



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 5 August 2013 at 7 p.m.

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 Boonerwung 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

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Section 89(2) Local Government Act 1989

A Council or special committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following:

- (a) Personnel matters;*
- (b) The personal hardship of any resident or ratepayer;*
- (c) Industrial matters;*
- (d) Contractual matters;*
- (e) Proposed developments;*
- (f) Legal advice;*
- (g) Matters affecting the security of Council property;*
- (h) Any other matter which the Council or special committee considers would prejudice the Council or any person;*
- (i) A resolution to close the meeting to members of the public*

CLOSED COUNCIL

	CLOSED COUNCIL ITEMS	REASON FOR CLOSURE
1.	Community Grants Program	Any other matter which the Council or special committee considers would prejudice the Council or any person

Dennis Hovenden
CHIEF EXECUTIVE OFFICER

26 July 2013

Town Planning Reports

6.1 Town Planning Progress Report

(A1503913) (MC:GMD)

Purpose

This report provides Council with an update on the exercise of Delegation by Council Officers for June 2013. (Refer to **Supporting Information** to the Agenda), which includes

- Planning applications received;
- Planning decisions;
- Subdivision applications received;
- Subdivision decisions;
- Direction to advertise issued;
- VCAT Appeal register
- VCAT Decisions – Summary of determination
- Planning Scheme Amendments

Recommendation (GMD)

That the report be noted.

6.2 Planning Permit Application 289/2011/P – 48 and 49 Nepean Highway, Seaford (construction of two (2) buildings containing a total of 26 apartments incorporating a basement carpark; alteration to access to a road in a Road Zone Category 1 and associated vegetation removal)

(A1482180) (LR:GMD)

Executive Summary

Existing Use	Vacant
Site Area	2,403 square metres
Proposal	To construct two (2) x three (3) storey buildings containing 26 apartments incorporating a basement carpark ; alteration to access to a road in a Road Zone Category 1.
Site cover	56%
Permeability	41%
Zoning	Residential 1 Zone
Overlays	<ul style="list-style-type: none"> • Design and Development Overlay (Schedule 6) • Land Subject to Inundation Overlay • Wildfire Management Overlay
Neighbourhood Character Precinct	<ul style="list-style-type: none"> • Seaford 7
Public Notification	<p>The development was advertised by the following means:</p> <ul style="list-style-type: none"> • Signs on site; and • Mail to the surrounding and adjoining owners and occupiers.
Objections	Nil
Key Grounds of Objection	Nil
Key Issues for Council	<ul style="list-style-type: none"> • Response to Kananook Creek • Compliance with ResCode
Reason for Reporting to Council	Councillor Interest
Recommendation	That a Planning Permit be issued.

Purpose

This report considers the merits of the planning application to construct 26 dwellings within two (2) buildings located adjacent to the Kananook Creek.

Council Plan Long Term Community Benefits

The Council Plan sets out strategic directions under three (3) inter-related key strategies. It also sets out numerous objectives and strategies under each goal which are designed to ensure that the organisation delivers outcomes that support and protect the community. The following strategic objectives are of relevance to the consideration of this application:

1. Planned City for Future Growth
 - 1.3 Review the Municipal Strategic Statements [MSS#], also known as the Local Planning Scheme to accommodate future population growth
2. Liveable City
 - 2.1 Activate the city centre and encourage more housing, leisure and retail options
 - 2.2 Improve the municipality's safety, image and pride
3. Sustainable City
 - 3.1 Plan, build, maintain and retire infrastructure to meet the needs of the city and its residents

State and Local Planning Policy Frameworks

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

- Clause 11 – Settlement;
- Clause 12 – Environmental and Landscape Values;
- Clause 13 – Environmental Risks;
- Clause 15 – Built Environment and Heritage; and
- Clause 16 – Housing.

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

- Clause 21.04 – Settlement;
- Clause 21.07 – Housing; and
- Clause 22.08 – Neighbourhood Character Policy.

Background

Subject Site

The site is located on the east side of Nepean Highway and is irregular in shape. The site has a frontage of 30.48 metres, a maximum depth of 82.30 metres and an overall area of 2403 square metres. There are no easements on the site.

The site has a fall of approximately 1 metres from west to east over the front portion of the site before it falls away more steeply over the rear portion of the site towards the creek.

The site is vacant with an existing crossover is located at the northern and southern boundary of the site.

Vegetation is located within the eastern (rear) portion of the site.

Locality

The site is located within an established residential area. A three (3) storey apartment building is located to the north and a double storey dwelling is located on the property to the south of the subject site. Kananook Creek is located to the east of the subject site.

Proposal

The proposal is to construct 26 dwellings within two (2) x three (3) storey buildings, and a basement carpark. The proposal will comprise 22 x two (2) bedroom dwellings and four (4) x three (3) bedroom dwellings. All dwellings are single level.

The basement level will contain a total of 40 car spaces. 32 spaces will be provided for residents, and eight (8) spaces will be designated as visitor carparking.

Storage for residents is located at the end of the resident carparking spaces. A rubbish bin enclosure is located in the north west corner of the basement.

The development includes two (2) buildings identified as building A and B. Building A is located at the front of the site with building B located behind.

Building A comprises six (6) dwellings at ground level and first floor and four (4) at second floor level. All dwellings are two (2) bedroom except for two (2) dwellings on the second floor level which are three (3) bedroom.

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Building A has a minimum setback of 8 metres from Nepean Highway. The ground floor level will have a northern setback ranging from 3 metres to 4.1 metres and the southern setback ranging from 3 metres to 5.9 metres. The first floor level is similar to the ground floor with a minimum setback of 8 metres from Nepean Highway with balconies within this setback to 5 metres. The first floor will have a northern setback ranging from 3 to 4.1 metres and the southern setback ranging from 3 metres to 5.9 metres. The second floor level is recessed further in from the floor below. This level includes a setback to Nepean Highway a minimum of 10 metres with balconies within this setback to 8 metres. The second floor has northern setback ranging from 5.59 metres to 6.9 metres, and the southern boundary ranging from 5.9 metres to 7.2 metres. Balconies project within the northern and southern side setbacks.

Building B includes four (4) dwellings at ground level and first floor and two (2) dwellings at second floor level. All dwellings are two (2) bedroom except for two (2) dwellings at ground floor level which are three (3) bedroom. The ground floor level will have a northern setback ranging from 3 metres to 6.1 metres and the southern setback ranging from 4.5 metres to 7.6 metres. The first floor level is similar to the ground floor and will have northern setbacks ranging from 3 to 6.8 metres and the southern setback ranging from 3 metres to 5.9 metres. Two (2) balconies project slightly within these side setbacks. The second floor level is recessed further in from the floor below. This level includes a northern setback ranging from 6.3 metres to 8.3 metres, and the southern boundary ranging from 7.8 metres to 9.8 metres. Balconies project within the northern and southern side setbacks. Building B has a graduated setback from the rear (creek) boundary. The ground floor level has a setback of 16 metres, 18.79 metres to first floor and 22.14 metres to second floor. A balcony of 2.75 metres projects into the setback at both the ground and first floor level and a balcony of 3.36 projects into the setback at the second floor level.

Building A has a maximum height of 11.2 metres and Building B has a maximum height of 12 metres due to the slope of the site towards the rear of building B.

Dwellings A1, A2 and A3 are provided with secluded private open space at ground level at the front of the site with all other dwellings provided with balconies.

The buildings will be a contemporary design with considerable articulation in the built form. Design elements include balconies, varied setbacks, materials and textures.

Entry to the buildings will be via a path along the northern side of the site, with entry to building A mid way along the northern boundary of the building and entry to building B on the west elevation. Both entries are visible by clearly identifiable canopy entries.

Access to the development is to be provided a new 6 metre wide vehicle crossover to be along the Nepean Highway frontage. It is noted that this crossover will replace an existing crossover in this location. The other crossover is to be removed and re-instated.

Issues

A Planning Permit is required pursuant to:

- Clause 32.01-4 – Residential 1 Zone of the Frankston Planning Scheme for the construction of 2 or more dwellings on the lot;
- Clause 43.02 – Design and Development Overlay - Schedule 6 of the Frankston Planning Scheme to construct or carry out buildings and works for more than one (1) dwelling;
- Clause 44.04-1 – Land Subject to Inundation Overlay to construct a building or to construct or carry out works;
- Clause 44.06 – A permit is required to construct a building or construct or carry out works associated with the use of accommodation;
- Clause 52.29 – Land Adjacent to a Road Zone, Category 1 to create access to Nepean Highway.

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 was erected on the site frontage.

As a result of the public notification, no objections were received.

Referrals

External Referrals

The application was referred externally to:

VicRoads

VicRoads has indicated that there is no objection to the proposal subject to the inclusion of conditions on any approval issued that include:

- Crossover and access driveway is are to be constructed at no cost to Vic Roads.
- Crossover and access driveway to be constructed and available for use in accordance with the endorsed plans.
- Redundant crossover to be removed and reinstated.

Melbourne Water

Melbourne Water has indicated that there is no objection to the proposal subject to the inclusion of conditions on any approval. These relate to:

- Basement carpark must be constructed with finished floor levels set no lower than 2.4 metres to Australian Height Datum.
- No buildings or structures are to be located within the drainage/waterway corridor that extends a minimum of 10 metres from the top of the bank of Kananook Creek or below the 1.55 metre contour.
- Landscape plan for the rear 10 metres of the site.
- A separate application direct to Melbourne Water for any new or modified stormwater connection to Kananook Creek.

CFA

The Country Fire Authority has indicated that there is no objection to the proposal subject to the inclusion of conditions on any approval. These relate to:

- Vegetation management requirements and a Bushfire Attack Level of B29.

Department of Sustainability and Environment

The Department of Sustainability and Environment has indicated that there is no objection to the proposal and recommends that the following matters be addressed on any planning permit granted:

- The area should be tested for acid sulphate soils.
- No storage of materials or parking of vehicles on the adjoining crown land and no discharge of stormwater onto the the adjoining crown land. Stormwater should be directed to legal point of discharge.
- The freehold property should be fenced off from the adjoining crown land.

Internal Referrals

The application was referred to:

Drainage Engineer

Council's Drainage Engineers have reviewed the plans and provided the following comments:

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Site drainage infrastructure can be provided to manage storm water flow without any impact on adjoining properties or the locality subject to conditions relating to:

- Stormwater runoff being directed to a legal point of discharge;
- Stormwater Detention System; and
- Water Sensitive Urban Design principles be adopted.

Traffic Engineer

Council's Traffic Engineers have provided the following comments (summarised):

- The carparking provision of 40 spaces within the basement carpark of the proposed development exceeds the statutory parking requirements of Clause 52.06.
- Nepean Highway is a declared road and the applicant should satisfy requirements from Vic Roads in regards to the proposed vehicle crossing.
- A clearance of 1.5 metres is to be maintained from the electricity pole to the vehicle crossing.
- All redundant vehicle crossings are to be removed at the time of the new crossing construction.
- In accordance with the requirements of clause 52.06-8, a pedestrian sight triangle should be provided on the exiting (south) side of the accessway.
- The proposed ramp grades are considered satisfactory.
- Dimensions of the car spaces are satisfactory with the exception of the tandem spaces (A13, A14, B03, B04, B09, B10) where an additional 500mm is required to satisfy Clause 52.06.
- The proposal should consider the allocation of one (1) disabled parking space amongst the visitor carparking stock.
- An aisle extension of 1 metre should be provided beyond the last parking space (spaces B1 and B2) to facilitate vehicle access/egress from the end car spaces.
- The area south of visitor space 05 is only 2.1 metres wide and should be marked as a turning bay to facilitate vehicle turning around to exit the basement in a forward direction when all visitor car spaces are full.
- Garbage bins are proposed within the basement. A waste management plan should be provided to clarify how the garbage bins would be collected.

Environment

Council's Environment Officer has made the following comments:

- Tree 4 to be retained will require pruning works. Tree Protect requirements to apply to this tree.

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- No runoff is to be permitted into Kananook Creek.
- Lighting needs to be kept to a minimum to ensure that there are no adverse effects on Kananook Creek.
- The site has been identified as having coastal and sulphate soil. Soil tests and an appropriate environmental management plan should be undertaken.

Discussion***State and Local Planning Policy***

The proposal is consistent with State and Local Planning Policy which seeks to encourage higher density housing development on sites which are well located in relation to activity centres and public transport. The proposal will introduce a development, which will ensure a varied housing stock in the area.

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

Neighbourhood Character

The subject site is located within the Seaford 7 Neighbourhood Character Precinct pursuant to Clause 22.08 of the Frankston Planning Scheme.

The preferred Neighbourhood Character for this precinct is that the seaside character of the area will be maintained, and the indigenous coastal vegetation and relationship with the creek and foreshore environs will be strengthened.

The key objectives within Seaford 7 are:

- To strengthen the coastal character of the areas by planting of appropriate coast species and to encourage the retention and planting of indigenous vegetation.
- To provide for reasonable sharing of views to the ocean, creek or coast.
- To reflect the rhythm of existing dwelling spacing.
- To minimize the visibility of buildings when viewed from the beach.
- To encourage innovative architecture that respects the coast settings.
- To minimize the impact of buildings over two (2) storey on the streetscape.
- To use lighter looking building materials and finishes that complements the vegetation and coastal setting.
- To maintain the openness of the streetscape.
- To enhance the residential interface with the creek environment and to encourage building elements that respects the creekside environment and do not dominate the landscape.

It is considered that the proposal appropriately responds to the preferred neighbourhood character for this precinct. The development uses a range of materials and setbacks from boundaries between levels combined with use of balconies to provide interest to the building. The fencing to the street is setback 1 metre from the frontage and is predominantly timber slat construction. The fence will have a height of 1.7 metres which is consistent with the height of fencing along Nepean Highway.

Building B is setback from Kananook Creek approximately 16 metres with the first and second floors setback further. However it is considered that the design could be further modified to reduce the dominance from the creek by replacing the solid screening of the deck on the east elevation with glazing.

Clause 55 (Rescode)

The proposal has been assessed against the requirements of Clause 55 (ResCode) of the Frankston Planning Scheme and it is considered to have a high degree of compliance. The following comments are provided:

Site Layout and Building Massing

- The proposal will have a site coverage of 56% and permeable site coverage of 41%.
- The development provides an appropriate front setback to Nepean Highway with minimum setback at ground and first floor level of eight metres.
- The height of the proposed development at 12.0 metres is in accordance with the Design and Development Overlay Schedule 6.
- The proposal is designed with good level of solar access and includes sun shading devices above the windows of the second storey on the west elevation of building A. It is considered that the sun devices should be extended beyond the windows and returned on the corners of the building which would also provide solar protection to the north facing windows in particular. This would improve the overall appearance of the building by increasing the articulation of the second storey and provide a degree of visual interest.
- It is also noted that direct access from the basement is provided into building A and B which provides safety and security for residents. One (1) main entry at ground level is provided to each building. The entry to building A and B are clearly defined with material and colours at the entries. The landscaping along this area should be kept low to provide good visibility within this area. The pedestrian entry at the front of the site assists to identify the entry into the building.
- The proposal provides separate pedestrian and vehicle entry to the site.
- The proposal provides one (1) point of access to the carpark which provides an appropriate link directly from the carpark to the buildings by both stairs and lift.

Amenity

- The proposal has side setbacks which are generally in accordance with the requirements of ResCode with no walls proposed to be built on boundaries.

- The proposal relies on a variation to the setback from the north facing windows of the dwelling to the south. The setback of the south wall of Building A proposes a setback of 3.0 metres at the ground and first floor levels to the south boundary increasing to 5.9 metres at the second floor. ResCode encourages a setback of 3.48 metres at the first floor level increasing to 6.48 metres at the second floor level. The variation is considered reasonable as the dwelling on the adjoining property has a setback of 1.0 metres from the common boundary resulting in a distance of 4.29 metres between the dwelling and the proposal at the first floor level. This distance will ensure that the existing dwelling will still maintain reasonable access to natural daylight. It should also be noted that the existing dwelling also has a number of windows which face east /west which will ensure access to daylight is maintained.
- The plans indicate that overlooking into adjoining properties is to be restricted by the use of screens and highlight windows. However a number of windows and balconies have not been appropriately screened to prevent overlooking This can be addressed by a condition on any permit issued requiring screening of windows and balconies.
- There is also the ability for overlooking of secluded private open space from windows and balconies of other dwellings within the development which can be addressed by conditions of permit.
- All of the dwellings are provided with balconies for open space with the exception of dwellings A1, A2 and A3 which are provided with open space at ground level at the front of the site. Balconies at typically between 10 and 40 square metres in area complying with standard B 28. The private open space to Dwellings B2 and B6 will have reduced solar access given the open space is located on the south side of the building. As these are the only dwellings out of the whole development with reduced solar access it is considered to be on balance a satisfactory outcome. It is also of note that these dwellings will still have adequate access to natural daylight.

Detailed Design

- The proposal is considered to respect the neighbourhood character of the area and is an appropriate design in terms of façade articulation and detailing as well as built form subject to the inclusion of conditions as discussed in the report.
- The proposed development provides an area within the basement carpark for storage as well as bin and recycling area. A private collection service will be required.

Design and Development Overlay

The site is also affected by a Design and Development Overlay Schedule 6 (DDO6). The DDO6 generally seeks to ensure that the building height, bulk, materials, detailed design, siting, site coverage and fencing are compatible with the preferred character of the area. In areas, north of Mile Bridge (such as the subject site), consideration must be given to the extent to which the development assists in achieving the housing objectives.

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In terms of the design, it is considered that the proposed development is appropriate for the following reasons:

- The proposed building is considered to be well articulated and will incorporate a good mix of materials, colours and building elements.
- The proposed side elevations are well articulated with protrusions and recessions, such as balconies and the use of materials.
- The development of three (3) storey buildings is not considered to be out of character with the surrounding area. The adjoining land to the north has been developed with three (3) storey apartment buildings.
- The development will have a maximum building height of 11.2 metres for building A and 12.0 metres for building B.
- The Design and Development Overlay (Schedule 6) specifies that where a site adjoins Kananook Creek, the second and third storey components of any building must be setback from the creek elevation a distance of at least the height of the storey below. The creek elevation of the development has a minor non-compliance of 0.35 metres. The replacement of the first floor balcony with glazing would reduce the vertical plane to the creek and increase the openness to the creek resulting in an acceptable setback to Kananook Creek.

Clause 52.06 – Carparking, Council's Multi Dwelling Visitor Car Parking Guidelines and Clause 52.29 – Land Adjacent to a Road Zone Category 1

The proposal complies with the number of resident spaces and visitor spaces required pursuant to clause 52.06 of the Frankston Planning Scheme.

In accordance with the comments of Council's Traffic Engineer there a number of recommendations for improvements to the functionality of the basement carpark that can be included as condition on the permit.

The provision of eight (8) visitor car parking spaces exceeds the five (5) car parking spaces required under Clause 52.06 of the Frankston Planning Scheme. However it does not comply with the nine (9) spaces required under Council's Multi Dwelling Visitor Carparking Guidelines. The number of spaces is considered warranted given the provision of a parking lane immediately in front of the site and the two (2) additional resident car parking spaces provided within the development above the statutory requirements.

In accordance with the requirements of Clause 52.29 the proposal was referred to Vic Roads for consideration. Vic Roads have advised of no objections with conditions to be included on any permit issued.

Aboriginal Cultural Heritage

An approved Cultural Heritage Management Plan, as required by the *Aboriginal Heritage Act 2006*, was submitted as part of the planning permit application.

Wildfire Management Overlay

The Wildfire Management Overlay (WMO) triggers a planning permit for the proposal to construct a building or construct or carry out works associated with the use of land for accommodation.

The application was referred to CFA as the referral authority under the WMO and CFA has no objection to the proposal, subject to conditions including that the development has a BAL rating of 29. Subject to permit conditions required by CFA it is considered the proposal will not result in an unacceptable risk of bushfire to life or property.

