



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 2 JULY 2018 at 7.00PM**

PRESENT	Cr. Colin Hampton (Mayor) Cr. Sandra Mayer Cr. Glenn Aitken Cr. Brian Cunial Cr. Michael O'Reilly Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam
APOLOGIES:	Cr. Lillian O'Connor
ABSENT:	Nil.
OFFICERS:	Mr. Dennis Hovenden, Chief Executive Officer Mr. Kim Jaensch, Acting Director Corporate Development Dr. Gillian Kay, Director Communities Development Mr. Vishal Gupta, Acting Director Community Assets Mr. Michael Papageorgiou, Manager Planning & Environment Mr. Taylor McVean, Coordinator Communications Ms. Michelle Tipton, Coordinator Council Business Support Ms. Vera Roberts, Executive Assistant to Mayor
EXTERNAL REPRESENTATIVES:	Ms. Prue Digby, Municipal Monitor


COUNCILLOR STATEMENT

Councillor Aitken made the following statement:

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

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

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

Chairperson's initials 


PRAYER

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

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

The Mayor acknowledged Mr David Cross, former Citizen of the Year and Ms Hilary Poad, Senior Citizen of the Year 2018 who are seated in the gallery.

Chairperson’s initials 

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1. PRESENTATION TO COMMUNITY GROUPS

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM7 held on 4 June 2018.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Cunial

That the minutes of the Ordinary Meeting No. OM7 held on 4 June 2018 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

Special Meeting No. SP1 held on 12 June 2018.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Cunial

That the minutes of the Special Meeting No. SP1 held on 12 June 2018 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

Special Meeting No. SP2 held on 13 June 2018.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Cunial

That the minutes of the Special Meeting No. SP2 held on 13 June 2018 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Apology

Council Decision

Moved: Councillor Cunial

Seconded: Councillor Aitken

That the apology be received and Councillor O'Connor be granted leave from the meeting.


Carried Unanimously

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil.

5. PUBLIC QUESTION TIME

One (1) person submitted questions to Council with notice and one (1) person submitted questions to Council without notice. At the request of the Mayor, the Chief Executive Officer read the questions and answers to the gallery. The questions and answers are contained in Appendix.

Chairperson's initials 

6. HEARING OF PUBLIC SUBMISSIONS

Ms Hilary Poad made a submission to Council regarding Item 11.2: Frankston Planning Scheme Amendment C124 – Report on the findings and recommendations of the Panel Report and progression to adopt Amendment C124;

Mr Brendan Hatswell, speaking on behalf of the Committee for Greater Frankston, made a submission to Council regarding Item 11.3: Frankston Green Wedge Management Plan – Report on public consultation and the Final Engagement group outcomes;

Mr Stephen Toth, speaking on behalf of Landowners of Precinct 2, made a submission to Council regarding Item 11.3: Frankston Green Wedge Management Plan – Report on public consultation and the Final Engagement group outcomes;

Mr Andrew Constantiou, speaking on behalf of the Carrum Downs Precinct Group Precinct 1, made a submission to Council regarding Item 11.3: Frankston Green Wedge Management Plan – Report on public consultation and the Final Engagement group outcomes;

Ms Ginevra Hosking, on behalf of Committee for Greater Frankston, made a submission to Council regarding Item 11.3: Frankston Green Wedge Management Plan – Report on public consultation and the Final Engagement group outcomes;

Mr David Cross, on behalf of the Frankston Environmental Friends Network, made a submission to Council regarding Item 11.3: Frankston Green Wedge Management Plan – Report on public consultation and the Final Engagement group outcomes;

Mr Paul Beatty, on behalf of ECOS Urban, made a submission to Council regarding Item 11.3: Frankston Green Wedge Management Plan – Report on public consultation and the Final Engagement group outcomes;

Mr Don Welsh, made a submission to Council regarding Item 11.3: Frankston Green Wedge Management Plan – Report on public consultation and the Final Engagement group outcomes;

Mr Robert Ford, made a submission to Council regarding Item 11.4: Planning Application 160/2017/P – 159 Nepean Highway, Seaford – to construct a three (3) storey building comprising of eleven (11) apartments;

Mr Geoff Luxton, made a submission to Council regarding Item 11.5: Planning Application 522/2017/P – 27 Hartnett Drive, Seaford – to use land in an Industrial 1 Zone for a Tavern, to sell and consume liquor and a reduction of the Clause 52.06 car parking requirements;

