inspections program for all of the above.
- Identification of the responsible person/s for managing all of the above issues.

The Construction Management Plan must be prepared in consultation with Council's Infrastructure, Local Laws and Development Departments prior to commencing construction.

All buildings and works must be carried out in accordance with the approved Construction Management Plan.

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22. FINISHED FLOOR LEVEL

The finished floor levels shown on the endorsed plans must not be altered without written consent of Council.

23. ENVIRONMENTAL MANAGEMENT PLAN

Prior to the occupation of the buildings hereby approved, the owner must submit an Environmental Management Plan for the design and operation of the complex to the satisfaction of the Responsible Authority.

The plan/schedule must describe the sustainable building design techniques and practices to be employed, including:

- Design of building and public spaces;
- Energy efficiency and orientation, (passive solar design);
- Use of alternative energy resources;
- Energy use;
- Water use;
- Planting and landscaping;
- Storm water protection;
- Waste management systems (during construction and occupation); and
- Recycling initiatives.

The plan/schedule must demonstrate how environmental practices proposed by the plan/schedule will be facilitated to the satisfaction of the Responsible Authority.

All buildings and works must be constructed and environmental practices facilitated in accordance with the Environmental Management Plan to the satisfaction of the Responsible Authority.

24. SERVICING AUTHORITIES

United Energy

The applicant shall enter into an agreement with UE for extension, upgrading or re-arrangement of electricity supply to lots on the plan as required. (A payment to cover the cost of such work will be required and easements internal and external to the subdivision and provision of sites for substations may also be required).

South East Water

Water

The owner of the subject land must enter into an agreement with South East Water Limited for the provision of water supply and fulfil all requirements to its satisfaction.

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Sewerage

The owner of the subject land must enter into an agreement with South East Water Limited for the provision of sewerage and fulfil all requirements to its satisfaction.

General

The certified Plan of Subdivision should show sewerage/water supply easements over all existing and/or proposed South East Water Limited assets located within the land, to be in favour of South East Water Limited pursuant to Section 12(1) of the Subdivision Act.

Prior to Certification, the Plan of subdivision must be referred to South East Water Limited, in accordance with Section 8 of the Subdivision Act.

Melbourne Water

- No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
- Finished floor levels for all new buildings must be a minimum of 300mm above the applicable flood level.
- Flood storage is to be provided on site to the satisfaction of Melbourne Water.
- The proposed car park is to be designed with finished floor levels that ensure that the depth of flooding in the car park is no greater than 200mm
- Plans indicating the proposed linkage of floodwaters from Beach Street to the car park are to be submitted to Melbourne Water for comment/approval.

Origin Energy

All mains and services affected by the proposal are to be maintained as per OEAM procedures.

25. PERMIT EXPIRY

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

- The development is not started within 5 years of the date of this permit.
- The development is not completed within 7 years of the date of this permit.

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

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

NOTES

Building Permits: This permit is for the use of the land and buildings and works and does not constitute any authority to:- Carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.

Permissible Hours of Works: Refer EPA Guidelines for the regulated hours of construction activity.

Health: This permit for the use and development of the land does not constitute any authority to:- Conduct a business requiring Health Act/Food Act registration without prior approval from Council's Health Department.

Signage: This permit has not allowed the construction or display of signage anywhere on the development. A separate permit may be required for signage pursuant to Clause 52.05-7 of the Planning Scheme.

VicRoads and Council:

- A roundabout shall be constructed by Council at the intersection of Fletcher Road and Evelyn Street to the standards required in "AustRoads – Guide to Traffic Engineering Practice – Part 6 – Roundabouts", all to the satisfaction of VicRoads.
- Functional layout plans of the proposed access arrangements shall be submitted to VicRoads for approval.
- Subsequent to approval of the functional layout plans, detailed engineering plans of the intersection roadworks shall be submitted to VicRoads for approval. The plan must show the Planning Permit No. and VicRoads File Reference No. SY FRA 003 0010A.

Prior to gaining approval from VicRoads to undertake works in Fletcher Road, the developer shall:

- Provide a bank guarantee in favour of VicRoads without a termination date for a sum equal to the estimated cost of works.
- Provide evidence that the Contractor has public liability insurance for at least \$10 million effective for the duration of the works.
- Provide VicRoads with the name, address, business and out-of-hours telephone numbers of the principal roadworks contractor.
- Submit to VicRoads for approval, a Traffic Management Plan showing the proposed provision for traffic and signing for the duration of the works at least 21 days prior to the commencement of works. The Traffic Management Plan shall meet the requirements of the VicRoads Worksite Traffic Management (Roadworks Signing) Code of Practice incorporates AS 1742.3 – 2002. Traffic management/control shall be carried out by suitably trained personnel.
- Arrange for the contractor to contact the VicRoads surveillance co-ordinator on telephone number 9881 8079, at least seven (7) working days prior to the commencement of works. Please note that the contractor will be charged for the actual costs of VicRoads surveillance which may be undertaken at certain key times during the works.
- The depth and composition of new pavement shall be to the satisfaction of VicRoads.
- The standard of all materials and work shall be to the satisfaction of VicRoads.
- The applicant shall pay the full costs of all roadworks, drainage works, signal installation work, pavement markings, public lighting alterations, service relocations, signage and other costs associated with these works, ie. all works shall be undertaken at no cost to VicRoads or the Responsible Authority.

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~~Amended air bridge space:~~ Gandel Retail Management is solely responsible for securing the amended air bridge space for the stratum over Beach Street to reflect the new bridge form.

Date Issued: 16 January 2004

Signature for the Responsible Authority:

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.



THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment
- 5 SEP 2005	<ul style="list-style-type: none">• The preamble of the permit has been amended to specify the 11.23 metre wide stratum air space for the pedestrian bridge across Beach Street.• Condition 1 A xiv has been inserted to refer to the amended air bridge structure design plans, based on the plans described at Condition 5.• Condition 5 has been inserted to make reference to issues relating to the air bridge structure.• An additional note has been inserted indicating that Gandel Retail Management is responsible for securing the air bridge space.

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IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED

The Minister has granted and issued a permit under Division 6 of Part 4 of the Planning and Environment Act 1987.

WHEN DOES A PERMIT BEGIN?

A permit operates—

- * from the date specified in the permit; or
- * if no date is specified, from the date on which it was issued.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - * the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988.
2. A permit for the use of land expires if—
 - * the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - * the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - * the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - * the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the Planning and Environment Act 1987, or to any combination of use, development or any of those circumstances requires the certification of a plan under the Subdivision Act 1988, unless the permit contains a different provision—
 - * the use or development of any stage is to be taken to have started when the plan is certified; and
 - * the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.
6. In accordance with section 97H of the Planning and Environment Act 1987, the Minister is the responsible authority in respect to any extension of time under section 69 in relation to this permit.