Environmental

The risk to the environment caused by acid sulphate soils can be addressed by permit conditions as recommended by Melbourne Water. A construction and environment management plan can be required by conditions to minimize the impact of construction on Kananook Creek.

It is noted the area of development is appropriately setback from Kananook Creek and that a landscape plan is required by Melbourne Water for the replanting of the rear 10 metres of the site.

Council's Environment Officer has considered the vegetation on the site and has required conditions to ensure the retention of tree 4 without detrimentally impacting on the health of the tree.

Community Engagement

The application was advertised to adjoining property owners and occupiers and no objections were received.

Financial Implications

The applicant has paid the appropriate planning permit application fees.

Economic Implications

It is considered the proposal will have no long term economic implications. It is considered an increase in population will have added benefit to the local economy with residents shopping locally.

Environmental Implications

It is considered that the proposed conditions will ensure that the environmental sensitivity of the site is protected. A detailed landscape plan will be required of the site.

Social Implications

It is considered the proposal will have no long term social implications.

Conclusion

Subject to the variations to the plans suggested in the report, overall, it is considered the proposal satisfies the requirements of the State and Local Planning Policy Framework, including the Municipal Strategic Statement and objectives of the Neighbourhood Character Policy, the purpose of the Residential 1 Zone and Clause 55 of the Frankston Planning Scheme.

The proposal will not have a detrimental impact on surrounding properties or the creek environs as discussed throughout the report. The proposal is therefore considered to be reasonable and warrants support.

Recommendation (GMD)

That Council having complied with Section 52, 53, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a Planning Permit in respect to Planning Permit Application number 289/2011/P to construct two (2) x three (3) storey buildings containing 26 apartments incorporating a basement carpark, alteration to access to a Road Zone Category 1 and vegetation removal at 48 and 49 Nepean Highway, Seaford, subject to the following conditions:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to be 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 (3) copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:-
 - a. A landscape plan in accordance with condition 3 of this permit; and
 - b. Location of mail boxes in accordance with condition 12 of this permit.
 - c. A lighting plan in accordance with condition 13 of this permit.
 - d. Details of external lighting to be designed, baffled and located so as to prevent any adverse effect on adjoining land.
 - e. An acid sulphate soil assessment and management plan in accordance with Condition 5.
 - f. Construction Environment Management Plan in accordance with Condition 6.
 - g. Details of all tree protection requirements to be shown on plans in accordance with Conditions, 7, 8 9 and 10 and recommendations provided in the approved Arborist Report.
 - h. A clearance of 1.5 metres from the electricity pole to the vehicle crossover.
 - i. A pedestrian sight triangle on the exiting (south) side of the accessway.
 - j. The area to the south of visitor space 05 marked as turning bay.

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- k. The length of proposed tandem spaces A13, A14, B03, B04, B09 and B10 increased an additional 500 mm to satisfy clause 52.06 of the Frankston Planning Scheme.
- l. One visitor car spaces labelled as a disabled car space and modified to comply with appropriate width.
- m. An aisle extension of 1 metre provided beyond the last parking spaces (B1 and B2) to facilitate vehicle access/egress.
- n. The provision of five (5) bicycle spaces.
- o. Replacement of solid balcony edging on the east elevation of Building B with glazing.
- p. The sun shade device on the west elevation of second floor extended to the entire elevation and wrapped around the northern side of the building for a distance of 8.5 metres.
- q. Method of screening to restrict overlooking from balconies to other balconies or areas of secluded private open space within the development.
- r. Method of screening to restrict overlooking from windows or balconies to adjoining properties.
- s. A Waste Management Plan in accordance with condition 26 of this permit.

No Alterations

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

Landscaping Requirements

- 3. Before the development starts, a landscape plan, prepared by a person suitably qualified or experienced in landscape design, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must show:-
 - a. A survey (including botanical names) of all existing vegetation to be retained and removed;
 - b. Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary;
 - c. Details of surface finishes of pathways and driveways, retaining walls and areas of cut and fill;
 - d. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;

Trees are not to be sited over easements.

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

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

Acid Sulphate Soil Test and Management Plan

5. Prior to the commencement of works a desktop and initial field assessment must be carried out to the satisfaction of Melbourne Water and EPA to determine the presence of Acid Sulphate Soils (ASS). This assessment must inform whether an ASS management plan must be prepared in accordance with EPA Requirements. If required the ASS management plan must be prepared and submitted to the approval of the EPA and Responsible Authority prior to the commencement of works. Any required recommendations must be undertaken to the satisfaction of the EPA and the Responsible Authority.

Construction Environment Management Plan

6. Prior to the commencement of the development a Construction and Environment Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. Any plans submitted must be consistent with all other documents approved as part of this permit. The information must be drawn to scale with dimensions and three (3) copies must be provided. The Plan is to include details of the following:
 - (a) Contact Numbers of responsible owner/contractor including emergency/24 hour mobile contact details.
 - (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, fauna protection, runoff, erosion, dust, litter, noise and light.
 - (d) Location and specifications of sediment control devices on/off site.
 - (e) Location and specifications of surface water drainage controls.
 - (f) Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.
 - (g) Proposed drainage lines and flow control measures.
 - (h) Location of all stockpiles and storage of building materials.
 - (i) Location of parking for site workers and any temporary buildings or facilities.
 - (j) Details to demonstrate compliance with relevant EPA guidelines.
 - (k) Hours during which construction activity will take place.
 - (l) Recommendations from the approved Coastal Acid Sulphate Soil Management Plan.

Tree Protection

7. Tree protection must be carried out in accordance with the Australian Standard AS 4970-2009 Protection of trees on development sites.
8. Prior to the commencement of the development (including vegetation removal), a Tree Protection Fence defined by a 1.8 metre high (minimum) temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape must be installed at a distance of 10m from the creek boundary and at a distance of 10m from the trunk of Tree 4 (and modified to the edge of the southern boundary of approved building footprint) 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 the City of Frankston". The requirements below must be observed within this area to the satisfaction of the Responsible Authority:
 - a. No vehicular or pedestrian access.
 - b. The existing soil level must not be altered either by fill excavation.
 - c. The soil must not be compacted or the soil's drainage changed.
 - d. 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. If approval is given a qualified arborist must be on site to oversee this process;
 - e. No storage of equipment, machinery or material is to occur.
 - f. No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.
 - g. Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.
 - h. No building or any other structure is to be erected.
 - i. Tree roots must not be severed or injured.
9. A suitably experienced and qualified arborist must attend the site during site cut and excavation works within the defined tree protection zones of Trees 4 to ensure that all affected tree roots are managed correctly and to ensure any damaged or exposed tree roots are pruned cleanly and treated before covered with soil. All pruning tools and equipment utilised are to be cleaned for hygiene purposes, sharp and well maintained. All works must be undertaken to the satisfaction of the Responsible Authority.
10. Prior to works commencing, tree pruning works are to be carried out on trees to be retained by a suitably qualified and experienced arborist who has a thorough knowledge of tree physiology and pruning methods. Pruning must be carried out in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees to the satisfaction of the Responsible Authority.

General Environmental Conditions

11. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Kananook Creek to the satisfaction of the Responsible Authority.
12. All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the Responsible Authority.

Infrastructure Requirements

13. Prior to commencement of development construction detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority.
14. 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; and
 - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
15. Stormwater runoff must achieve the following objectives for environmental quality, as set out in the Urban Stormwater Best Practice Environmental Guidelines (CSIRO) 1999.
 - 80% retention of the typical annual load of suspended solids;
 - 45% retention of typical annual load of total phosphorous; and
 - 45% retention of typical annual load of total nitrogen.
16. Water Quality works within the development must be provided to achieve compliance with the above best practice standards to the satisfaction of the Responsible Authority.
17. Vehicle crossings must be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
18. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.
19. Before the dwellings are occupied, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:-
 - a. Constructed to the satisfaction of the Responsible Authority;
 - b. Properly formed to such levels that they can be used in accordance with the plans;
 - c. Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority; and

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d. Drained and maintained to the satisfaction of the Responsible Authority.

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

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

Precautions are to include, appropriate signage to AS 1743 road works signing code of practice, the provision of adequate barricading of works, including trenches of Service Authorities and any other road openings sufficient to ensure public safety.

All relevant permits are to be obtained from Council for works within the existing road reserves in addition to the Planning Permit.

Urban Design Requirements

21. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
22. Mailboxes shall be provided to the proposed dwellings to the satisfaction of the Responsible Authority and Australia Post.
23. Lighting shall be provided within the development, and must not cause adverse impact on adjoining land, all to the satisfaction of the Responsible Authority.
24. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwellings shall be concealed from general view.

Waste Collection

25. Waste Collection from the site must only occur via a private contractor service.
26. Prior to the commencement of buildings and works (including vegetation removal) a waste services management plan (WSMP) must be submitted for approval by the Responsible Authority. When approved the WSMP will be endorsed and form part of this permit. The plan must detail the method of garbage collection from the site, times and frequency of garbage collection, to the satisfaction of the Responsible Authority.

Vic Roads

27. The crossover and access driveway are to be constructed at no cost to Vic Roads and to the satisfaction of the Responsible Authority prior to the use of the development.
28. The crossover, access driveway and associated works must be provided and available for use and be:
- i Formed to such levels and drained so that they can be used in accordance with the plan.
 - ii. Treated with an all-weather seal or some other durable surface.

29. Driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety. Any disused or redundant vehicle crossover must be removed and the footpath and kerbing re-installed at no cost to Vic Roads and to the satisfaction of the Responsible Authority prior to the use of the development.

Melbourne Water

30. Polluted and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
31. The development, including the basement carpark, must be constructed with finished floor levels set no lower than 2.4 metres to Australian Height Datum.
32. No buildings or structures are to be located within the drainage/waterway corridor that extends a minimum of 10 metres from the top of the bank of Kananook Creek or below the 1.55 metre contour, whichever is the greater.
33. Prior to the commencement of works, a detailed landscape plan for the rear 10 metres of the property must be submitted to Melbourne Water for written approval. The plan must show:
- A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant; and
 - Only local native plants should be used and shown on the landscape plans.
34. Any works or development (including vegetation removal) on the banks of the Kananook Creek requires separate approval from Melbourne Water.
35. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's Kananook Creek.

Country Fire Authority

36. A distance to the property boundary around the proposed dwelling must be maintained to the following requirements during the declared 'Fire Danger Period' to the satisfaction of the responsible Authority.
- Grass must be no more than 100 mm in height.
 - Leaf litter must be less than 10 mm deep.
 - There must be no elevated fuels on at least 50 % of the inner zone. On the remaining 50% of the inner zone, elevated fuel must be at most, sparse, with very little dead material.
 - Dry shrubs must be isolated in small clumps more than 10 m away from the dwelling.
 - Trees must not overhang the roof line of the dwelling.

Note: Non-flammable features such as tennis courts, swimming pools, dams, patios, driveways, or paths should be incorporated into the vegetation management plan, especially on the north and western sides of the proposed building. Features with high flammability such as coir door mats, firewood stacks should not be located near the dwelling during the fire danger period. Clumps of hedges of shrubs with low flammability and/or high moisture content may be retained to act as a barrier to embers and radiant heat.

37. Construction of buildings must be to a minimum Bushfire Attack Level (BAL) of BAL-29 in accordance with the relevant sections of AS3959-2009.

Note: Under r.811 of the Victorian Building Regulations 2006 if a site assessment for the purpose of determining the bushfire attack level for the site has been considered as part of the planning application, a relevant building surveyor must accept this site assessment. The planning site assessment is currently undertaken using the Wildfire Management Overlay Applicants workbook 2010. This BAL level is the minimum construction standard CFA believes necessary to achieve an adequate level of wildfire safety for the prescribed vegetation management conditions.

Completion of Buildings and Works

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

Permit Expiry

39. This permit will expire if one (1) of the following applies:-

- The development is not commenced within two (2) years of the date of this permit;
- The development is not completed within four (4) 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 (3) months afterwards.

Permit Notes

Melbourne Water

- A. The applicable flood level for Kananook Creek is 1.7 metres to Australian Height Datum (AHD)
- B. If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9679 7517, quoting Melbourne Water's reference 219131.
- C. Asset Protection Permit

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

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Nepean Highway, Seaford****(PM015)****D. Extension of Time**

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

E. Variation to Planning Permit

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

F. Copy of Permit

Prior to the sale, transfer, assignment or other disposal of or leasing or parting with possession of any part of the land subject to this permit, a copy of the permit must be given to the purchaser, transferee, assignee, lessee, occupier or other person of that part.

G. Street Numbering

Property addresses are allocated by Council. This is usually formalised at the time of the issue of a certified plan, however it is Council's intention to number the proposed dwellings as follows:

- Basement, 48 Nepean Highway, Seaford 3198

Ground Floor

- Unit A1 on Plan - Ground Floor, 1/48 Nepean Highway, Seaford
- Unit A2 on Plan - Ground Floor, 3/48 Nepean Highway, Seaford
- Unit A3 on Plan - Ground Floor, 5/48 Nepean Highway, Seaford
- Unit A4 on Plan - Ground Floor, 6/48 Nepean Highway, Seaford
- Unit A5 on Plan - Ground Floor, 4/48 Nepean Highway, Seaford
- Unit A6 on Plan - Ground Floor, 2/48 Nepean Highway, Seaford
- Unit B1 on Plan - Ground Floor, 7/48 Nepean Highway, Seaford
- Unit B2 on Plan - Ground Floor, 9/48 Nepean Highway, Seaford
- Unit B3 on Plan - Ground Floor, 10/48 Nepean Highway, Seaford
- Unit B4 on Plan - Ground Floor, 8/48 Nepean Highway, Seaford

First Floor

- Unit A7 on Plan - Level 1, 1/48 Nepean Highway, Seaford
- Unit A8 on Plan - Level 1, 3/48 Nepean Highway, Seaford
- Unit A9 on Plan - Level 1, 5/48 Nepean Highway, Seaford
- Unit A10 on Plan - Level 1, 6/48 Nepean Highway, Seaford
- Unit A11 on Plan - Level 1, 4/48 Nepean Highway, Seaford
- Unit A12 on Plan - Level 1, 2/48 Nepean Highway, Seaford
- Unit B5 on Plan - Level 1, 7/48 Nepean Highway, Seaford

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- Unit B6 on Plan - Level 1, 9/48 Nepean Highway, Seaford
- Unit B7 on Plan - Level 1, 10/48 Nepean Highway, Seaford
- Unit B8 on Plan - Level 1, 8/48 Nepean Highway, Seaford

Second Floor

- Unit A13 on Plan - Level 2, 1/48 Nepean Highway, Seaford
- Unit A14 on Plan - Level 2, 3/48 Nepean Highway, Seaford
- Unit A15 on Plan - Level 2, 4/48 Nepean Highway, Seaford
- Unit A16 on Plan - Level 2, 2/48 Nepean Highway, Seaford
- Unit B9 on Plan - Level 2, 6/48 Nepean Highway, Seaford
- Unit B10 on Plan - Level 2, 5/48 Nepean Highway, Seaford



Frankston City

6.3 Planning Permit Application 38/2010/P – Shop 10 of 197 Karingal Drive, Frankston (To use land to sell and consume liquor)

(A1502536) (FK:GMD)

Executive Summary

Existing Use	Food and Drink Premises (Cravings and Cream Café)
Site Area	131.1 square metres
Proposal	To use the land to sell and consume liquor (Restaurant and Café Licence)
Zoning	Business 1 Zone (B1Z)
Overlays	<ul style="list-style-type: none"> • Special Business Overlay (SBO) • Environmental Significance Overlay, Schedule 1 (ESO1)
Public Notification	<p>The development was advertised by the following means:</p> <ul style="list-style-type: none"> • Signs on site; and • Mail to the surrounding and adjoining owners and occupiers.
Objections	None
Key Issues for Council	<ul style="list-style-type: none"> • Public Amenity • Community Safety
Reason for Reporting to Council	Application associated with liquor
Recommendation	That a Planning Permit be issued.

Purpose

This report considers the merits of the planning application for a restaurant and café liquor Licence to the existing café.

Officer's Declaration of Interests

Under Section 80C of the *Local Government Act 1989*, officers providing advice or a report to Council must disclose any direct or indirect interest they have in a matter.

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

Council Plan Long Term Community Benefits

The Council Plan sets out strategic directions under three (3) inter-related key strategies. It also sets out numerous objectives and strategies under each goal which are designed to ensure that the organisation delivers outcomes that support and protect the community. The following strategic objectives are of relevance to the consideration of this application:

1. Planned City for Future Growth
 - 1.1 Work with other tiers of Government, industry and business to create more jobs and job skills in Frankston
2. Liveable City
 - 2.1 Activate the city centre and encourage more housing, leisure and retail options
 - 2.2 Improve the municipality's safety, image and pride
 - 2.3 Engage with the Community in shaping the services and future of the city and their local area
 - 2.4 Improve the health and wellbeing of residents

State and Local Planning Policy Frameworks

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

- Clause 11 – Settlement; and
- Clause 17 – Economic Development.

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

- Clause 21.03-2 – Strategic Land Use Framework Plan; and
- Clause 21.05 – Industry and Commerce.

Subject Site

The premises currently operates as 'Cravings and Cream' Café with seating for 45 persons (inside and outside). The subject site is irregular in shape with a total floor area of 131.1 square metres, bordered by Genesis Fitness to the north and east and vacant shop to the west and south. The site is located on the ground floor toward the north eastern corner of Star Zone Karingal and is accessed externally by a door to the south of the site. An outdoor area with a seating capacity of 12 is located in the sites south eastern most corner.

Locality

The subject site is located within Star Zone Karingal on the eastern side of Karingal Drive in Frankston. Residential properties are to the north and west of the complex. Car parking lies to the south of Centro Karingal and the newly constructed Mornington Peninsula Freeway sits to the east.

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38/2010/P – Shop 10 of 197
Karingal Drive, Frankston****(PM015)*****Site History***

A number of planning permit applications have been issued for the site with the most relevant as follows:

- Planning Permit No. 040984 was issued on 4 March 2005 for a licensed restaurant and reduced car parking requirements in relation to Tenancies 1, 2, 3, 4, 7, 8 and 10 within the cinema complex.
- Planning Permit No. 306/2005/P was issued 29 November 2005, to extend the hours for the sale and consumption of liquor to 1am within the licensed area of Tenancies 2, 3, 4, 8 and 10 located at 197 Karingal Drive, Frankston.
- Tenancy 10 ceased trading as a restaurant in June 2006.
- Planning Permit No. 440/2011/P was issued on 21 February 2012 to increase the number of seats to 150, waive the Frankston Planning Scheme's requirements in relation to car parking and bicycle parking and to display internally illuminated signage in association with a restaurant at shop 1 and part shop 10, 197 Karingal Drive, Frankston.
- Planning Permit No. 14/2012/P was issued on 12 June 2012 to sell and consume liquor (Restaurant and Café Licence) at shop 1 and part shop 10, 197 Karingal Drive, Frankston.

Proposal

The application is for planning approval for a Restaurant and Café Licence at shop 10 of 197 Karingal Drive, Frankston. The licensed premises will operate in accordance with the approved Management Plans for the entertainment precinct which deal with issues including security safety and responsible serving of alcohol. The proposed hours of the Restaurant and Café Licence are:

- 9.30am to 9.30pm Monday to Thursday
- 9.30am to 11.00pm Friday and Saturday

A Planning Permit is required pursuant to:

Clause 52.27 of the Frankston Planning Scheme – a planning permit is required to use land to consume liquor if any of the following apply:

- A licence is required under the *Liquor Control Reform Act 1998*.

Notification of Proposal

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

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Karingal Drive, Frankston****(PM015)**

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, no objections were received.

Referrals***Internal Referrals***

The application was referred to:

Community Safety

No objection to the proposal. The proposal was forwarded to the Local Police who stated that the tenants had not caused any trouble in the past.