Dr Nicholas Thomson, on behalf of the University of Melbourne, made a submission to Council regarding Item 14.1: 2018/NOM35 – Proposed Downs Estate Business Case;

Mr John McKenzie, Co-Chair of the Downs Estate Community Project, made a submission to Council regarding Item 14.1: 2018/NOM35 – Proposed Downs Estate Business Case;

7. ITEMS BROUGHT FORWARD**Items Brought Forward****Council Decision****Moved: Councillor Bolam****Seconded: Councillor Aitken**

That Items:

- 11.2: Frankston Planning Scheme Amendment C124 - Report on the findings and recommendations of the Panel Report and progression to adopt Amendment C124
- 11.3: Frankston Green Wedge Management Plan - Report on public consultation and the Final Engagement Group outcomes
- 11.4: Planning Permit Application 160/2017/P - 159 Nepean Highway Seaford - To construct a three (3) storey building comprising of eleven (11) apartments
- 11.5: Planning Application 522/2017/P - 27 Hartnett Drive, Seaford - To use land in an Industrial 1 Zone for a Tavern, to sell and consume liquor and a reduction of the Clause 52.06 car parking requirements; and
- 14.1: 2018/NOM35 - Proposed Downs Estate Business Case

be brought forward.

Carried Unanimously**8. PRESENTATIONS / AWARDS**

The Mayor presented to the Chamber a Certificate of Appreciation from Lifegate for the "Change for Food Trailer" and a Certificate of Appreciation for the ANZAC Appeal from the Frankston RSL for Council's support

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

10. DELEGATES' REPORTS**10.1 Election of Deputy Mayor for remainder of Mayoral Term - 2 July 2018 to 7 November 2018 (inclusive)**

(MT Chief Executive Office)

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

That Cr Michael O'Reilly be nominated for the Office of Deputy Mayor for the remainder of the Mayoral Term from 2 July 2018 until 7 November 2018 (inclusive).

Carried

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

Against the Motion: Crs Aitken, McCormack and Toms

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

That Cr Toms be nominated for the Office of Deputy Mayor for the remainder of the Mayoral Term from 2 July 2018 until 7 November 2018 (inclusive).


Lost

For the Motion: Crs Aitken, McCormack and Toms

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

10.2 Signing of Councillor Code of Conduct

The Councillor Code of Conduct 2018 was adopted at the Special Meeting SP2, 13 June 2018. The Chief Executive Officer invited each Councillor to come forward to sign and read out to the Chamber the Councillor Code of Conduct declaration. The Chief Executive Officer witnessed the signatures.

Chairperson's initials 


10.3 Delegates Report - Advocacy Visit to Canberra - May 2018

(VR Chief Executive Office)

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

That Council:

1. Receives this delegates report from the Mayor, Cr Colin Hampton on his recent trip to Canberra – 30 May 2018.
2. Formally sends a letter of thanks to Mr Chris Crewther MP, Federal Member for Dunkley and Mr Mark Dreyfus MP, Federal Member for Isaacs and their staff for the assistance in scheduling appointments.

Carried UnanimouslyChairperson's initials 

ITEMS BROUGHT FORWARD**11.2 Frankston Planning Scheme Amendment C124 - Report on the findings and recommendations of the Panel Report and progression to adopt Amendment C124**

(MP Community Development)

Recommendation (Director Community Development)

That Council:

1. Notes the Amendment C124 Panel Report;
 2. Adopts Amendment C124 with the following changes (as recommended by the Panel Report):
 - a) Amends Design and Development Overlay Schedule 5 as shown in the Panel preferred version in Attachment 1.
 - b) Amends zoning maps to correct the incorrect application of the Residential Growth Zone and the Design and Development Overlay Schedule 12 to 35R Beach Street and the Fletcher Road Reserve.
 - c) Amends the relevant requirements in Clause 2.0 Buildings and Works in the Design and Development Overlay Schedules 12 and 13 to read:

For buildings of more than 2 storeys above natural ground level, the wall/s of the storey/s above second storey should be setback from the floor below a minimum of 2.5 metres to the street and rear. Balconies may encroach into the setback.

'At grade' car parking areas should be located away from street interfaces and not within the front setback. Landscaping should be incorporated within 'at grade' car parking areas.

Utilities and services should not be located within the street frontage and should be screened.
 - d) Corrects any minor spelling errors within the Design and Development Overlays.
- and,
3. Authorises officers to request the Minister for Planning to adopt Amendment C124 as amended in Item 2) above and with the inclusion of the Built Form Guidelines as referenced documents in the Frankston Planning Scheme.