Discussion***State and Local Planning Policy***

The proposal is consistent with State and Local Planning Policy which seeks to direct economic development within activity areas and aims to ensure that use and development respects the amenity of the neighbourhood and allows for continuous improvement and vitality within the area.

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

Clause 52.27 Licenced Premises**Amenity**

The Planning Scheme sets out that the cumulative impact of any existing and/or proposed liquor licence, (including hours of operating) on the amenity of an area, must be considered.

The proposal is to obtain a Restaurant and Cafe Licence allowing the serving of alcohol in conjunction with meals, with a 45 seat capacity. This is considered common practice for most restaurants and cafes. In addition to this, the lease agreement between Star Zone Karingal and the individual licensed premises contains specific requirements that are aimed at reducing the potential impact of the use on users of the area and local residents. The management plan outlines the following requirements:

- Frankston Liquor Accord,

**6.3 Planning Permit Application
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Karingal Drive, Frankston****(PM015)**

- The venue operator actively monitor the behaviour of patrons and staff, providing early intervention in any incident and ensuring uniformed security guards are onsite during specified hours.
- Appropriate training of licensee's staff in emergency response procedures
- Provision of a secure taxi rank, car park and perimeter lighting as well as the provision of a public telephone.
- All licensed restaurants to provide training in the form of responsible serving of alcohol for staff and implement a code of conduct incorporating principles relating to entry, responsible drinking, underage drinking and courtesy.
- Licensees must not promote the consumption of alcohol in inappropriate ways and must make available water, low and non-alcoholic drinks with food.

There are six (6) licensed premises within Star Zone Karingal and two (2) liquor licences within the nearby Centro Karingal, both of which are packaged liquor licences for each of the two (2) Woolworth Supermarkets. The six (6) licensed premises within Star Zone Karingal operate with Restaurant and Café Licences to complement well known Restaurants such as Stacks Pancakes and Hogs Breath Café, with the exception of the Village Cinema's which operate under an 'on premise' licence. The site has previously operated as a licensed restaurant up until June 2006 with no record of any negative impacts upon the amenity of surrounding tenants.

A recent VCAT decision (Bambou Restaurant V. Stonnington CC) identifies the risk factors associated with a licensed premise as being the late night operating hours, patron intoxication, crowding, venue mismanagement and venue type, which are commonly associated with bar and nightclub facilities and not sit down restaurants. These findings are based on a report prepared for the Department of Justice and suggest that the proposal is deemed low risk.

The design of the site also minimises any negative amenity impacts which may result from the issue of a liquor licence. The nearest residential properties lie to the east (approximately 285 metres) and are separated by Dandenong Road East and Fletcher Road which run parallel to one another. The building provides a physical buffer between the restaurant frontage and plaza components of the development. Furthermore, limited lines of sight exist to external areas, and the physical distance and topography contributes to the provision of a significant buffer.

Hours of Operation

The requested 9.30am start time for the serving of liquor is considered unreasonable and excessive, with insufficient justification provided for the request to serve alcohol so early in the morning. It is noted that Council has a preference for an earliest opening time of 11.00am for premises which serve alcohol for consumption on site. It is considered important that the availability of liquor from similar venues be generally consistent within the complex and municipality. As such the operating times for a number of other restaurants and cafes within Star Zone Karingal are included below;

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38/2010/P – Shop 10 of 197
Karingal Drive, Frankston****(PM015)***Redfire Lounge*

Shop 8 197 Karingal Drive

Monday – Thursday and Saturday: 12.00pm – 9pm

Friday – Saturday: 12.00pm – 9.30pm

Asian Palace

Shop 2 197 Karingal Drive

Sunday – Thursday 12.00pm – 10.30pm

Friday – Saturday 12.00pm – 11.00pm

Hogs Breath Café

Shop 4, 197 Karingal Drive

Monday – Sunday 11.30am – late

Stacks Pancakes

Shop 3, 197 Karingal Drive

Monday – Friday: 9.00am – 9.30pm

Saturday – Sunday: 8.30am – 10.00pm

None of the other restaurants and cafes within Star Zone Karingal commence operation any earlier than 11.30am with the exception of Stacks Pancakes which commences operation at 8.30am on weekends and 9.00am Monday to Friday. As such, the requested commencement time of 9.30am is considered excessive when compared with the other re-licensed restaurants within the area and the wider municipality. A condition should be placed upon any permit issued restricting the commencement of the serving of liquor within Cravings and Cream to 11.00am on all days consistent with the majority of restaurants within Star Zone Karingal and inline with Council's preference.

An 11.00am start is considered to be more acceptable given the nature of the use, the location of the site and expected clientele. In general the proposed hours of operation will allow for consumption of liquor with a lunch or evening meal. On this basis, it is considered that the amenity of the area will not be impacted upon as the consumption of liquor will occur primarily while customers are eating meals.

Liquor Accord

Council supports the responsible serving of alcohol in a consistent manner throughout the municipality. A permit note will be included on any planning permit issued encouraging the permit holder to become a member of the Frankston Liquor Industry Accord.

Financial Implications

The applicant has paid the appropriate planning permit application fees.

**6.3 Planning Permit Application
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Karingal Drive, Frankston****(PM015)****Economic Implications**

It is considered that there are opportunities for a larger patronage to Star Zone Karingal and Centro Karingal due to Peninsula Link and the commuters travelling to the Mornington Peninsula. This proposed liquor licence will enhance the overall package of uses within Karingal Centro and Star Zone Karingal whilst also improving the economic growth of the area generally and surrounding retail premises.

Social Implications

The development is consistent in principle with the social objectives of Melbourne 2030 and will provide a focus for social interaction within the area. It is proposed to cease the service of alcohol at 11:00 pm Monday to Sunday. The limited hours of operation, combined with the serving of meals on the premises, ensures that the negative impacts associated with the serving of alcohol is minimised.

Conclusion

Overall it is considered that the proposal satisfies the requirements of:

- The State and Local Planning Policy Framework (including the Municipal Strategic Statement);
- The zone controls and purpose;
- Relevant Particular Provisions;
- The decision guidelines of Clause 65; and
- Relevant planning scheme amendments.

The proposed Restaurant and Cafe Liquor Licence has been considered having regard to social and amenity implications and can be supported.

Recommendation (GMD)

That Council, having complied with Sections 52, 53, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a Planning Permit in respect to Planning Permit Application number 38/2013/P to sell and consume liquor (Restaurant and Café Licence) at Tenancy 10, Centro Karingal, 197 Karingal Drive, Frankston, subject to the following conditions:

No Alterations

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

Liquor Licence Hours

2. Unless with the prior written consent of the Responsible Authority, the serving of alcohol must only take place during the following times:
 - Monday to Sunday: 11.00 am – 11.00 pm,

Amenity

3. The licensee / permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence / permit relates during or immediately after the trading hours authorised by the licence/permit.
4. The amenity of the area must not be detrimentally affected by the use or development, through the:
 - a) Transport or materials, goods or commodities to or from the land.
 - b) Appearance of any buildings, works or materials.
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d) Presence of vermin.
5. Sound levels emanating from the land must not exceed those required to be met under State Environment Protection Policies Nos. N-1 (Control of noise from Commerce, Industry and Trade), and N-2 (Control of Music Noise from Public Premises).
6. External amplified public address or speaker systems must not be installed on the premises.

Permit Expiry

7. The permit will expire if one (1) of the following applies:
 - The use is not commenced within two (2) years of the date of the permit; or;
 - The use is discontinued for a period of two (2) years;

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three (3) months afterwards.

Notes**A. Extension of Time**

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

B. Variation to Planning Permit

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

C. Copy of Permit

Prior to the sale, transfer, assignment or other disposal of or leasing or parting with possession of any part of the land subject to this permit, a copy of the permit must be given to the purchaser, transferee, assignee, lessee, occupier or other person of that part

D. Frankston Liquor Accord

The owner/applicant of the subject site should join and comply with the Frankston Liquor Industry Accord, which requires the member to serve liquor in a responsible manner.



Consideration of Reports of Officers

Planned City for Future Growth

7.1 Peninsula Private Hospital – Planning Scheme Amendment C74 – Planning Panel Recommendations

(A1466287) (GMD)

Executive Summary

This report considers the recommendations of the Independent Planning Panel's Report on Planning Scheme Amendment C74.

Amendment C74 proposes to amend the Frankston Planning Scheme by rezoning the Peninsula Private Hospital site, located at 525-559 McClelland Drive, (and make other consequential amendments to the scheme including, the introduction of a Master Plan) and approving Stage 1 of a planning permit application of the hospital's redevelopment.

A copy of the Panels Report which includes recommendations is in **Supporting Information** to the Agenda. The revised Schedule 4 to Special Use Zone is included as Appendix C, the revised Master Plan is included as Appendix D and the revised permit conditions are included as Appendix E to the Panel report.

It is recommended that Council notes the Panels recommendations made in response to Amendment C74, and accepts the recommendations from Panels report. It is further recommended Council adopts the amendment in a modified form that reflects minor changes to address the concerns of submitters and reflects the urban land use (following the Minister for Planning's announcement to include the site within the Urban Growth Boundary) and submits revised documentation to the Minister for Planning for approval (including the approval of planning permit 355/2009/P).

Council Plan Long Term Community Benefits

The report supports Council's Plan Outcomes:

1. Planned City for Future Growth
 - 1.1 Work with other tiers of Government, industry and business to create more jobs and job skills in Frankston
2. Liveable City
 - 2.4 Improve the health and wellbeing of residents
3. Sustainable City
 - 3.1 Plan, build, maintain and retire infrastructure to meet the needs of the city and its residents
 - 3.2 Build a local community culture of good stewardship of the environment
 - 3.3 Ensure good governance and management of Council resources

**7.1 Peninsula Private Hospital –
Planning Scheme
Amendment C74**

Background

Peninsula Private Hospital has been operating as a specialist private hospital since the 1970's. It relocated to the current site in 1999, with long term plans to expand the hospital.

A number of planning permits have been granted to facilitate improvements to the existing hospital at 525 McClelland Drive, Langwarrin.

Amendment C74

In August 2009, Graeme Dickson on behalf of Australian Unity (the owners of 525-559 McClelland Drive) made a request to Council for a combined planning scheme and permit applicant in accordance with Section 96A of the *Planning and Environment Act 1987*. This application was incomplete delaying Councils assessment of the amendment request and proposal.

At its Ordinary Meeting of August 2010, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C74 which includes Stage 1 development, subject to the proponent providing further information.

Following protracted negotiations with the proponent, further information was provided and the amendment was exhibited. The amendment provides a holistic approach to facilitating the redevelopment of the hospital site. It specifically proposes to:

- Rezone the land from Rural Conservation Zone - Schedule 3 (RCZ3) and Road Zone Category 1 (RDZ1) to a Special Use Zone;
- Introduce a new Schedule 4, Peninsula Private Hospital, to Clause 37.01 Special Use Zone (SUZ4);
- Remove the Environmental Significance Overlay – Schedule 1 (ESO1) from 525 McClelland Drive (PC 362326). This part of the site was developed under planning permit 353/1998;
- Amend the Schedule to Clause 57 Metropolitan Green Wedge Land to exempt 'Special Use Zone 4, Peninsula Private Hospital, 525 - 559 McClelland Drive Langwarrin' from Clause 57.01 Core Planning Provisions;
- Introduce a new incorporated document 'Peninsula Private Hospital Master Plan May, 2012' to the Schedule to Clause 81.01; and
- Approve Stage 1 Planning Application 355/2001/P extensions to Peninsula Private Hospital, vegetation removal and access to Road Zone Category 1 of the Peninsula Private Hospital in accordance with the Incorporated Document.

The amendment was exhibited in from 30 October - 20 December 2012, and 20 submissions were received. At its Ordinary Meeting of 21 January, 2013 Council resolved to support changes to the exhibited documents and formally request an Independent Panel to consider all submissions and make a recommendation to Council about how to proceed.

7.1 Peninsula Private Hospital –
Planning Scheme
Amendment C74

A Directions Hearing was held 18 March, 2013 at Frankston City Council and the Panel was held 16-17 April at Planning Panels Victoria. The Panel's recommendations are discussed in the *Issues and Discussion* section of this report.

Anomalies Advisory Committee

Running concurrently with the amendment request was the Urban Growth Boundary (UGB) Anomalies Advisory Committee. The review of anomalies commenced in July 2011.

Council was invited to identify anomalies for consideration by the advisory committee panel. (Land owners, developers and the general community were not invited to take part in this process). Council considered this matter the 21 November 2011 At its meeting of 21 November, 2011, and resolved to nominate the Peninsula Private Hospital Site for inclusion in the UGB.

Council presented a case supporting their submission to include the sited inside the UGB submission to the advisory committee panel hearing on 2 April, 2012.

The advisory committee assessed and made recommendations about land nominated for inclusion within the UGB in a report to the Minister for Planning (on 4 May 2012).

Status of the land – inside or outside the UGB

On the morning the Amendment C74 Panel was due to commence the Minister for Planning announced in a press release that the Peninsula Private hospital site was considered to be an anomaly and would be included inside the Urban Growth Boundary. A planning scheme amendment to include the site in the UGB is being prepared by the Department of Transport, Planning and Local Infrastructure (DTPLI).

Specifically the committee recommended to:

“Include land within the City of Frankston known as 525 - 559 McClelland Drive, Langwarrin within the Urban Growth Boundary (The selection of the preferred form of planning controls should be resolved through the Amendment C74 process).”

Issues and Discussion

At the hearing the Panel considered the impacts of both scenarios because the change to the UGB had not yet been made (i.e. if the hospital were to remain outside the UGB and if the hospital site was to be moved inside the UGB).

Regardless of the UGB status of the land, the Panel report supports the strategic intent of C74 as it provides a net community benefit with the provision of health care facilities.

The Panel states that given the projected population growth in the region, the “...*location, size and timing...*” of the proposal are appropriate. The panel further found that the traffic and parking arrangements are suitable for the site and compatible with the surrounding area, and that the planning controls nominated provide for the long term protection of native vegetation.

7.1 Peninsula Private Hospital –
Planning Scheme
Amendment C74

Amendment C74 Panel Recommendations and Implications

The Panel report is contained in **Supporting Information**.

The Panel agreed to a series of post exhibition changes to the Council drafted to Schedule 4 to the SUZ, the Master Plan, and draft permit conditions in response to the views of authorities (i.e. the CFA, Linking Melbourne Authority, Vic Roads and Mornington Shire Council).

Further changes to these documents were negotiated as a result of ‘without prejudice discussions’ that occurred in response to the Minister for Planning’s press release stating the site is to be included inside the UGB.

Changes made to Schedule 4 to the SUZ reflect what the panel describes as acceptable given the site’s new status as land to be included within the UGB.

The key changes to the documentation include:

Schedule 4 to the SUZ

Accommodation:

- A change to the use, “Accommodation”. Change from a prohibited use to as of right use, if associated with the Peninsula Private Hospital. This is consistent with the shift from a rural zone to an urban zone.

Subdivision

- A change to the subdivision requirements. The change adds an exemption from notice and review requirements, if the application is generally in accordance with the Peninsula Private Hospital Master Plan. This is consistent with the change from a rural zone to an urban zone.

Permit Requirement

- This clause has been amended to require a permit for all buildings and works.

Application Requirements

- Requires noise attenuation measures, as an additional requirement, in response to a submission.
- An additional decision guideline to seek the views of Vic Roads where any proposal creates or alters access to McClelland Drive.

Peninsula Private Hospital Master Plan May 2012

- In Chapter 3 – “Indicative Future Development” is to be amended to include consideration of accommodation.

7.1 Peninsula Private Hospital –
Planning Scheme
Amendment C74

- In Chapter 5.3 - “General Principles”, amended to include a statement about Bush Fire Protection
- Include new principles for Fire Protection at 5.8, relating to mitigation and for Subdivision at 5.9, allowing the consideration of subdivision associated with consulting suites for medical practitioners
- In Chapter 10 “Application Requirements” - include reference to an impact assessment on McClelland Drive and Cranbourne Road. The requirement for an acoustic report, the need to balance protection and retention of native vegetation with fire protection and mitigation, and the requirement to prepare a plan that identifies native vegetation offset’s for bushfire protection, landscaping and any applicable defensible space requirements.
- A new requirement for a Vegetation Management Plan that states that *‘the calculations of vegetation removal, targets and offsets in this plan may be revisited in the event of defensible space requirements being imposed by the relevant fire authority’*.

The Panel Report also recommends approving the Stage 1 development application (Frankston City Council Planning Permit Application 355/2009/P) which is part of this amendment request, draft permit conditions amended by Council to address submitter concerns and are included in [Supporting Information](#).

Should Council adopt the amendment the Minister for Planning is responsible for its approval including the final approval of Stage 1 development permit.

Risk Mitigation

Rezoning the site and introducing a building foot print (contained in the Master Plan) provide certainty about the future development of the site. These controls also provide protection and certainty for the balance of significant vegetation on the site.

Options Available

1. Agree to the Panels recommendations, adopt the amendment with modifications and send the modified amendment to the DTPLI for approval. (recommended)
2. Reject the panel’s recommendations, adopt the amendment without modifications and send the finalised amendment to the (DTPLI) for approval.

Financial Implications

The costs associated with this amendment have been met by the proponent, as the amendment was made at the request of the proponent.

The fees for the Panel hearing exceeded \$20,000.00. These costs have been paid by the proponent.

**7.1 Peninsula Private Hospital –
Planning Scheme
Amendment C74**

Economic Implications

The proposal is consistent with the economic objectives and strategies outlined by the Municipal Strategic Statement (MSS) at Clause 21.08 Economic Development, which encourage local employment.

Environmental Implications

The amendment seeks to protect and enhance the sites environmental qualities. This is achieved by locking down a building foot print contained in the Master Plan, retaining the Significant Landscape Overlay, Bushfire Management Overlay and using a S173 (on title) Agreement to protect the balance of the vegetation not impacted by the hospital expansion. This is consistent with Councils MSS - Clause 21.05, Environmental Risk, Clause 21.06 Environmental and Landscape Values of the Frankston Planning Scheme which encourage protection of the natural environment.

Social Implications

The proposal seeks to provide ongoing health care services and facilities to the residents of the Southern Metropolitan Region (which includes residents of Frankston City, and neighbouring areas including the Mornington Peninsula, Casey and Kingston). The proposal responds to the needs of a growing community as outlined by Clause 11 of the Frankston Planning Scheme.

Community Engagement

Notification of the proposal was given in accordance with the requirements of 96C the *Planning and Environment Act 1987*. The amendment was exhibited in October 2012. Notices inviting submissions along with an information drop-in session were published in print and on Councils website. An information drop in session was held at the Karingal Hub shopping centre where the community was invited to ask any questions they had about the proposal. A total of 20 submissions were received.

At its Ordinary Meeting of 21 January, 2013 Council resolved to support changes to the exhibited amendment to address the concerns of some of the submitters. Changes affected the draft permit conditions and Schedule 4 to the SUZ. Changes related to noise, traffic and bushfire management (described in detail in the discussion and issues section of this report.)

The panel in its report considered all written and verbal submissions. (All submitters were invited to make a verbal presentation to the panel at the hearing).

Further changes to these documents are proposed as a result of recommendations made by the Panel. There was discussion with the submitters, proponent and Council and were the result of the Minister for Planning's announcement that the site would be included within the UGB. The discussions considered the consequences of both scenarios – if the site was included and if it was not included within the UGB.

7.1 Peninsula Private Hospital –
Planning Scheme
Amendment C74

A final draft of recommended changes to the amendment documents was compiled by the panel and is included in [Supporting Information](#).

Conclusion

The panel at the C74 hearing considered Council's submission, the proponent's submission, verbal and all written submissions to the amendment. The Panel took into account the consequences of changes to the UGB and site changing from a rural to an urban zone.

The intent of the amendment remains the same, and the Panel agrees with Council stating that there is adequate strategic planning justification to pursue the proposal. The panel recommends a series of changes which are supported at officer level. As a result it is recommended that Council support the Panel Report, adopt the amendment in a modified form and submit the amendment, Master Plan and Stage 1 development application to the Minister for Planning for final approval.

Recommendation (GMD)

That Council:

1. Receives the Panel Report which considers the submissions made to Frankston Planning Scheme Amendment C74, and considers the recommendations in accordance with Section 27 (1) of the *Planning and Environment Act 1987*.
2. Support the recommendations of the C74 Panel Report for the Rezoning, Master Plan and Stage 1 development application
3. Adopt the amendment, Master Plan and Stage 1 development application subject to the changes addressing submitter concerns and reflecting an urban land use by:
 - a. Supporting the rezoning from Rural Conservation Zone and Road Zone Category 1 to Special Use Zone 4 subject to the following changes to the schedule:
 - i. Permitting accommodation (other than a caretakers unit), subject to a permit application, only if it is associated with the Peninsula Private Hospital or Medical Centre;
 - ii. Exempting subdivision from notice and review;
 - iii. Requiring a permit to construct and carry out works;
 - iv. Adding an application requirement for an acoustic report;
 - v. Adding a requirement to seek the views of the roads authority if access is altered to McClelland Drive in the decision guidelines.
 - b. Supporting the Master Plan subject to the following changes:
 - i. Including a section that considers short term patient and visitor accommodation in indicative future development;

7.1 Peninsula Private Hospital –
Planning Scheme
Amendment C74

- ii. Include additional bushfire protection measures when locating and designing buildings, have regard to any applicable bush fire requirement and consider subdivision for the purpose of creating consulting suites in the urban context assessment and design response;
 - iii. Include additional application requirements that consider impacts on arterial roads in parking and access, include the requirement for an acoustic report, include a requirement to balance the protection of vegetation with bushfire risk, and include a requirement to prepare a plan identifying native vegetation offsets, landscaping and any defensible space requirements;
 - iv. Modifying Appendix D to include background to the native vegetation management framework and allowing for recalculation of vegetation offsets in accordance with defensible space requirements at permit application stage.
- c. Supporting the Stage 1 Development Application subject to the following changes to the draft permit conditions:
- i. Amended landscape plans; having regard to defensible space (condition 1 a);
 - ii. Offset management areas; having regard to defensible space (condition 1 b);
 - iii. Tree protection zones: having regard to defensible space (condition 1 f);
 - iv. The requirement of a bushfire management plan (condition 1 l);
 - v. Provision of a parking management plan (condition 1 m);
 - vi. Requirement for a parking management plan prior to commencing development (condition 13);
 - vii. Conditions 32-40 as required by the “Linking Melbourne Authority, Vic Roads and the CFA;
 - viii. Notes as required by the CFA;
 - ix. Minor administrative changes to reflect changes to numbering (as identified in the panel report).
4. Submit the adopted amendment and Stage 1 development application to Minister for Planning for approval.

7.2 Municipal Strategic Statement (MSS) Review – Approach

(A1501605) (FJ:GMD)

Executive Summary

The *Planning and Environment Act 1987* sets out that a planning authority must regularly review the provisions of the planning scheme. Guidelines provided by the State Government suggest that the review cycle starts when the previous review is reported to Council. The current Municipal Strategic Statement (MSS) and Planning Scheme review was reported to Council for adoption on 5 December 2011 and approved by the Minister for Planning on 9 August 2012. The Planning Scheme review also forms a key outcome of the recently adopted Council Plan 2013-17.

This report seeks support from Council on the project scope and the level of engagement with the Council group throughout the review program. It is proposed that there be three (3) briefing sessions and two (2) Council reports at key milestones of the project, coupled with a monthly MSS Advisory Committee meeting, which is attended by three (3) councillors.

Support of the project is critical to the programming of the review and the ability to coordinate consultation with the community. It is suggested that undertaking simultaneous consultation on the MSS with other projects will avoid taxing the community and enable the collection of potentially more valuable feedback to this high level document that sets the direction of land use activity for the future.

Council Plan Long Term Community Benefits

The following strategic objectives of the three (3) Long Term Community Outcomes in the Council Plan 2013-17 are relevant to the consideration of this matter:

1. Planned City for Future Growth
 - 1.3 Review the Municipal Strategic Statements [MSS#], also known as the Local Planning Scheme to accommodate future population growth
2. Liveable City
 - 2.1 Activate the city centre and encourage more housing, leisure and retail options
 - 2.3 Engage with the Community in shaping the services and future of the city and their local area

Background

The current Municipal Strategic Statement (MSS) and Planning Scheme were approved by the Minister for Planning on 9 August 2012. In accordance with the *Planning and Environment Act 1987*, a planning authority must regularly review the provisions of the planning scheme. Guidelines provided by the State Government suggest that the review cycle starts when the previous review is reported to Council.

**7.2 Municipal Strategic
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The structure of a Planning Scheme is very much set by the State Government. The Local Planning Policy Framework (LPPF) is the section where a local council '*must further the objectives of planning in Victoria to the extent that they are applicable in the municipal district*', that is Council has the opportunity to set the future direction of land use planning for their local area. The LPPF comprises of a Municipal Strategic Statement (MSS) and Local Policies. The review focuses on the MSS to ensure the direction of the current Council Plan is reinforced through the Planning Scheme.

The State Government has provided a toolkit that suggests a methodology that will meet the requirements of the *Planning and Environment Act 1987* for the monitoring and review of planning schemes and identify potential operational improvements. This methodology was adopted in the previous review and accepted by the Minister. It is suggested that the methodology of the toolkit be followed again.

An improvement to the process identified from the last review, is the engagement of the Councillors. Clear understanding of the role of a Planning Scheme Review and the purpose and scope of an MSS will assist in an efficient process. Engaging the community, which was thorough last time, is essential as the MSS outlines land use development for the future. However, due to recent engagement of the community on an array of matters it is important that the level of consultation is managed and the form of communication is well thought through. A sense of over consulting the community needs to be avoided.

It is important that Councillor support be achieved to the consultation approach and general program and agreement for reporting back to Council along the way. This process has been influenced by the MSS Advisory Committee that includes three (3) Councillors which meets on a monthly basis.

Issues and Discussion

The Planning Scheme Review, with particular focus on the MSS and Local Policies is best managed with an agreed program of approach and process that identifies the key milestones including the form and timing of consultation with the community, interest groups and users of the development industry.

Program and key milestones

The general approach to the review involves a number of phases and two (2) extensive periods of consultation. The consultation to be conducted is set out in the Consultation Plan (see [Appendix 1](#)).

More specifically the phases of the review process and their related milestones are:

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PHASE 1 – ISSUES AND BACKGROUND PAPER

action	milestone
Community engagement – see phase 1 of the Communications Plan 5 weeks - 29/7 – 30/8/13	
Audit planning applications	
Review existing Council policies	
	<p>BRIEFING TO COUNCIL - week 23 Sept 2013</p> <p>Present Background and Issues Paper outlining:-</p> <ul style="list-style-type: none"> - consultation conducted & feedback received; - review of Council policies; - audit of planning applications; and - key issues identified for the focus of the MSS. <p>Confirm relevant issues; and</p> <ul style="list-style-type: none"> - present the format of documents to engage with the community

PHASE 2 – REVIEW MSS

Prepare documents to engage with the community	
	<p>COUNCIL REPORT – 2 December 2013 (report to be written by 8 Nov 2013)</p> <p>Present content & documents to go to the broader community for feedback</p>

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PHASE 3 – ENGAGE WITH BROADER COMMUNITY

Consult with Community – see phase 2 of Consultation Plan 4 weeks - 3/2 – 28/2/14	
Peer review of draft MSS	
	<p>BRIEFING TO COUNCIL - week 31 March 2014</p> <p>Present the community's feedback outlining the consultation conducted & feedback received.</p>

PHASE 4 – DRAFT MSS DOCUMENT

Prepare review report for submission to Minister	
Re-write MSS to respond to issues	
	<p>BRIEFING TO COUNCIL – week 14 April 2014</p> <p>Present the draft MSS documents, consisting of:-</p> <ul style="list-style-type: none"> - a revised MSS; - revised Local Policies (as relevant); and <p>summary of changes.</p>
	<p>COUNCIL REPORT – 2 June 2014 (report to be written 25 April 2014)</p> <p>Prepare a report that presents:-</p> <ol style="list-style-type: none"> 1. Frankston Planning Scheme Review – Final Report for adoption and presentation to the Minister. 2. Present Amendment documentations for the implementation of the revised MSS; and 3. Council to support a request to the Minister for authorisation to commence the Amendment.

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The above provides for three (3) briefings of Council and two (2) reports throughout the review. In addition to this, is a monthly meeting of the MSS Advisory Committee.

Other planning projects being put to community consultation

At the 24 June 2013 Council meeting, Council supported the Draft Housing Strategy and Draft Frankston Activities Area Structure Plan to go to public consultation. As these processes are also being managed by Council's Planning and Building Department, conducting three (3) separate consultation programs would be taxing on the community, and inefficient of Council resources and officers' time.

It is suggested that the three (3) programs be coordinated to identify where the sharing of the community's time can be best served and the methods of communication optimised. However, this in no way should be done at the compromise of clear, thorough and engaging methods of any of these projects.

MSS Program

The agreement to the outlined program of the MSS Review is imperative to the continuity of such a large project. This initial process can be viewed as the ground-up method of the community informing Council of their vision of the issues and opportunities to be faced by Frankston into the future. Council will then have an opportunity to confirm these views as the matters to be addressed in the MSS, as a high level land-use planning document.

Following this, the community will have the opportunity to engage and influence the document that responds to their matters raised. Typically, this document has to be formulated to align with State policy direction and support other policies of Council.

Maintaining momentum of the project provides the opportunity for continued understanding of the community and Councillors. Should momentum be lost and large time spans occur between communications, it can lead to reduced confidence and recall of what has previously occurred. Unfortunately this occurred with the former review which spanned a number of years, adding to the elongation of the process.

Risk Mitigation

If this program is not achieved, a relatively frequent and consistent engagement with both the community and the Council group will not occur. Infrequency of engagement can create uncertainty about the importance of the MSS and the role it plays in setting the land use planning of the City.

Should the program be delayed, then the opportunity to present a coordinated consultation process with the Draft Housing Strategy and Draft Frankston Activities Area Structure Plan will be missed and the duration of consultation occurring on all these projects with the community will be extended. The community may feel burdened and lessen the value and response of the community to the review.

**7.2 Municipal Strategic
Statement (MSS) Review –
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Options Available

Council has the following options:-

1. To provide in principle support for the program and timing of the MSS Review project, including the form and frequency of engagement with the Councillor group.
2. To provide in principle support to the program and timing of the MSS Review project subject to amendments to the program in its content and/or timing.

Financial Implications

Costs associated with the undertaking of the public consultation process of the MSS Review project will be borne from the Strategic Planning Unit's 2013-14 operating budget.

Economic Implications

A well informed, current and relevant strategic document that provides a high level statement of the future land use activity direction for the City will provide the community with a clear understanding of what development evolution they can expect throughout the City. This will assist both residential and commercial decisions about where to locate.

Environmental Implications

The MSS will address the environmental characteristics throughout the City and what role and function they play in the guidance of the future development-scape of the City. The value to both residents of Frankston and the neighbouring areas, as well as the broader regional area will be recognised and protected; as well as respecting and responding to the environmental directions to be set by the State Government through the likes of the Metropolitan Planning Strategy and zones reform program.

Social Implications

The MSS and Planning Scheme review will encourage all of the community to provide comment to the development of the document. The document will have regard to the health and well being of people and other social factors. It is considered the MSS and Local Policies have the potential for a positive social impact on the community.

Community Engagement

The MSS Advisory Committee have a clear target to engage with the whole of Frankston community with the assistance of broad ranging and successful methods of communication as previously experienced by the organisation.

Engagement with the Councillors is also important. That is why the form and frequency of the engagement is needed to provide some certainty to the program of the project.

7.2 Municipal Strategic
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Conclusion

The MSS Review is a regular legislative requirement as set by the State Government in the *Planning and Environment Act 1987*, which has been reinforced through the Council Plan 2013-17 by being one of its key outcomes.

The importance of having key stakeholder agreement to the program and level of involvement is critical to the continuity of the project and contributes to the efficiency of Council staff and its resources. Another clear benefit is the ability to create effective communication with the community of Frankston coordinated with other engagement occurring at the same time. This will result in not over-taxing the community and has the potential for more valuable feedback and input from the community for this high level document that sets the direction of land use activity for the future.

Recommendation (GMD)

That Council supports the program and timing of the MSS Review project, including the form and frequency of engagement with the Councillor group as outlined in this report.



Frankston City

Frankston MSS

Consultation Plan

July 2013

Frankston City



Frankston MSS – Consultation to inform the drafting of the document

Purpose

The purpose of the consultation to inform the draft Frankston MSS is to:

- Gain from key community groups and stakeholders issues for the future of Frankston
- Build stakeholder awareness of the purpose of the MSS and its contents

Project Lead

MSS Project Manager will lead the engagement process with support as outlined

Timing

Timing – 5 week communication period (approx. 29 July – 30 August 2013)

Tools & Techniques

Activity	Timing	Level of Engagement	Responsibility
Project Communications – key community groups & stakeholders	Ongoing (approx. 29 July – 30 Aug 2013)	Inform - Consult	MSS PM
1. KEY COUNCIL DEPARTMENTS – workshop existing content of MSS and their views for future, incl. issues Economic Development Environment – incl. Environment, Parks, Reserves Drainage Traffic Communities Governance Assets / Capital Works, incl. Open Space Strategy project officer Best Value Review officers Planners & Planning Enforcement	ongoing	Inform - Consult	MSS PM

**7.2 Municipal Strategic Statement (MSS) Review
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(PM015)

<p>2. KEY COMMUNITY GROUPS – workshop issues for the future</p> <p>Business Chamber Environment - Frankston Environment Friends Network (includes Action Sweetwater Creek, Frankston Beach Association, Friends of Langwarrin Flora & Fauna Reserve, Friends of Frankston Reservoir, Kananook Creek Association, Friends of the Pines Flora & Fauna Reserve)</p> <p>Friends Groups Local Area Plan Groups (6) - Frankston Central Frankston Heights; Frankston South; Seaford; Langwarrin; Karingal; Carrum Downs Skye & Sandhurst Seaford, Langwarrin and Seaford are established – coordinate with Communities</p>	1-2 hrs for each group	Inform - Consult	MSS PM + Eco Dev Environ Communities
<p>3. NEIGHBOURING COUNCILS – discuss boundary issues and future direction; timing of their MSS review; understand studies doing or to be done that may affect Frankston.</p> <p>Casey Greater Dandenong Mornington Peninsula Kingston</p>	½ day for each	Inform - Consult	MSS PM + other planner
<p>4. CONSULTANTS that act for Council at VCAT</p> <p>Kellock Town Planning Andrew Crack & Associates Pty Ltd Maddocks Lawyers HWL Ebsworth Lawyers</p>	1 hr for each	Inform - Consult	MSS PM + other planner
<p>5. KEY AGENCIES (Referral Authorities)</p> <p>e.g. Vic Roads, DSE, CFA, Melbourne Water</p>		Inform - Consult	MSS PM + other planner or External

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			Consultants
6. INDUSTRY EXPERTS e.g. Traffic, Environment		Inform - Consult	MSS PM + other planner or External Consultants



Frankston Municipal Strategic Statement (MSS) Public Exhibition Summary

Purpose

The purpose of the Public Exhibition of the draft Frankston MSS is to:

- Inform the community of the release of the draft MSS for feedback
- Build community and stakeholder awareness of the purpose of the MSS and its contents
- Encourage the community to provide formal feedback on the Draft Frankston MSS

Project Lead

Planning and Building Department will lead the engagement process with the support of the Media and Communications.

Timing

Timing – 4 week consultation period (approx. February / March 2014)

Tools & Techniques

Activity	Timing	Level of Engagement	Responsibility
<p>1. Project Communications</p> <p>Throughout the engagement process there will be one set of communication channels – potential project email.</p> <p>Frankston customer service staff will be provided with information to allow them to answer enquiries.</p> <p>A single set of communication channels will ensure that all incoming information is recorded and appropriately managed.</p>	Ongoing (approx Feb / March 2014)	Inform - Consult	MSS MP Media&Comm IS
<p>2. Key Messages & Q&As</p> <p>A series of Key Messages and Q&As will be used by staff to respond to queries, ensuring consistent and accurate information regarding the engagement process, and the MSS, is conveyed. The information will also be used to inform the development of other associated</p>	Ongoing (approx Feb / March 2014)	Inform	MSS MP

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<p>communication material.</p> <p>The Key Messages and Q&As will be updated as new information becomes available. The Q&As will also be adapted for the website.</p>			
<p>3. Website</p> <p>The project will be provided on the FCC website.</p> <p>The webpage will provide an overview of the project, previous engagement and outcomes (including reports), contact information and ways to get involved.</p> <p>Key information documents will also be available to download.</p> <p>Webpage will contain a link to provide a submission on the Draft MSS.</p>	<p>Ongoing (approx Feb / March 2014)</p>	<p>Inform</p>	<p>MSS MP</p>
<p>4. Document – Draft MSS Summary</p> <p>A short summary document will be prepared to provide community members with an accessible and easy to read version of the draft MSS. The summary document will highlight the key recommendations and outcomes of the MSS.</p>	<p>Ongoing (approx Feb / March 2014)</p>	<p>Inform</p>	<p>MSS MP</p>
<p>5. Flyers</p> <p>Flyers will be sent to key stakeholders advising them of the opportunity to participate in the engagement process, via information sessions and the website. Flyers will also be sent to key out-posts of Council's services, e.g. service centres, Frankston Vis. Inform Centre</p>	<p>Week early Feb 2014</p>	<p>Inform</p>	<p>MSS MP</p>
<p>6. Advertisements</p> <p>Advertisements will be placed in the local newspapers announcing the stakeholder engagement</p>	<p>Week early Feb 2014</p>	<p>Inform</p>	<p>FCC</p>

**7.2 Municipal Strategic Statement (MSS) Review
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(PM015)

process.			
<p>7. Information Sessions</p> <p>Two 2-3 hour information sessions will be held for interested community members and stakeholders to gain an understanding, obtain further information, and enable discussion and questions. These sessions will be published and promoted extensively.</p> <p>The information session will provide for a whole group discussion and will be held in the evening.</p>	Week approx.24 February 2014	Inform - Consult	FCC
<p>8. Presentations</p> <p>During the engagement process, the project team will offer to meet with all groups engaged in Phase 1 of consultation to present the Draft MSS; and provide the opportunity to comment.</p>	Ongoing (approx Feb / March 2014)	Inform - Consult	FCC
<p>9. Questionnaire</p> <p>A questionnaire will be designed and made available at all locations where information can be obtained.</p> <p>The questionnaire will ask some specific, targeted questions about components of the MSS and provide opportunity for general feedback. The Questionnaire will also form the basis for questions asked in meetings to enable a consistent collection of feedback.</p> <p>The questionnaire will also be made available online via the website.</p>	Ongoing (approx Feb / March 2014)	Consult	FCC
<p>10. Stakeholder Engagement Report & Summary</p> <p>A reporting template will be developed to ensure all engagement activities are reported on accurately and consistently. A report of the stakeholder engagement process and outcomes will</p>	Finalised by 31 March 2014	Inform	

**7.2 Municipal Strategic Statement (MSS) Review
– Approach**

(PM015)

be prepared. The purpose of the report is to document the methods used, and the stakeholders' feedback on the draft MSS. The report will also include the outcomes of the evaluation and observations from the process. The findings of the report will be used to inform the final MSS.

The report will also summarise all the written submissions received.