Deferral Motion to another Council Meeting

Moved: Councillor McCormack

Seconded: Councillor Cunial

That the matter be deferred to the next Council Meeting.

Carried Unanimously

Chairperson's initials 

11.3 Frankston Green Wedge Management Plan - Report on public consultation and the Final Engagement Group outcomes

(MP Community Development)

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

That Council:

1. Notes the Green Wedge Management Plan Issues Paper submissions and the outcomes of the Frankston Green Wedge Engagement Group report.
2. Authorises officers to progress the drafting of a Green Wedge Management Plan as described by Option 1, with no change to the Urban Growth Boundary.
3. Considers and reviews the draft Green Wedge Management Plan prior to it being released for public exhibition and comment.

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

That Cr Aitken be granted an extension of time.

Carried Unanimously**Extension of Time****Moved: Councillor Aitken****Seconded: Councillor McCormack**

That Cr Toms be granted an extension of time.

Carried Unanimously**The motion was then Put
and Lost**

For the Motion: Crs Aitken, McCormack and Toms

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

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

That Council:

1. Notes the Frankston Green Wedge Management Plan Issues Paper submissions and the outcomes of the Frankston Green Wedge Engagement Group report.
2. Authorises officers to progress the drafting of a Green Wedge Management Plan utilising the approach described as Option 2, noting that this option includes the consideration of potential Urban Growth Boundary (UGB) and zoning changes in Precincts 1, 3 and 5 and minimum lot size changes in Precinct 2.
3. Supports the preparation of a mechanism to help fund natural habitat conservation and any proposed public land acquisition for recreation and landscape protection purposes in the Green Wedge. This could include the application of special purpose charges that applies to all new development arising from land use changes proposed in the Green Wedge Management Plan.
4. Considers and reviews the draft Green Wedge Management Plan (when prepared) prior to it being released for public exhibition and comment.

Carried

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

Against the Motion: Crs Aitken, McCormack and Toms

11.4 Planning Permit Application 160/2017/P - 159 Nepean Highway Seaford - To construct a three (3) storey building comprising of eleven (11) apartments.
(MP Community Development)

Councillor Bolam left the chamber at 8.33 pm

Councillor Bolam returned to the chamber at 8.35 pm

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Toms

That a Notice of Refusal to Grant a Planning Permit be issued pursuant to Section 65 of the Planning and Environment Act 1987 for the following reasons:

1. The proposal is not consistent with the local character of the area of the preferred character for Seaford 7 Neighbourhood Character Precinct in accordance with Clause 22.08 and Clause 43.02 Design and Development Overlay – Schedule 6 of the Frankston Planning Scheme;
2. The proposed building form presents with excessive visual bulk and mass and has the potential to impact on the amenity of neighbouring properties; and
3. The proposal is an overdevelopment of the land.

Lost
on the casting vote of the Mayor

For the Motion: Crs Aitken, Bolam, McCormack and Toms

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

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

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 160/2017/P to construct a three (3) storey building containing eleven (11) apartments at 159 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 and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application prepared by John Anthony Garofalo Building Design Consultants, Reference 16022, dated 23/5/18, 2-8, Revision C, but modified to show:
 - (a) Feature screening of the undercroft car park on the north and south sides;
 - (b) Provision of a hi-light north facing window in the living areas of apartments 1, 2, 8 and 10;
 - (c) Provision of a north facing window in bedroom 1 of apartment 4;
 - (d) Provision of a south facing hi-light window for the living area of apartment 11;
 - (e) Weatherproofing of storage cages in undercroft car park or relocated so as to be unaffected by weather;
 - (f) Remove screening proposed to bedroom 1 and 2 windows of apartment 2 and apartment 3;
 - (g) Remove screening to bedroom 2 window of apartment 4 and replace with a an alternate method either side wing, protruding or winged windows to direct views away from the private open space;
 - (h) Provision of an opening window to the bathroom of apartment 9 and ensuite of apartment 11;
 - (i) A minimum of 2.1m headroom to be provided above all car spaces and internal accessways in accordance with Clause 52.06-9;
 - (j) Provision of a corner splay at the entrance of the site in accordance with Clause 52.06-9;
 - (k) Landscaping Plan in accordance with Condition 3;
 - (l) A Stormwater Management Strategy detailing all proposed stormwater quality works within the development and drainage outfall from the development to existing SEP at 6 Beckwith Grove site frontage in accordance with condition 8;
 - (m) A Construction Management Plan in accordance with condition 18.