A summary of the Stakeholder Engagement Report will be made available to all via Council's web site.

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7.3 Bay Lane Public Acquisition Overlay – Cost/Benefit Analysis of Land Acquisition Options

(A1427432) (GMD)

Executive Summary

This report responds to a resolution of Council at its Planning Meeting on 10 September 2012 which states:

“ Council resolves that a report is prepared by Council officers providing a cost benefit analysis of the options for land acquisition and upgrading of Bay Lane which is to be presented to Council prior to the preparation of a Planning Scheme amendment to effect the widening of the lane”.

Ratio Consultants prepared a Traffic Report based on the Access and Movement Assessment for the precinct. The intent of the traffic report was to assess the potential increase in traffic movements generated by future development and options for achieving a road capable of accommodating that increase. The Ratio report identified five (5) options and confirms that Bay Lane will need to be widened to 6 metres to provide adequate vehicular access to properties.

It was intended to introduce a Public Acquisition Overlay (PAO) to properties directly abutting Bay Lane for road widening purposes to facilitate development proposed for the properties located in the Davey Street precinct.

As a result of the above Council resolution, Council engaged a valuer to assess the costs associated with introducing a PAO through a Planning Scheme amendment on the rear of the properties along Bay Lane. The valuation looked at the option that would require the least amount of land and therefore be the least expensive. Concurrently other methods of acquiring the land have been examined, including developer contributions, capital works and the planning permit process. This report summarises the outcome of the valuation and other acquisition methods and recommends that Council not pursue the PAO and acquire the land through the planning permit process.

Council Plan Long Term Community Benefits

The proposal to widen Bay Lane accords with Council Outcomes:

1. Planned City for future growth
 - 1.2 Enhance transport connectivity
2. Liveable City
 - 2.1 Activate the city centre and encourage more housing, leisure and retail options
3. Sustainable City
 - 3.1 Plan, build, maintain and retire infrastructure to meet the needs of the city and its residents
 - 3.2 Ensure good governance and management of Council resources

7.3 Bay Lane Public Acquisition
Overlay

Background

The Davey Street precinct, which is bounded by Nepean Highway. Davey Street, Young Street and Plowman Place, has been the location of several development applications and proposals. Vic Roads will not permit additional direct vehicular access from Davey Street. A planning permit application for an apartment building at 10-12 Davey Street discussed the need to consider a Planning Scheme amendment for a PAO to establish a six (6) metre wide road reservation to cater for two (2) - way traffic to meet the needs of traffic generated as a result of development in the area. The permit conditions imposed on the approval at 10-12 Davey Street requires the applicant to provide for an appropriate level of access via Bay Lane for vehicles and pedestrians. As a result of the increased interest in the precinct, Council resolved at its Ordinary Meeting on the 16 May 2011:

“ That Council direct officers to prepare a Planning Scheme amendment to introduce a Public Acquisition Overlay for 1.5 metres of land of those properties directly abutting Bay Lane for road widening purposes”.

Council officers engaged Ratio Consultants to prepare a Traffic Report based on an Access and Movement Assessment for the Davey Street precinct. The report identified that Bay Lane will need to be widened to six (6) metres to provide adequate vehicle access to the rear of the properties which face Davey Street and Plowman Place. The report identified Option One as the preferred option as it provides the best outcomes in terms of accessibility and safety, providing direct access/egress via Nepean Highway and Plowman Place and provides a turnaround treatment. All of the options were presented to Council at its Planning Meeting on 10 September 2012. At this meeting Council resolved:

“A report is prepared by Council officers providing a cost benefit analysis of the options for land acquisition and upgrading of Bay Lane which is to be presented to Council prior to the preparation of a Planning Scheme Amendment to effect the widening of the lane”

Council engaged Don Metcalfe, a Certified Practising Valuer, to undertake a valuation of a modified version of Option One (referred to as Option Six in the valuation report - see [Supporting Documentation](#) to the Agenda for plans).

Issues and Discussion

The valuer considered the costs associated with placing a PAO on a modified version of Option One (which removed land at the end of Bay Lane [16 Davey, 20-24 Young Street and 3 & 4 Plowman Place] from the Option). This was considered acceptable as access could still be achieved in a safe manner.

7.3 Bay Lane Public Acquisition Overlay

The valuation concluded that the compensation, including consequential losses as at March 2013, for the taking of the land to be \$2,079,000 which includes an amount of \$843,000 for public land acquisitions. This would not include the cost and expenses referred to in the valuation rationale on page 4 of the valuation report which included three (3) trees, fire-fighting infrastructure located at the back of the Mechanics Hall and the reinstatement of 6 car spaces (see [Supporting Documentation](#)). Council officers have had discussions with staff at the Department of Environment and Primary Industries (DEPI) to ascertain whether part of the public land could be proclaimed 'road'. This approach would result in a reduction of compensation costs of \$843,000 if a road was to be declared over the Crown land at 1N Plowman Place and over the Council owned land at 1R Plowman Place.

The option that was valued would require the least amount of land and therefore was the least expensive option. The valuer has indicated (as of May 2013) it would cost Council approximately \$20,000 to undertake additional valuations of the other options, however it is considered that the other options would not be as suitable from a traffic movement perspective and would cost more to deliver. Therefore further work has not been undertaken.

Other potential options identified for acquiring the land to widen Bay Lane include developer contribution plans, the capital works program or through the planning permit process.

Development contribution plans have not been considered further because they still require use of the PAO and an initial outlay of substantial cost although Council would be able to recover some of the costs over time. The land could be required as a permit condition or Council could negotiate with the applicant throughout the permit application process to acquire the land. Potential trade-offs for the developer contributing the land could be the relaxation of some planning controls such as parking. There are risks associated with this, such as the developer does not want to contribute land. However, this is seen as more financially viable than applying a PAO.

Risk Mitigation

Once a PAO is applied to any land there is an expectation by owners that Council will purchase and compensate owners at some time. Whilst a PAO can be removed at a later date, it may still result in compensation being payable to land owners as a result of a loss of the sale of the land. Council needs to seriously consider these implications before proceeding to apply a PAO.

If a PAO is applied to the land it signals to future developers in the Davey Street precinct that they must provide land for road widening purposes at the time of land development or the initiation by Council of land acquisition processes, whichever occurs first.

There is no timeframe within which Council is required to initiate the land acquisition process, although once initiated the process can be prolonged and costly. This is usually due to disagreements about the amount of compensation to be paid.

**7.3 Bay Lane Public Acquisition
Overlay**

If a PAO is not applied then it could be more difficult to achieve the road standard required to facilitate the orderly development of the Davey Street precinct which cannot be accessed off Davey Street. There is the risk that not every lot will develop or develop in a timely manner resulting in ad hoc development and a road that is not viable or appropriate for vehicle access.

Options Available

Council has the following options available:

1. Adopt a modified version of Option One (as indicated on plans in the **Supporting Information**) for the purposes of applying the Public Acquisition Overlay and seek authorisation from the Minister for Planning to prepare and exhibit a Planning Scheme amendment to introduce a Public Acquisition Overlay over Bay Lane.
2. Adopt a modified version of Option One (as indicated on plans in the **Supporting Information**) to illustrate Council's intention to achieve widening of Bay Lane through negotiation. Council will then seek acquisition of the required land through the planning permit process.
3. Abandon the intention to widen Bay Lane.

Financial Implications

As outlined above, various costs will be incurred if Council decides to apply a PAO on the land and proceeds to acquire land. The current valuation suggests that the compensation, as at March 2013, for the taking of the land indicated in a modified version of Option One to be \$2,079,000. Governance has advised that that the actual cost is likely to be higher, as in addition, Council is required to pay all the other parties' reasonable costs such as legal fees, valuation, planning, subdivision and fencing costs. The actual cost of this proposal is more likely to be in the order of \$2,000,000 to \$3,000,000 dependent on the outcome of Crown Land negotiations.

If Council were to initiate the land acquisition process prior to the development of any sites then compensation will also need to include costs associated with the removal of any existing buildings located within the area of acquisition.

If a Planning Scheme amendment is undertaken there will also be costs associated with the preparation, exhibition and approval of the amendment. This is likely to be between \$5,000 and \$10,000 depending on the need for legal advice. A Panel hearing would increase costs by another \$15,000 - \$25,000.

Economic Implications

The introduction of a PAO would provide certainty and direction for investors and developers in the area and ensure a viable access arrangement for development in the precinct.

The precinct is a key residential development precinct in Frankston and realising its potential with appropriate forms of development will add to the economic prosperity and viability of the Frankston Activity Area.

7.3 Bay Lane Public Acquisition
Overlay

Environmental Implications

An upgrade of Bay Lane represents opportunities for better drainage and the introduction of landscaping and design elements that will help achieve and support sustainable development outcomes.

Social Implications

The widening of Bay Lane has the potential to facilitate development within this precinct which will increase activity in the area and therefore safety through passive surveillance and greater pedestrian and vehicular activity. Development of this precinct will also promote the Frankston Activities Areas as a desirable place to live and potentially create employment through construction activities and retail tenancies within the developments.

The Davey Street precinct is a high profile area in the Frankston Activities Area and provides a link between commercial and retail areas to the north and recreation and residential areas to the south.

Community Engagement

The Governance & Customer Relations Department has been consulted on aspects of the valuation and land acquisition mechanisms.

Consultation including notice to affected and adjoining owners would also be required as part of the Planning Scheme amendment if Council chooses to introduce the PAO over properties abutting Bay Lane. Any submissions received during the consultation would be considered by Council and may be referred to a Panel for further consideration.

Conclusion

In order for the Davey Street precinct to be redeveloped and revitalised as a key residential area in the Frankston Activities Area it will be necessary to upgrade Bay Lane to a six (6) metre wide road reservation. It has been determined that a modified version of Option One is the most suitable way to achieve this as it promotes efficient vehicular and pedestrian movements.

However the cost of applying a PAO is very high and there are other methods available to Council to acquire the land required to widen Bay Lane. One method is to acquire the land through the planning permit process. This could be achieved through conditioning the planning permit or negotiating with developers in the area. This method is more cost effective than seeking a Planning Scheme Amendment and as such it is recommended that Council adopt this acquisition method.

Recommendation (GMD)

That Council:

1. Adopt a modified version of Option One (as indicated on plans in the **Supporting Information**) to illustrate Council's intention to achieve widening of Bay Lane through negotiation.

7.3 Bay Lane Public Acquisition
Overlay

2. Seek acquisition of the required land through the planning permit process.



Liveable City

7.4 Domestic Animal Management Plan Report (DAMP) 2012 to 2016

(A1505349) (GMComm)

Executive Summary

The purpose of this report is to present the Domestic Animal Management Plan (DAMP) for endorsement for public exhibition.

The DAMP is a State Government requirement under the *Domestic Animals Act 1994*. Legislation requires Council to develop and prepare a DAMP every four years; the primary purpose of which is to set the strategic direction for animal management within the Frankston Municipality for the next four (4) years.

Originally the review term for the DAMP was every three (3) years (2008-2011) but the Department of Environment and Primary Industry (DEPI) has made some legislative amendments and the DAMP is now due for review every four (4) years. However, in 2012 it was identified that the new statutory period clashed with the Victorian Council elections and all Victorian Councils were given the option of an extension to mid 2013. Frankston City Council sought the extension and was approved.

Council Plan Long Term Community Benefits

2. Liveable City

2.2 Improve the municipality's safety, image and pride

Background

The DAMP is a State Government requirement under the *Domestic Animals Act 1994*. It is a legislative requirement for each Victorian Council to submit a Domestic Animal Management Plan to the DEPI every four (4) years. The development of the 2012 – 2016 DAMP was guided by the DEPI – Bureau of Animal Welfare across all Victorian Council Municipalities. The Plan aims to increase the relative profile and importance of the domestic animal management function in the local government sector.

Issues and Discussion

Frankston City Council currently has:

- 28,728 registered domestic animals (21,420 dogs and 7,038 cats); 32 are declared dogs.
- On average Frankston City experiences 280 dog attacks per year.
- 1,381 dogs and 593 cats were impounded 2012.
- 1,116 dogs were returned to the owner with a further 157 dogs successfully rehoused after a rehousing assessment.

**7.4 Domestic Animal
Management Plan Report
(DAMP) 2012 to 2016****(PM015)**

- 117 cats were returned to their owner with a further 144 cats successfully rehoused after an assessment.
- 123 prosecutions undertaken with a 100% success rate.

The DAMP seeks to improve responsible animal management ownership and compliance to address the issues identified through community and key stakeholder consultation. The issues and concerns included:

- Roaming cats;
- Irresponsible cat owners;
- Dogs walking off lead in public places;
- Irresponsible dog owners; and
- Need for a free roam dog beach.

Risk Mitigation

The strategies developed as part of the DAMP have been carefully considered to ensure:

- They are realistic and achievable;
- A balance is achieved between the needs of pet owners and the needs of the community in general;
- Councils' over arching plan and vision is taken into consideration and incorporated where appropriate; and
- Legislative requirements of the Act are met.

Options Available

1. Endorse the Domestic Animal Management Plan 2012 – 2016 for further public consultation on Council's website for a period of 21 days. Further consultation will be sought via advertisement of the DAMP via local media outlets.
2. Defer the Domestic Animal Management Plan 2012 – 2016 for further work and advise the DEPI accordingly.

Financial Implications

The management and implementation of the DAMP is a service delivered by Frankston City Council's Compliance and Safety Department. Provision for this service is funded in the annual budget ensuring that actions listed in the Plan are prioritised and appropriately resourced.

Economic Implications

None

Environmental Implications

The DAMP sets a strategic direction to promote and enforce responsible pet ownership. Enforcement of the plan assist in keeping parks, reserves and streets clean of animal waste.

Social Implications

Domestic animal companions provide a positive benefit for their owners. Responsible pet ownership will improve safety within the Municipality

Community Engagement

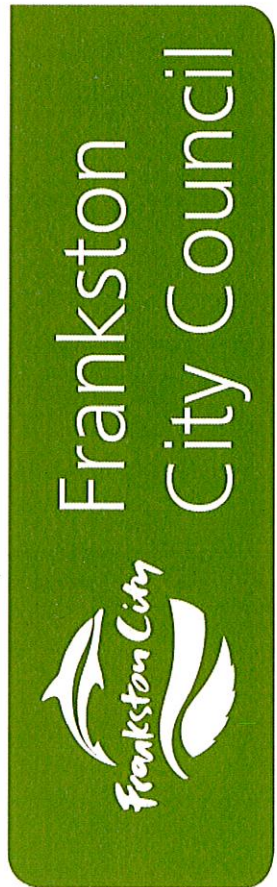
Community engagement identified concerns relating to the ownership and management of domestic animals. Surveys and questionnaires have further added to the development of the DAMP. Professional groups and key stakeholders such as veterinarians also have been consulted resulting in a comprehensive plan for 2012 -2016.

Conclusion

The draft of DAMP 2012-2016 has been developed in accordance with the guidelines provided by the DEPI – Bureau of Animal Welfare, to deliver enhanced levels of responsible pet ownership and safety within the community. It is now presented to Council for endorsement in [Appendix 1](#).

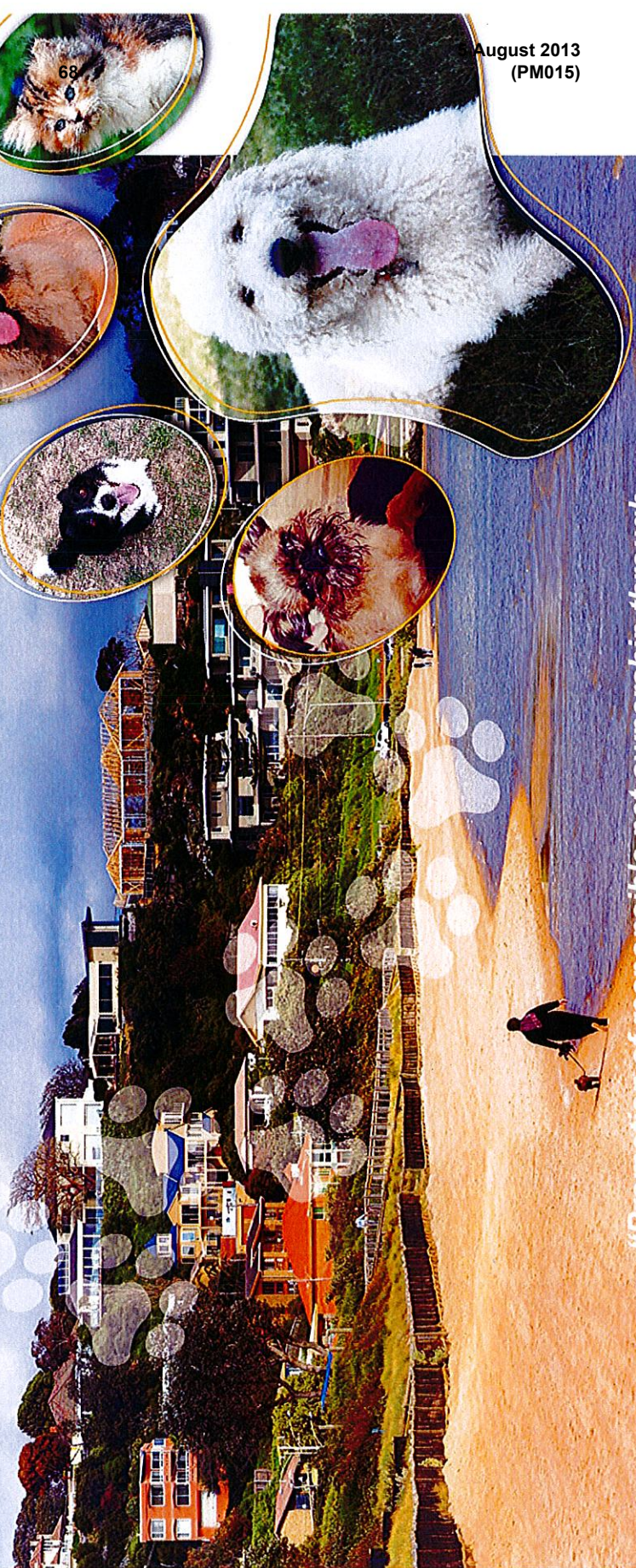
Recommendation (GMComm)

1. Council endorse the Domestic Animal Management Plan for public exhibition for a period of 21 days.
2. Submissions will be scheduled for hearing at the conclusion of the exhibition period.
3. The final Domestic Animal Management Plan be submitted to Council for adoption on 16 September 2013.



Domestic Animal Management Plan 2012-2016

DRAFT



"Promotion of responsible pet ownership through education, encouragement and enforcement"

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- 1.1 Purpose
- 1.2 Process Applied in Developing this Plan
- 1.3 Frankston City Council – Demographic Profile
- 1.4 Domestic Animal Statistics and Data
- 1.5 Animal Management Staffing and Operational Structure
- 1.6 Animal Management Programs and Services – Summary
- 1.7 Identification of Key Issues for Frankston City – Community and Stakeholder Consultation

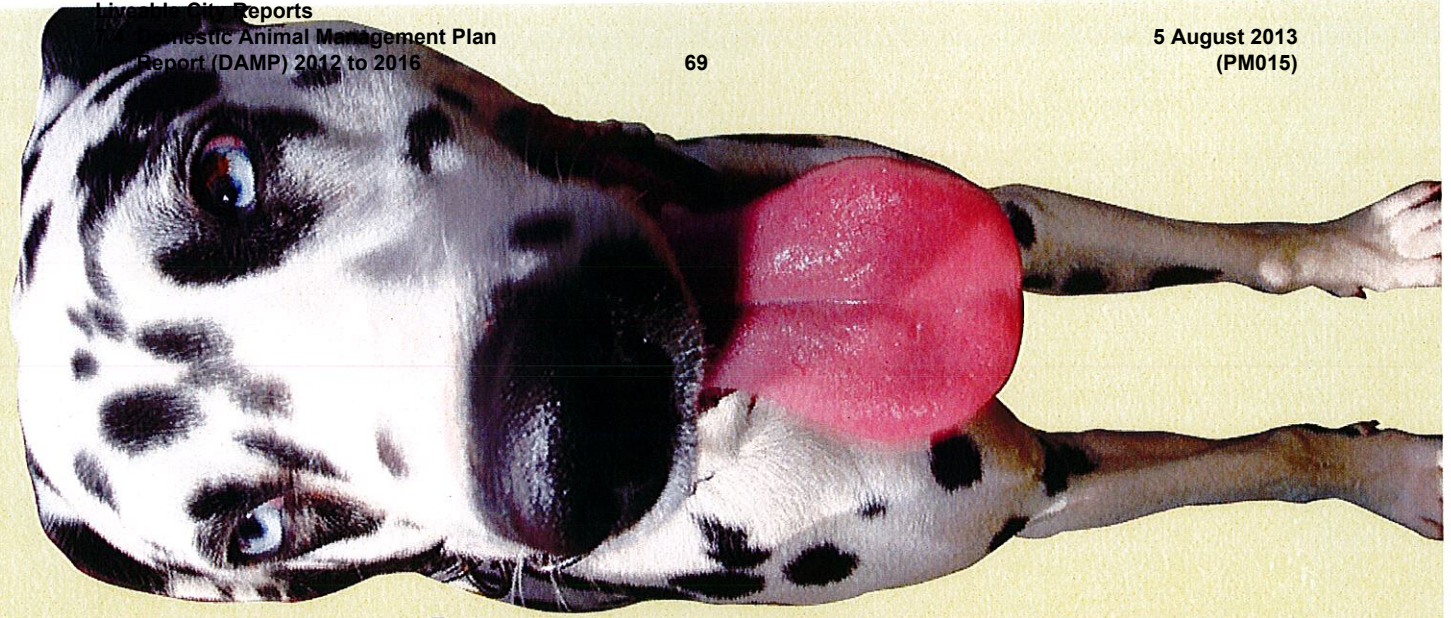
2.0 Domestic Animal Management Plan Actions

- 2.1 Animal Management Training and Development
- 2.2 Encouraging Responsible Pet Ownership – Community Education
- 2.3 Identification and Registration
- 2.4 Compliance and Enforcement – Local Laws and Orders
- 2.5 Domestic Animal Businesses
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3.0 Performance Monitoring and Evaluation

- 3.1 Our Performance Monitoring and Evaluation Process
- 3.2 Key Performance Indicators
- 3.3 Review Cycle / Date for this Plan

Appendix A: Action Plans



EXECUTIVE SUMMARY

“Promotion of responsible pet ownership through education, encouragement and enforcement”

Recent amendments to the *Domestic Animals Act 1994* have legislated all Victorian councils develop and prepare a Domestic Animal Management Plan every four years.

During the development of this plan, Frankston City Council embraced the opportunity to engage with stakeholder groups, the broader community, and Councils' Compliance and Safety Team. Feedback and suggestions obtained have been integrated into the Plan's strategic directions.

Strategies developed have been thoughtfully considered to ensure:

- They are realistic and achievable
- A balance is achieved between needs of pet owners and the needs of the community in general
- Council's overarching plan and vision is taken into consideration and incorporated where appropriate
- Legislative requirements of the Act are met



1.0 INTRODUCTION AND CONTEXT

1.1 PURPOSE

The Domestic Animal Management Plan sets the strategic direction in terms of animal management within Frankston City for the next three years, allowing for review on an annual basis. It will reflect what Council does in relation to animal management and will develop ways to improve current practices and set future directions and action plans.

The Domestic Animal Management Plan is a State Government requirement under the *Domestic Animals Act 1994*. The development of the Domestic Animal Management Plan was guided by the Department of Primary Industries – Bureau of Animal Welfare, across all Victorian municipalities. The Plan aims to increase the relative profile and importance of the domestic animal management function in the local government sector.

The Domestic Animal Management Plan seeks to promote responsible pet ownership through education, encouragement and enforcement.

The Domestic Animal Management Plan supports Councils long term community outcome of a Liveable City and relates to the strategy 2.2 Improve the municipality's Safety, Image and Pride.

1.2 PROCESS APPLIED IN DEVELOPING THIS PLAN

Frankston City Council's Domestic Animal Management Plan has been developed in consultation with:

- Frankston City Council's Compliance and Safety Team
- A stakeholder reference group -
(including *Lost Dogs Home and Cat Shelters, Dogs Victoria, Cat Protection Society, local veterinarians, local pet shop owners*)
- Broad community consultation with both pet and non-pet owners

Existing domestic animal management services were reviewed against both community needs and the requirements of the *Domestic Animals Act 1994*.

1.3 FRANKSTON CITY COUNCIL – DEMOGRAPHIC PROFILE

Frankston City is a regional capital located approximately an hour's drive from Melbourne on Port Phillip Bay. Frankston City is bordered by the Cities of Kingston and Greater Dandenong in the north, the City of Casey in the east, Mornington Peninsula Shire in the south and Port Phillip Bay in the west.

Frankston City is a predominantly residential area, with some industrial, commercial and rural areas. The City encompasses a total land area of 129.6 square kilometres. Central Frankston functions as the major regional retail and commercial centre, servicing outer southern Melbourne and the Mornington Peninsula.

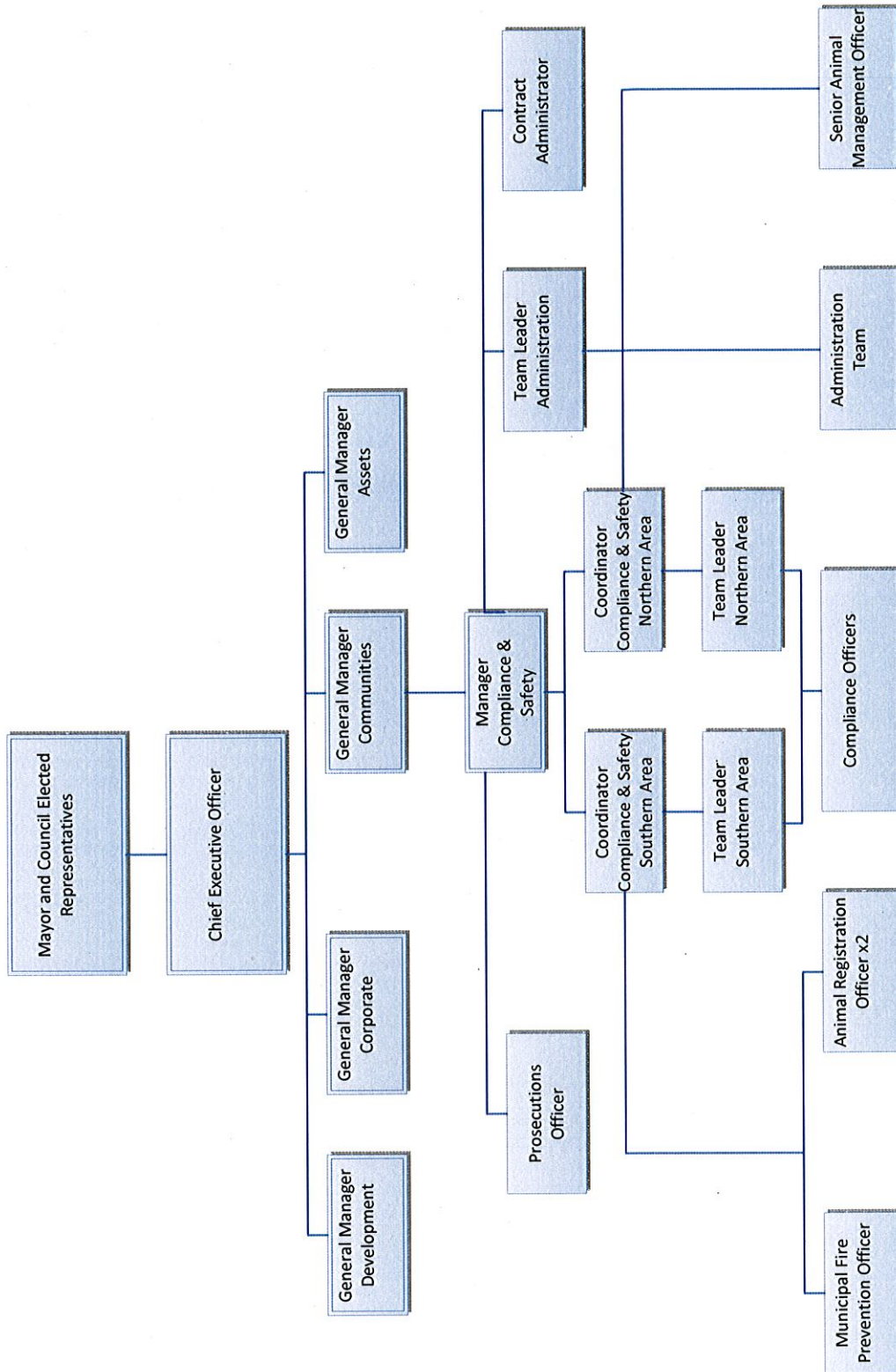
Frankston City has a largely suburban population comprising approximately 130,055 residents and approximately 49,331 dwellings with the average household size being 2.5 persons.

The community comprises largely Australian born (91,792) (72.6%) with the majority of the population being in the 20 + year age bracket (100,824).

1.4 DOMESTIC ANIMAL STATISTICS AND DATA

Frankston City Council Key Statistics	Frankston City 2012 (base data)
Population	130055
Households	49331
Area	129.6 km ²
Number of EFT authorised Compliance Officers	12
Hours of training per officer annually	3 days
Number of Registered Dogs as at January 2013	21,420
Estimated Dog (owned) Population	31,500
Number of Registered Cats as at January 2013	7,308
Estimated Cat (owned) Population	21,000
Number of Registered Declared Dogs	32
Number of Prosecutions Completed	123
Number of Successful Prosecutions	100%
Number of Impoundments (dogs)	1,381
Number of Dogs Returned to Owner	1,116
Number of Dogs Rehoused (pending)	157
Number of Dogs Euthanized	103
Number of Impoundments (Cats)	593
Number of Cats Returned to owner	117
Number of Cats Rehoused (pending)	144
Number of Cats Euthanased	332

1.5 FRANKSTON CITY COUNCIL – ANIMAL MANAGEMENT STAFFING AND OPERATIONAL STRUCTURE



1.6 CURRENT ANIMAL MANAGEMENT PROGRAMS AND SERVICES - SUMMARY

Program	Service Level to Community
Identification and Registration	Annual Pets Day Out event Website, media releases and articles Active enforcement
Identification and Registration – doorknock campaigns	Ongoing – municipality swept over 5 year period
Domestic Animal Complaints	Response immediately, based on priority, within one week
Dangerous Dog Complaints	Response immediately
Routine Patrols	Response or proactive – in parks and reserves, waterfront, Frankston’s Central Activities District (i.e. main shopping area)
Pound Open Hours	10am to 6pm – Monday to Friday 9am to 1pm – Saturday and Sunday Open Public Holidays – except Good Friday and Christmas Day
Microchipping – discounted provided by Lost Dogs Home	Available at annual Pets Day Out event in October Yearly discounted microchipping day run at LDH Pound – March
School Information Sessions (responsible pet ownership)	Refer to Pet Ownership Program for Schools
Desexing Voucher Program	Ongoing – for concession card holders
Communication and Education	Annual Pets Day Out event Website / media releases and articles / brochures Range of educational materials available Cat cage system (free to residents)
Wandering cat complaints	Periodically, as required
Domestic Animal Business Inspections	Annually – as part of registration process (and additionally if required)
Declared Dog Inspections	Order in place requiring dogs on lead in a public place
Dogs on / off Leash	Orders allowing dogs off leash in 33 designated free-roam areas A complete review of all public/open spaces to establish criteria for Dog Free Roam Areas
Prohibited Areas	Order in place allowing designation of prohibited areas for dogs and cats – such as environmentally sensitive parks and reserves Order in place allowing schools be nominated as a prohibited area Order in place nominating Frankston Magistrates’ Court as a prohibited area Summer Beach Restrictions Frankston Town Centre

1.7 IDENTIFICATION OF KEY ISSUES FOR FRANKSTON CITY - COMMUNITY AND STAKEHOLDER CONSULTATION

A broad consultation process was undertaken to obtain feedback and suggestions in regard to responsible animal management across the municipality. Feedback and suggestions obtained have been integrated into the Plan's strategic directions.
(For further details refer to Page 11)

Community Survey – Responsible Pet Ownership

Council consulted the community during May 2013 about issues regarding responsible pet ownership – and how these issues affect individuals and neighbourhoods. Council also asked residents to provide suggestions for measures which may be implemented to address any issues.

2155 written questionnaires were mailed out to a random selection of dog owners, cat owners and non-pet owners from Council's databases. Additionally, the questionnaire was available to the community in an online format, hard copies available at Customer Service outlets in Frankston, Seaford, Langwarrin and Carrum Downs. Community Clinics were also conducted at the Mahogany Community Centre and The Ebdale Hub.

The Domestic Animal Management Plan and the availability of the survey were announced in Our Community Your Council weekly update in the local Leader.

The survey identified the following issues as the key matters of concern to the community: (in no order)

1. **Roaming cats**
2. **Dog droppings**
3. **Dogs walked off lead in public places**
4. **Need for a dog beach**

Other issues more specific to cat owners were:

- Other cats roaming
- Irresponsible cat owners

Other issues more specific to dog owners were:

- Irresponsible dog owners
- Aggressive dogs (in particular large dogs)
- Need more dog free roam areas

Compliance and Safety Team contribution–

Frankston City Council's Compliance and Safety Team also provided ideas and strategies, based on the feedback received from the responsible pet ownership community survey.

Some suggestions

Improved level of community education and communication:

- Continue to promote responsible pet ownership to children and continue support of Department of Primary Industries (DPI) schools and early learning programmes. (advertise curriculum)
- Education regarding cats –letter drop an information flyer in neighbourhoods programs are current
- Effective response to DPI Dangerous Dog hotline 1300101080
- Information stalls – shops and hotspots
- Information stalls at Council events (e.g. Waterfront Festival, Seniors' Fair)
- Talking to groups
- New pavement stencil "Dogs must be on lead"
- Ensure current Responsible Pet ownership material available at all DAB, Veterinary Clinics, RSPCA, AAPS and Lost Dogs Home.
- Reintroduce "Paw Tails and Whispers" newsletter
- Increase media articles to let the community know who we are and what we do
- New Compliance and Safety vehicles with visual presence
- Topical flyer posted out with annual registration renewal notices

Further encourage registration, microchipping and desexing of dogs and cats, for example:

- Promote merits of microchipping and the discounted microchipping days provided by The Lost Dogs Home
- Better promote Council's subsidised MAV/AVA desexing voucher program for concession card holders
- Door knocks
- Naturestrip Signage to indicate presence of Animal Registration Officers

Review free roam areas in Frankston City, for example:

- Review possibility of additional free roam areas in the municipality
-

Dog waste, for example:

- Educate the community further regarding fines and enforcement
- Continue with A-frame signage and patrols
- Conduct blitzes in problem areas

External Stakeholder Contribution

This group was created to enable Council to consult specifically with a spectrum of industry stakeholders, and included members from the Lost Dogs Home, Cat Shelters, Dogs Victoria, Cat Protection Society, local veterinarians and local pet shop owners. An invitation and a copy of the current DAMP was forwarded to the members of the group providing the opportunity for constructive feedback

- Community education
 - Take education programs to the community/neighbourhood areas (e.g. Community Houses)
 - Topical Noticeboards strategically positioned
 - Promote and target Pets Day Out more towards children and younger people.
- Communication
 - Improve communication with industry stakeholders – working together – on the same team
 - Improve awareness of services and programs available “get out into the community”
 - Improve presence – more resources – more staff required to achieve objectives
- Need to understand and address, the underlying cultural issues affecting the community’s attitude and response towards responsible pet ownership in the municipality in the long term.

2.0 THE DOMESTIC ANIMAL MANAGEMENT PLAN

The Domestic Animal Management Plan is part of achieving the Frankston Community Plan, and has a particular link to the long term outcome of a liveable City.

Long term Community Outcomes	Animal Management outputs deliverables
1. Planned City for future growth	<ul style="list-style-type: none"> • Registration compliance • Responsible ownership enhance social inclusivity/connection
2 Liveable City 3 Sustainable City	<ul style="list-style-type: none"> • Review and implement Animal Management Plan • Continue to provide opportunities for people to connect and celebrate life - including Pets Day Out event • Enhance the amenity, health and safety of the community through the provision of a range of services • Strive to achieve high standards of safety and compliance to minimise risks and enhance community confidence • Promotion of responsible pet ownership through education, encouragement and enforcement

COUNCIL'S ANIMAL MANAGEMENT TEAM

Frankston City Council's Animal Management Service is provided by the Compliance and Safety Department and contributes to the Council's Plan and Long Term Community outcomes through education, encouragement and enforcement.

The main focus of the Domestic Animal Management Plan is to achieve a balance in meeting the needs of the community – including both pet owners and non pet owners.

3.0 DOMESTIC ANIMAL MANAGEMENT PLAN ACTIONS

3.1 ANIMAL MANAGEMENT TRAINING AND DEVELOPMENT

Council administration is committed to ensuring all staff involved in animal management has the knowledge and skills necessary to carry out their work

Current/Ongoing Activities:

- All staff are required to undertake a minimum of 3 days learning and development, per officer, annually –to meet required industry standards and core skills.
- Core Competencies
 - Identify and respond to animal behaviour
 - Assess and impound animals
 - Seizure of animals
 - Comply with animal control and regulation requirements
 - Investigate non compliance and prepare brief of evidence
- On the job training, plus ongoing coaching
- It is desirable, but not essential, for new staff to hold minimum Certificate IV in Animal Control and Regulation – or have appropriate industry experience/other relevant qualifications
- Staff representative on relevant industry bodies and committees

Planned Actions

(for timeframes refer to Action Appendix)

- Conduct Animal Management Officer skills audit to determine training gaps
- Develop an internal training course with a view to providing an accredited animal management qualification

3.2 ENCOURAGING RESPONSIBLE PET OWNERSHIP – COMMUNITY EDUCATION

Frankston City dog and cat registration numbers have remained fairly static between 2008 to 2012 with a small increase in dog registrations but with a similar decrease of cat registrations.

2008	Dogs – 21194/Cats – 8157
2012	Dogs – 21326/Cats - 7247

Council is committed to encouraging people to manage pets in a way which protects the health and welfare of the animal; maximises the companion benefits of their pet; and minimises potential for nuisance or harm to others.

Current ongoing/activities

- Conduct annual Pets Day Out
- Actively promote DEPI's Responsible Pet Ownership Programme to local schools
- Provide a range of educational materials for the community
- Regular media releases/articles in local newspapers/articles in Council's community newsletter, Your Council Our Community column, regarding responsible pet ownership issues.
- Use of the Council Website as a promotional tool, including links to other relevant industry Website i.e. DEPI
- Active engagement with external pet groups i.e. Dogs Victoria
- Balance of enforcement
- Effective management of pet registration
- Continued positive education and promotion of responsible pet ownership
- Efficient response to the DPI DOG HOTLINE
- Continue to monitor and assess Dog Faeces facilities
- To further promote the benefits of desexing

Planned Activities

(for timeframes refer to Action Appendix)

- Promote the benefits of responsible pet ownership
- Raise awareness and profile of Council's prosecution process
- Investigate the possibility of a Quick track prosecution process
- Engage with local Medical Practitioners to encourage victims to report Dog Attacks with focus on quality of reports
- Improve the awareness of Council's night time Cat Curfew
- Actively enforce Dogs On Lead in Public Place requirements
- Review all Dog Free Roam areas
- Participate in other Council events .i.e. Seniors days, festivals
- Assess and analyse wandering dog reports and our response (benchmark against other Councils)
- Detect and pursue unregistered dogs and cats

3.3 IDENTIFICATION AND REGISTRATION

Council endeavours to ensure domestic pets are registered, microchipped and desexed (when applicable) to facilitate responsible pet ownership, compliance and to help reunite lost pets with their owners quickly.

Current/Ongoing Activities:

- Doorknock campaigns
- Use of local media and Web site to promote registration requirements
- Desexing voucher program for concession card holders
- Discounted microchipping provided by The Lost Dogs Home at annual Pets Day Out
- Discounted microchip provided by The Lost Dogs Home at the Cranbourne Pound in March

Planned Activities:

- As it is compulsory to desex and microchip all newly registered dogs and cats in Frankston City, undertake further promotion of the regulations, but also ways in which Council may provide assistance with:
 1. Desexing voucher program
 2. Discounted microchipping provided by The Lost Dogs Home at annual Pets Day Out event
 3. Consider conducting discounted microchipping at targeted local neighbourhood areas
- Enhance current mobile technology in patrol vehicles to access information such as the pet registration database
- Conduct scheduled enforcement of target areas to address animal management regulations.
- Investigate the possibility of microchip databases releasing owner information to assist Councils in detecting any unregistered animals i.e. make it mandatory in future when an owner gets their pet microchipped the database must advise that Council of the details similar to the mandatory DAB adoption and sale notices to Councils
- Identify opportunities to data mine information and improve efficiency

3.4 COMPLIANCE AND ENFORCEMENT – LOCAL LAWS AND ORDERS

Council is committed to optimising compliance with domestic animal laws, orders and regulations (State and Local).

Current/Ongoing Activities:

- Warnings, infringement notices and prosecutions
- Regular routine patrols conducted.
- Cat cage system
- Review of Local Laws completed
- Review current procedures in order to develop innovative, timely and effective prosecution process
- Enhanced investigation and interview training
- Research of technologies and techniques to assist in the investigation process

Orders currently in place:

- Designated dog off leash areas
- Designated 'No dogs and cats allowed' areas
- Dog must be under effective control in a public place
- Pet owners to remove faeces from public places and carry a means to collect faeces
- No more than two dogs or cats to be kept on a residential property without a permit
- Night time (dusk until dawn) cat curfew
- Mandatory registration of dogs and cats at age of three months
- Mandatory microchipping of all newly registered dogs and cats
- **Mandatory Desexing** of all new registered dogs and cats (excluding exemptions under the Domestic Animals Act 1994) has contributed to the reduction of impounded dogs and cats
Dogs impounded 2008@ 1681 compared to 2012@1381 is a reduction of 18%
Cats impounded 2008@ 698 compared to 2012@ 593 is a reduction of 15%
- Efficient response to reports from the DEPI Dog Hotline

Planned activities: (for timeframes refer Action Appendix)

- Investigate the possible establishment of additional free roam areas in the municipality by conducting a full review of all current areas
- Scheduled review of local laws and orders to ensure Domestic Animal Management Plan objectives are met
- Review number and distribution of dog waste bins / dog waste bags and amend or increase as required (currently 62 an increase of 8 since previous review)

3.5 DOMESTIC ANIMAL BUSINESSES

Council works in partnership with domestic animal businesses to achieve Council's domestic animal management goals.

Frankston City Council has
1 Boarding establishment
5 Pet Shops

Current / Ongoing Activities:

- Domestic Animal Businesses actively monitored for compliance periodically as required
- Investigation of complaints/enforcement action for non-compliance
- Supply and distribution of information regarding Domestic Animal Management Businesses and relevant codes of practice

Planned Activities:

Ensure supplied with all relevant updates of Codes of Practice, legislative changes and Responsible Pet Ownership material (At least quarterly or when required)

3.6 DECLARED DOGS

Council seeks to minimise the risk of dog attacks to the community by aggressive dogs.

Current/Ongoing Activities:

- Annual inspections of dangerous/restricted dogs for compliance
- Prosecution of non-compliant owners
- Investigation of complaints
- Ensure all dogs declared by Council are recorded on the Victorian Declared Dog Registry
- Supply and distribution of literature and pamphlets regarding the regulations for keeping dangerous dogs

Planned Activities:

(for timeframes refer to Action Appendix)

- Actively patrol commercial and industrial areas to identify dogs on premises (annually)
- Adoption of Declared Dog Process (Undertake regular case reviews of investigations, prosecutions and declarations of dogs)
- Continue to Promote and Respond efficiently to the new DPI Dangerous Dog hotline reports

4.0 PERFORMANCE MONITORING AND EVALUATION

4.1 OUR PERFORMANCE MONITORING AND EVALUATIONS PROCESS

Frankston City Council will monitor performance of the animal management services detailed in this plan by reporting annually through Council's established reporting systems.

4.2 KEY PERFORMANCE INDICATORS

KPI Description	Previous 2008	Current (achieved)	Target 2016
Increase in number of animal registrations	29000 (target 5% from previous year)	28728 (-5.09%)	29000
Attendance at Pets Day Out	12,000 people (target 15000)	13,000 (-13.3%)	10000
Satisfaction with Pets Day Out event – exit surveys	80% satisfaction	80%	80% +
Media articles prepared for publication	24 (target 24)	28	40
Percentage of staff receiving 24 hours of learning and development	100%	100%	100%
Dog rehousing rate (% total dogs rehoused / total dogs impounded)	11.4% (target 11.4%)	11.4%	12%
Cat rehousing rate (% total cats rehoused / total cats impounded)	15.2% (target 15.2%)	24% (+8.8%)	25%
Dog reclaim rate (% total dogs reclaimed / total dogs impounded)	73.5% (target 76.56%)	80.1% (+3.5%)	81%
Cat reclaim rate (% total cats reclaimed / total cats impounded)	18.5% (target 18.5%)	20% (+1.5%)	21%
Dog euthanasia rate (% dogs euthanized / total dogs impounded)	15.1% (target 12.1%)	7% (-8%)	6%
Cat euthanasia rate (% cats euthanized / total cats impounded)	69.3% (target 66.3%)	56% (-10.3%)	55%
Declared dog compliance rates (number declared / number complaint / number of audits)	100% 9 Restricted 8 Menacing 16 Dangerous	100%	100%
Domestic Animal Business Compliance Rates (Number declared / number compliant / number of audits)	100% 6 Businesses	100%	100%

Data obtained from Animal Pound Reports, Council Pets Day Out surveys, Council Pet Registration Data Base and other Council records

4.3 REVIEW CYCLE/DATE FOR THIS PLAN

Frankston City Council has a comprehensive business planning and monitoring system in place. Any new initiatives or ongoing programs identified in this plan will be recorded in that system and reported against the KPI's shown in Section 4.2.

This system will also feed outcomes into Council's annual report with recommendations.

This plan will be reviewed on an annual basis by the Manager Compliance and Safety in consultation with the Compliance and Safety Department.

The Plan will be reviewed and a new Domestic Animal Management Plan will be completed on or before 30 June 2016.

APPENDIX A – ACTION PLANS

AMO TRAINING AND DEVELOPMENT

To ensure that all staff involved in animal management have the knowledge and skills necessary to carry out their work in a highly professional and competent manner

Program / Service Objective	Actions	Officer Responsible	Due Date
Initiative 1: Conduct an Municipal area of responsibility skills audit to determine training gaps	Consult with Human Resources Department Document training gap analysis Complete performance management plans	Compliance and Safety Team Leader	January 2014
Initiative 2: Initiate internal train the trainer plan	Develop an internal training course with a view to providing an accredited animal management qualification	Senior Animal Management Officer	January 2014
Initiative 3 Identify any relevant industry training opportunities	Determine application process and apply	AMO and Compliance and Safety Team Leader	June 2014

ENCOURAGING RESPONSIBLE PET OWNERSHIP – COMMUNITY EDUCATION

To encourage people to manage their pets in a way that protects the health and welfare of the animal; maximises the companion benefits of their pet; and minimises potential for nuisance or harm to others.

Program / Service Objective	Actions	Officer Responsible	Due Date
<p>Initiative 1: Review signage in reserves (including dogs off leash) regarding the location of dog waste bins and bags (completed)</p>	<p>Liaise with Council's Natural Reserves Department to determine adequacy of current signage levels. Maintain and Implement new signage where applicable – within parameters of Council's new Corporate Signage Strategy.</p>	<p>Senior Animal Management Officer / Manager Compliance and Safety</p>	<p>March 2015</p>
<p>Initiative 2: Actively promote Animal Management Issues</p>	<p>Newsletters/media slots Reinstate 'Paw Tails and Whispers' monthly newsletter Annual target of 40 media articles</p>	<p>Senior Animal Management Officer/ Media Liaison Officer</p>	<p>Annually ongoing</p>
<p>Initiative 3: New pavement stencil signage</p>	<p>To be at all "Hotspot" areas where dogs are being walked off the lead i.e. Seaford Wetlands Baxter Trail Sweetwater Creek Reserve</p>	<p>Senior Animal Management Officer/Works Maintenance</p>	<p>June 2015</p>
<p>Initiative 4: Review all vehicle signage</p>	<p>Update vehicle signage to indicate high visibility and presence to the community</p>	<p>Compliance and Safety Coordinator</p>	<p>June 2014</p>
<p>Initiative 5: Maintain and improve positive communication with external stakeholders</p>	<p>Continue to provide all external stakeholders with current Animal Management industry material</p>	<p>Senior Animal Management Officer</p>	<p>Ongoing</p>
<p>Initiative 6: Assess and analyse wandering dog reports and our response</p>	<p>Measure time taken and percentage of effectiveness Benchmark against other Councils</p>	<p>Senior Animal Management Officer</p>	<p>June 2015</p>

IDENTIFICATION AND REGISTRATION

OBJECTIVE

To maximise the number of registered and identifiable domestic animals, in order to aid compliance activities and to help reunite lost pets with their owners.

Program / Service Objective	Actions	Officer Responsible	Due Date
Initiative 1 Detect unregistered dogs/cats	Conduct annual door knock Coverage of the whole of the municipality every 4 years now we have 2 dedicated Animal registration Officers Investigate the possibility of negotiating with the microchip databases to compare data of dog and cat owners in Frankston Purchase 2 new microchip scanners Mine system data	Compliance and Safety Coordinator Senior Animal Management Officer	Ongoing January 2014
Initiative 2: Promote to the community and pet owners assistance regarding desexing and microchipping	Liaise with Council's Marketing Services Department to develop a promotion program to increase awareness of: Desexing voucher program Discounted microchipping provided by Lost Dogs Home at Pets Day Out event	Senior Animal Management Officer / Manager Compliance and Safety	June 2014
Initiative 3: Consider conducting discounted microchipping at targeted local neighbourhood areas	Conduct a local discounted microchipping sessions at South Eastern Pound Facility March and October annually (provided by the Lost Dogs Home)	Senior Animal Management Officer	Ongoing
Initiative 4: Revise mobile technology facilities to enhance access to information such as the pet registration database	Implement as part of Council's broader mobile computing strategy	Manager Compliance and Safety	December 2013
Initiative 5 Comparison of microchip database to Councils registration database	Investigate the possibility of microchip databases releasing owner information to assist Councils in detecting any unregistered animals Industry discussion to consider microchip database to advise Councils similar to adoption notification	Senior Animal Management Officer	June 2015

COMPLIANCE AND ENFORCEMENT – LOCAL LAWS AND ORDERS

To maximise compliance with domestic animal laws, orders and regulations (State and Local).

Program / Service Objective	Actions	Officer Responsible	Due Date
<p>Initiative 1: Investigate the possible establishment of additional free roam areas in the municipality,</p>	<p>Review reserves / parks in the area for suitability. Select areas if deemed appropriate. Promote these areas to the community.</p>	<p>Senior Animal Management Officer / Councillor Hampton and Spielman</p>	<p>August 2013</p>
<p>Initiative 2: Encourage reporting of aggressive dogs in the community</p>	<p>Promote the DPI Dangerous Dog Hotline number on vehicles</p>	<p>Manager Compliance and Safety</p>	<p>December 2013</p>
<p>Initiative 3: Detect dogs being walked off leads in public places</p>	<p>Analyse to determine hotspots. Scheduled and periodic patrols of problem areas undertaken on a regular basis</p>	<p>Senior Animal Management Officer/Compliance and Safety Team Leader</p>	<p>Ongoing</p>
<p>Initiative 4: Continued monitoring of local laws and orders to ensure the Domestic Animal Management Plan objectives are met.</p>	<p>Conduct review.</p>	<p>Senior Animal Management Officer / Manager Compliance and Safety</p>	<p>Ongoing</p>
<p>Initiative 5 Encourage community to report dog attacks</p>	<p>Liaise with local GP's to encourage quality reporting Quicktrack prosecutions</p>	<p>Senior Animal Management Officer/Prosecution Officer</p>	<p>June 2014</p>

DOMESTIC ANIMAL BUSINESSES

To work in partnership with domestic animal businesses to achieve Council's domestic animal management goals.

Program / Service Objective	Actions	Officer Responsible	Due Date
Initiative 1 Encourage communication and compliance with Codes of Practice:	Annual inspections and when required Provide all relevant updated legislative changes and responsible pet ownership material	Senior Animal Management Officer / Manager Compliance and Safety	Ongoing (at least quarterly and when required)

DECLARED DOGS

To minimise the risks of dog attack to the community from aggressive dogs.

Program / Service Objective	Actions	Officer Responsible	Due Date
Initiative 1: Actively patrol commercial and industrial areas to identify dogs on premises.	Review patrols undertaken on a regular basis.	Senior Animal Management Officer/Compliance and Safety Team Leader/Compliance and Safety Coordinator	Annually October 2013 October 2014 October 2015
Initiative 2 Encourage reporting of Dangerous/Restricted Breed Dogs	Advertise DPI Dangerous Dog Hotline on website and respond accordingly	Senior Animal Management Officer/ Prosecutions Officer/Coordinator Compliance and Safety	Ongoing
Initiative 3 Adopted declared dog process	Identified procedures that ensure declarations are implemented in an acceptable timeframe and meet all legislative provisions		

MUNICIPAL EMERGENCY MANAGEMENT PLAN (MEMP)

To ensure Frankston City Council has developed and reviewed an ANIMAL WELFARE SUB PLAN as part of its MEMP responsibilities in case of an emergency

Program / Service Objective	Actions	Officer Responsible	Due Date
Initiative 1: Review Animal Sub Plan MEMP	To ensure includes any current legislative and welfare requirements	Senior Animal Management Officer	January 2017

****Welfare MEMP A1403957 (website)**

7.5 Dogs off Leash – Assessment of Free Roam Parks and Reserves

(A1505739) (GMComm)

Executive Summary

The 'Dogs off Leash' Council Report was presented on 4th March 2013 (A1417731). The report raised some questions as to the suitability of a number of parks and reserves to be deemed as off leash roam free areas. A motion was passed that a sub-committee of interested Councillors and Council officers be formed to review dogs of leash free roam areas and these meetings be held fortnightly.

A sub-committee of Councillors physically inspected the 33 existing roam free parks, beach and foreshore areas with Councils' Senior Animal Management Officer. A list of the areas is attached in **Appendix 1**. In addition, the foreshore and beach area was inspected and assessed against the criteria.

The following assessment criteria were used to assess the park and the foreshore:

- The area is a large open space, suitable for exercising dogs.
- The area must not feature or be in close proximity to play equipment.
- The reserve / open space must not be in the proximity of schools, kindergartens, residential aged care premises or similar facilities.
- The area should not be used for organised sporting events.
- Use of the area for such purpose will result in minimal impact on the environment.

Applying the assessment criteria and taking into consideration the wellbeing of residents, and the impact on parks and reserves, the existing free roam areas have been risk assessed.

- None of the established roam free parks and reserves are considered high risk.
- 23 of the established roam free parks and reserves are considered medium risk. They do not meet one (1) or more of the criteria. These areas have been assessed on a case by case basis and deemed adequate to retain their status as free roam areas.
- 10 of the established roam free parks and reserves are considered low risk, meeting all of the assessment criteria.
- After assessment of all the beach/foreshore areas from Gulls Way to Keast Park, it was concluded that Frankston does not have a suitable area to accommodate dogs off the lead.

Council Plan Long Term Community Benefits

2. Liveable City

2.2 Improve the municipality's safety, image and pride

Issues and Discussion

The safety and wellbeing of residents is paramount. Council has adopted an equitable approach while conducting this review, balancing the wishes of dog owners and the extended community who use these facilities.

Due consideration has also been given to areas of specific sensitivity such as the foreshore and beach areas.

On 5th March 2012, a Public Petition was tabled by Council at its Ordinary Meeting with regard to Council providing off leash free roam status to Allied Reserve, Allied Drive Carrum Downs. The park was inspected/assessed against the assessment criteria. A recently constructed playground in the park, has reinforced the assessment that the parks' status remain unchanged i.e. dogs must be on a lead.

Council may wish to give consideration to additional safety features within these free roam areas such as fencing off entire parks/ reserves or restricting dog access to certain parts e.g. around playgrounds. Such considerations will be balanced against effectiveness, suitability and cost.

Risk Mitigation

The safety of all residents when using Council parks and reserves needs to be considered. Dogs in free roam areas must always remain under effective control (immediate recall response) when out in these public parks. All dog actions are the owners' responsibility.

Upon assessment of the 33 existing roam free areas and foreshore, assessment criteria was applied.

- None of Council's established roam free parks and reserves are considered high risk.
- 23 of the established roam free parks and reserves are considered medium risk.
- 10 of the established roam free parks and reserves are considered low risk.

The process of establishing an assessment criteria and reviewing all of our roam free areas has been a useful exercise, and should be reviewed periodically.

In the line with Compliance Teams function of delivering Crime Prevention Through Design Principles (CPTED), it is important that this assessment be an essential phase of any planning stage or proposed redesign/use of the municipality's parks and reserves.

7.5 Dogs off Leash – Assessment of Free Roam Parks and Reserves**(PM015)****Option Available**

1. Endorse the criteria and assessed parks as suitable roam free parks.
2. Do not endorse the criteria and re-assess the 33 roam free areas against revised assessment criteria.
3. Endorse the criteria and assessed parks while exploring additional safety features such as fencing and signage in the 23 roam free areas deemed as medium risk. The costs of which can be included for consideration in 2014 – 2025 capital works program.

Financial Implications

The management and enforcement of roam free areas operate within existing Council resources. The installation of additional fencing and signage will however have significant financial implications. Compliance has provided all of the assessment and supporting material to the Park Planning Department to report to Council on potential cost.

Economic Considerations

None

Environmental Implications

Improved assessment and management of the roam free parks in our Municipality will enhance the amenity, health and safety of the community.

Social Implications

Visiting Roam Free Parks is an enjoyable part of dog ownership. The areas provide an opportunity for the appropriate effective stimulation of dogs i.e. with a bat and ball, and provide the dog owner with an opportunity to exercise, socialise, and engage with others in their Community.

Community Engagement

The establishment of assessment criteria was as a direct result of widespread community consultation in the form of extensive interviewing and surveys. The community were invited to respond to the question of safety and wellbeing in potential free roam areas and what factors should influence the status of such areas. The feedback obtained was fundamental in establishing the assessment criteria.

Conclusion

Council have the difficult task in providing open spaces and facilities that can be enjoyed safely by the broader community. The development of assessment criteria in relation to free roam areas allows for a transparent and equitable approach of each area on a case by case basis. While the exercise of reviewing all of these facilities has been a useful exercise, it is recommended that the assessment be an essential ingredient when considering new parks open spaces or developing existing ones.

7.5 Dogs off Leash – Assessment of Free Roam Parks and Reserves

(PM015)

Recommendation (GMComm)

That Council

1. Adopt the assessment criteria for the review and management of free roam areas within the municipality, namely:
 - That the area is a large open space (suitable for exercising dogs)
 - The area must not feature or be in close proximity to play equipment
 - That the reserve / open space must not be in the proximity of schools, kindergartens, residential aged care facilities or similar
 - The area should not be used for organised sporting events
 - Use of the area for such purpose will result in minimal impact on the environment.
2. All 33 assessed areas listed below, retain their status as roam free areas:

No.	Name of Free Roam Park
1	Riviera Reserve
2	Armstrongs Reserve
3	Seaford North Reserve
4	Kananook Reserve
5	Wisewould Reserve
6	Hadley Reserve
7	Holroyd Reserve
8	Maple Reserve
9	Banyan Reserve
10	Sandfield Reserve
11	Boggy Creek Carrum Downs
12	Pat Rollo Reserve
13	Whistlestop Reserve
14	Centenary Park
15	Peninsula Reserve
16	Worland Park
17	Lee Reserve
18	Woodside Avenue Reserve
19	Victoria Park
20	Montague Park
21	The Heights Reserve
22	Baxter Park
23	Ballam Park
24	Delacombe Park
25	Baden Powell Reserve
26	Derinya Drive
27	Overport Park
28	Lawton Park
29	Lloyd Park

**7.5 Dogs off Leash – Assessment
of Free Roam Parks and
Reserves****(PM015)**

30	Stevens Road Reserve
31	Melaleuca Reserve
32	Monterey Community Park
33	Robinsons Park

3. The foreshore retains its status as a dog on leash area.
4. Facilities and Leisure Department prepare cost estimates for the installation of fencing (around play grounds) and additional signage at the 23 areas assessed as medium risk. Any recommended expenditure is to be considered in the capital works program 2014 -2025.
5. Allied Reserve status remains unchanged.



Frankston City

**7.5 Dogs off Leash – Assessment
of Free Roam Parks and
Reserves**

(PM015)

Appendix 1. Free Roam Park Assessment Data

FREE ROAM PARK ASSESSMENT DATA - AS AT JULY 2013					
No.	Name of Free Roam Park	Meets Criteria Yes / No	High Risk	Medium Risk	Low Risk
1	Riviera Reserve	No		✓	
2	Armstrongs Reserve	No		✓	
3	Seaford North Reserve	No		✓	
4	Kananook Reserve	Yes			✓
5	Wisewould Reserve	Yes			✓
6	Hadley Reserve	Yes			✓
7	Holroyd Reserve	No		✓	
8	Maple Reserve	No		✓	
9	Banyan Reserve	No		✓	
10	Sandfield Reserve	No		✓	
11	Boggy Creek Carrum Downs	No		✓	
12	Pat Rollo Reserve	Yes			✓
13	Whistlestop Reserve	No		✓	
14	Centenary Park	No		✓	
15	Peninsula Reserve	No		✓	
16	Worland Park	Yes			✓
17	Lee Reserve	Yes			✓
18	Woodside Avenue Reserve	No		✓	
19	Victoria Park	No		✓	
20	Montague Park	No		✓	
21	The Heights Reserve	Yes			✓
22	Baxter Park	No		✓	
23	Ballam Park	No		✓	
24	Delacombe Park	No		✓	
25	Baden Powell Reserve	No		✓	
26	Derinya Drive	Yes			✓
27	Overport Park	No		✓	
28	Lawton Park	No		✓	
29	Lloyd Park	No		✓	
30	Stevens Road Reserve	Yes			✓
31	Melaleuca Reserve	No		✓	
32	Monterey Community Park	Yes			✓
33	Robinsons Park	No		✓	

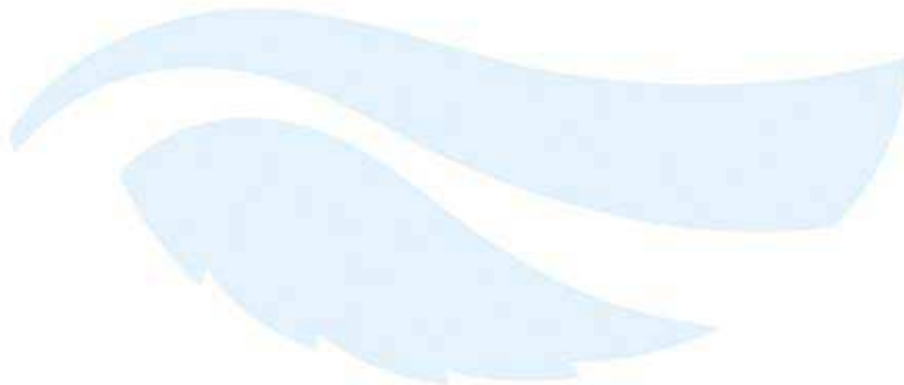
**7.5 Dogs off Leash – Assessment
of Free Roam Parks and
Reserves**

(PM015)

FORESHORE ASSESSMENT DATA - AS AT JULY 2013		
No.	Foreshore Area	Comments
34	Gulls Way	Gulls Way is a secluded beach area with clear geographical boundaries on MPSC boundary however, no parking is available.
35	Olivers Hill	Oliver's Hill area is unsuitable because of unstable cliff face and unsuitable rock ground cover.
36	Frankston Foreshore Precinct	Frankston Foreshore precinct and Wells Street entrance is unsuitable due to high visitor and family attendance. Frankston City has been rewarded for having a beautiful, clean beach, unwise to compromise this.
37	Wells St Entrance	

38	Mile Bridge	Mile Bridge and Seaford Pier beach areas are adjacent to an environmentally sensitive reserve "The Seaford Foreshore Reserve" and would be inappropriate to allow a conflict situation between dogs and our flora/fauna.
39	Seaford Pier	
40	Keast Park	Keast Park beach is another area that has clear geographical boundaries and borders Kingston Council's free roam beach however, horse trainers/owners pay \$260 per year to use the facility 5:30 am to 8:30 am. High risk to allow dogs off the lead around horses. In addition, Keast Park also attracts large groups of families and visitors.

Frankston City



7.6 South East Water – Public Realm Concept

(A1508026) (MMcD:GMD)

Executive Summary

This report has been prepared to inform Council of the proposed public realm concept plans for works along the Kananook Creek Boulevard and to seek support for the proposal.

The South East Water Corporation Head Offices are proposed to be located at 7R Playne Street, Frankston adjacent to the Kananook Creek Boulevard and the creek. As the proposed development becomes closer to reality, along with the dredging of the creek, there is now a real opportunity to deliver the community a public realm which integrates both parcels of land and enable the boulevard to be utilised as an activated promenade. Aspect Studios Landscape Architectural consultant have prepared for the concept proposal for the public realm.

A previous concept design for the Public Realm was presented to Councillors in November 2012.

This report discusses the issues and implications associated with the development of the public realm, with a focus on how the concept has developed and what constraints it has needed to respond to. These include:

- Ensuring that retail ventures within the “Verandah” of the building are accessible from the promenade and access is DDA compliant.
- That circulation and loading requirements are accounted for to accommodate Fire vehicle access around the entire perimeter of the building.
- Wind issues and mitigation through the use of large mature tree planting to make public realm areas comfortable and habitable.

Council officers have worked collaboratively with South East Water and Aspect Studios to develop a proposal that provides a quality public space outcome for the community of Frankston.

This report recommends that Council:

1. Approve the public realm concept proposal to allow the design to be further resolved through Design Development in collaboration with South East Water.
2. Delegate the CEO and appropriate officers to negotiate with South East Water to resolve the costing and funding of the public realm works due to the impacts and constraints placed on the public realm as an outcome of the building design.

Council Plan Long Term Community Benefits

2. Liveable City

2.2 Improve the municipality's safety, image and pride

3. Sustainable City

3.1 Plan, build, maintain and retire infrastructure to meet the needs of the city and its residents

Background

It has been envisaged that the new South East Water building development and associated landscape works will provide a catalyst for change in the use and development of the Kananook Creek precinct. The current site area for the building encompasses a car park, which is a common condition along the creek edge extending from Wells to Davey Street which provides an inactive frontage. The Public Realm proposal primarily encompasses the existing Kananook Creek Boulevard to the East of the building located between Playne and Wells Streets.

On 17 July 2013 Landscape Architectural consultant (Aspect Studio's) presented the concept proposal for the public realm. As a result of the presentation there was a requirement for an unimpeded width of 17 metres is maintained along the Kananook Creek.

Issues and Discussion

In regards to the public realm design Council officers have worked collaboratively with South East Water's design consultants to develop a proposal that is envisaged to help transform this area from a "back of house position" to a vibrant and active creek front destination, a place that the people of Frankston can enjoy for leisure purposes.

Accessible retail ventures at the interface between building edge and promenade are key ingredients that have been incorporated to establish this change. The proposal also provides opportunity for interaction with Kananook Creek and makes provision to allow for future boat activity.

The proposal also assists in resolving a series of complex site constraints which have been incurred with the design of the South East Water Headquarter building. This includes:

- Ensuring that retail ventures within the "Veranda" of the building are accessible from the promenade and access is DDA compliant.
- That circulation and loading requirements are accounted for to accommodate Fire vehicle access around the entire perimeter of the building.
- Wind issues and mitigation through the use of large mature tree planting to make public realm areas comfortable and habitable.

In addition, principles that were strategically directed by the “Tafe to Bay” Structure Plan have been incorporated to ensure the proposal facilitates community use and event. The design principals identified within the “Promenade Concept Package for City of Frankston Approval” (copy located in **Supporting Information** to the Agenda) articulate space for “a peoples plaza”, provides ample provision for pedestrian movement and illustrates a variety of seating opportunity for comfort and relaxation.

Risk Mitigation

Council officers and Councillors have been consulted to ensure an adequate public realm concept be developed for the space. Notably Councillors identified the necessity for an unimpeded 17 metre width to be maintained for the width of Kananook Creek. It was agreed that this requirement be imbedded into any contractual documents for the construction of the public realm (i.e. this could be illustrated on the construction drawings (site plan) for the works as a constraint).

Public realm is often at risk as projects evolve and cost cutting or “value engineering” principles are applied to a project to meet budget. It is important that this asset is not undervalued for the community. The concept clearly illustrates quality materials and furnishings including:

- Functional pole lighting and ornamental lighting including LED strip lights to wall lengths and up lighting in deck for tree planting.
- Large mature tree planting, approximately 5-6 metre’s in height at installation.
- Custom feature timber furniture along promenade and on wall edges including sun lounges / wide benches.

Further, the expectation of quality has been communicated with the use of the precedents within the “Promenade Concept Package for City of Frankston Approval”. These components will be further resolved in the next design phase.

Options Available

1. Council approve the public realm concept proposal to allow the design to be further resolved through Design Development in collaboration with South East Water.
2. Council reject the design proposals.

Financial Implications

A full cost plan for the proposal is yet to be provided by South East Water for the works. Preliminary cost investigations by both Council officers and the South East Water design team anticipate a build cost for the promenade deck (largest component) to be within the order of \$1.7 – \$1.9 Million.

The impact of the building design requirements on the public realm has been substantial. These issues are identified in the “Issues and Discussion” section of this report and include the structural requirements of the promenade for Fire vehicle, wind mitigation and access between retail frontage and promenade. Given the building impact, it is anticipated that these costs be attributed to South East Water. This issue of costs and funding is to be further resolved between Council and South East Water upon agreement of the concept. These discussions should also include the maintenance and up keep of the public realm

Economic Implications

With over 700 jobs being brought to Frankston with the South East Water development increased foot fall is anticipated. It will be important to ensure a quality public realm outcome is delivered that supports both social interaction and economic trading in this precinct.

It should be noted that there are currently no Council funds allocated to this project within the 2013/14 budget. A cost plan for the works needs to be consolidated with the South East Water project team to facilitate a greater understanding of the build cost for the works. Further negotiation with South East Water is required for the apportionment of funds to the project. Should this issue not be resolved it will impact on the delivery and/or the time frame of the public realm works effectively reducing the opportunity for an “economy of scale”, through tying the public realm works into the building works contract.

Environmental Implications

In general the proposal facilitates a number of Environmental benefits including:

- Contribution to the greening of the Kananook Creek Boulevard, providing additional shade for pedestrians and improved air quality through tree planting.
- Encourages walking and provides dedicated space for public use.
- Contributes to the FAA’s resilience to the affects of climate change, urban heat effect and population growth.
- Recognises the importance of site character and the sites unique location via the suggested tree planting list – a mix of both native and indigenous tree planting.

Social Implications

The public realm associated with the South East Water development will provide significant amenity for both South East Water employees and the community of Frankston. It is envisaged that this area will become a prominent destination that fosters public life and activity. It will provide a place to meet, a place to connect with Kananook Creek and associated recreational activities into the future, and become an important space for public event and promenading within Frankston.

Community Engagement

A concept design for the Public Realm was originally presented to Councillors in November 2012. This concept, previously prepared by Landscape Architects Taylor Cullity Lethlean was then presented at community information events with South East Water representatives during the building consultation process.

The revised concept proposal is not substantially different from this original proposal. The scheme still comprises of a timber deck, stair access to retail and grass embankment to the building edge. There is a considerable amount of additional tree planting in the revised scheme to facilitate wind mitigation attributed with the design resolution of the building.

Additionally during the period from October to December South East Water undertook surveys with local community groups and members of the community on site for their views on the impetus on the South East Water move to the Kananook Creek Boulevard.

Conclusion

The public realm proposal has been developed as a collaborative effort between Council and South East Water. The concept illustrates a quality outcome for the public realm that is believed to be acceptable and in line with expectation both aesthetically and functionally.

Recommendation (GMD)

That Council:

1. Approve the public realm concept proposal to allow the design to be further resolved through Design Development in collaboration with South East Water.
2. Allow the CEO and appropriate officers to negotiate with South East Water to resolve the costing and funding of the public realm works due to the impacts and constraints placed on the public realm as an outcome of the building design.
3. Receive a report on the final Public Realm design including costings for consideration and adoption.

Sustainable City

7.7 Loan Funding Expression of Interest Tender

(A1507103) (KJ:GMCorp)

Executive Summary

The report covers Council's loan funding requirements for the 2013/14 financial year. It is proposed to invite expressions of interest and delegate authority to the Chief Executive Officer to appoint the successful tenderer based on the preferred interest rate and terms.

Council Plan Long Term Community Benefits

This report is supported by the Council Plan Long Term Community Outcome 3, Sustainable City:

- 3.1 *Plan, build, maintain and retire infrastructure to meet the needs of the city and its residents; and*
- 3.3 *Ensure good governance and management of Council resources*

Background

Council's 2013/14 Annual Budget was formulated on the basis of conducting an expression of interest process to raise \$29.84 million of loan funds to be used to partly fund the Frankston Regional Aquatic Centre project, Defined Benefits Superannuation Liability payment and other Capital Works projects.

Paragraph 3.6.5 of the Victorian Local government Procurement Guidelines for 2013 (printed by the DPCD) supports the view that loans are not contracts for goods and services and thus are not expected to satisfy S 186 of the *Local Government Act, 1989*. Under the circumstances, Council would not be in breach of the Act by not conducting an open tender.

It is appropriate to conduct an expression of interest process as the regulated environment of the banking industry and the disclosure of loan rates by all major lending institutions ensures that Council will achieve Best Value by exercising commercial astuteness.

The 2013/14 Annual Budget includes borrowings of \$29.84 million and scheduled proposed loan repayments of \$2.34 million. Council's total loan borrowings are projected to be \$27.50 million at the end of 2013/14 financial year and will remain within prudential loan limits.

Issues and Discussion

It is proposed to invite expressions of interest and delegate authority to the Chief Executive Officer to appoint the successful tender based on the preferred interest rate and terms. Whilst typically the lowest interest rate will be chosen, this may not be the case where a slightly higher rate is offered for a longer fixed period.

Acceptance of a loan, by way of delegated authority to the Chief Executive Officer, is time critical in order for Council to secure the most competitive rate of interest by approving the loan the day the tenders are submitted. As interest rates are market sensitive, banks will only guarantee interest rates for a period of hours.

Councils who request banks to provide interest rates for a longer period of time (in order to satisfy the normal process of evaluation, recommendation and Council approval), results in financiers responding in either of two (2) ways:

1. **Indicative interest rates.** The provision of an indicative interest rate is where the bank provides a rate of interest that is current for that day only. An evaluation based on indicative interest rates does not reflect a competitive assessment as the preferred banker is then able to unfavourably change their rate of interest after Council approval; or
2. **Higher interest rate that provides a hedge (additional interest %) for market movements.** Some banks may offer Council a firm rate of interest for a longer period (days or weeks) however this rate of interest is higher and uncompetitive as the banks are then required to estimate the future movement in rates that include a hedge (additional interest %) factor.

Securing the most competitive interest rate, by approving the loan the day the tenders are submitted, is critical to minimise the cost to Council.

Allowing the flexibility to secure the optimal rate and term can lead to significant savings over the term of a loan. For example, based on borrowings of \$29.84 million, a 0.1% reduction in the interest rate would result in an annual savings of \$29,840 per annum, or \$746,000 over a 25 year loan term.

Risk Mitigation

Council's financial risk in taking out borrowings is mitigated with all principle and interest payments factored into both the 2013/14 – 2017/18 Long Term Financial Plan and 2013/14 Annual Budget.

Options Available

1. MAV Collaborative Debt Finance

The Defined Benefit Superannuation Taskforce created a working group of council officers to guide the Collaborative Debt Finance project. MAV's proposed course of action is to undertake a tender for a panel of banks from which councils can seek financing. The objective of this initiative is to establish the consolidation of debt procurement in the sector and establish the business case for a bond issue at a later stage. Initially this approach would seek to obtain benefits from standard terms and conditions in the documentation as well as ensuring pricing is known for all councils. It is expected that this funding would be short-term to enable the feasibility work for the bond. Later, MAV would then examine the appetite from councils for a bond issue, which will obtain a greater saving to the sector.

Ernst & Young were commissioned to examine the feasibility of various alternative funding options available to local councils. Ernst and Young concluded that there are benefits available for the sector through a bond issue or collaborative bank procurement structure.

Frankston City Council expressed an interest by formally appointing the Municipal Association of Victoria (MAV) as its agent in this initiative in accordance with section 186 of the *Local Government Act 1989*. An offer from the successful tenderer however only applies for 12 months at a variable rate. This option is not recommended as Council intends to borrow funds on an extended fixed term arrangement. Council will be required to borrow funds in August / September 2013 to replenish cash flows to fund major capital projects.

2. Direct Expression of Interest

As discussed in this report, Council is able to conduct an expression of interest process to achieve a Best Value result and attract a competitive interest rate and term.

Financial Implications

An amount of \$1.54 million has been included in the proposed 2013/14 Annual Budget to fund interest payments in respect of Council's loan portfolio in accordance with Council's Long Term Financial Plan.

Economic Implications

Economic implications in regards to this report are detailed under Section 'Financial Implications' above.

Environmental Implications

There are no direct environmental implications arising from this report.

Social Implications

There are no direct social implications arising from this report.

Community Engagement

There is no requirement for consultation and engagement in this matter.

Conclusion

The delegation of authority to the Chief Executive Officer enables the acceptance of a loan expression of interest tender and the execution of loan documents on behalf of Council.

Recommendation (GMCorp)

That Council:

1. Exercises its powers to borrow \$29.84 million, by way of an expression of interest tender process, as a principle and interest loan for a maximum period of 25 years.
2. Affixes the common seal to the specified Instrument of Delegation for the Chief Executive Officer to accept a tender at the preferred tendered interest rate and terms and to execute documents giving effect to the acceptance of a tender.
3. Delegates authority to the Chief Executive Officer to accept a tender subject to debt servicing costs for all loans (repayment of principal and interest) remaining within Council's proposed 2013/14 Annual Budget.
4. Requests a report be provided back to Council following completion of this process.



Frankston City