No Alterations

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

Landscaping

Chairperson's initials



3. Before the commencement of buildings and works, a landscape plan generally in accordance with the Landscape Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
- a. a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - b. buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary including Tree 1 to the south;
 - c. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
 - d. A planting theme of a minimum 20% indigenous, 40% native and 40% exotic within each plant group from the Coastal Banksia EVC;
 - e. canopy trees to a minimum mature height of five metres (minimum two metres tall when planted) in the following areas:
 - (i) Two (2) within the front setback
 - (ii) Five (5) along each side boundary and along the rear boundary.

Trees are not to be sited over easements. All species selected must be to the satisfaction of the Responsible Authority.

Prior to Occupation

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

Materials, finishes and colour schedule

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

Tree Protection

6. Tree protection must be carried out in accordance with the Australian Standard AS 4970-2009 Protection of trees on development sites to the satisfaction of the Responsible Authority.
7. Prior to the commencement of the development (including vegetation removal), a Tree Protection Fence defined by a 1.8 metre high (minimum) temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape, must be installed at a radius of not less than the Tree Protection Zone for all trees to be retained on the site where the Tree Protection Zone occurs on the subject site and the Tree Protection Zone of neighbouring trees where occurring on the subject site to the satisfaction of the Responsible Authority. The fence can be relocated to the minimum extent necessary to enable construction. A fixed sign is to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from Frankston City Council". Fencing must be inspected by a suitable qualified and experienced arborist prior to

commencement of construction works.

The requirements below must be observed within this area –

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

Drainage

8. Prior to commencement of development construction detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority.
9. Stormwater Drainage Outfall is to be constructed to the satisfaction of the responsible authority.
10. 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.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.
11. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
 - On-site stormwater detention and rainwater tanks.
 - Soil percolation
 - Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc
 - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
12. New vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.

13. Existing vehicle crossing shall be removed and reconstructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
14. Prior to occupation of the dwellings hereby permitted by this permit starts, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be:
 - a. Constructed to the satisfaction of the Responsible Authority;
 - b. Properly formed to such levels that they can be used in accordance with the plans;
 - c. Surfaced with an all-weather sealcoat; and
 - d. Drained and maintained to the satisfaction of the Responsible Authority.
 - e. Line marked to show the direction in which vehicles are to travel;
 - f. Sign marked identifying the allocation of car spaces; and;
 - g. Properly lit.

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

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

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

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

Waste Management conditions

16. Prior to the commencement of buildings and works, an amended Waste Management Plan in accordance with Council's Waste Management Guidelines, May 2017 must be submitted to the satisfaction of the Responsible Authority and be approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit.
17. All waste generated by the development must be collected by a Private Waste Management Agency to the satisfaction of the responsible authority.

Construction Management Plan

18. Prior to the commencement of the development a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. Any plans submitted must be consistent with all other documents approved as part of this permit. The information must be drawn to scale with dimensions and three copies must be provided. The Plan is to include details of the following:
 - a. Contact Numbers of responsible owner/contractor including emergency/24 hour mobile contact details.
 - b. Identification of possible environmental risks associated with development works.

- c. Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.
- d. Proposed drainage lines and flow control measures.
- e. Location of all stockpiles and storage of building materials.
- f. Location of parking for site workers and any temporary buildings or facilities.
- g. Details to demonstrate compliance with relevant EPA guidelines.
- h. Target of recycling and re-using a minimum of 80% of construction and demolition waste by weight.
- i. Hours during which construction activity will take place

Urban Design

19. 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.
20. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

Completion of Buildings and Works

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

VicRoads Requirements

22. A two way sealed vehicular crossover and driveway is to be constructed generally in accordance with the design identified in the John Anthony Garafolo prepared design 16022 – TP03, dated 31/3/17 to the satisfaction of the responsible authority and at no cost to the Roads Corporation prior to the occupation of the works hereby approved.
23. No work may be commenced in, on, under or over the road reserve without having first obtained all necessary approvals under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant Act or Regulation created under those Acts.


Permit Expiry

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

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

Notes

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. Prior to the commencement of construction the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Frankston City Council's Infrastructure Department.
- C. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the

Chairperson's initials 

Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed timeframes:

- a. Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
- b. Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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

Carried

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

11.5 Planning Application 522/2017/P - 27 Hartnett Drive, Seaford - To use land in an Industrial 1 Zone for a Tavern, to sell and consume liquor and a reduction of the Clause 52.06 car parking requirements

(MP Community Development)

Councillor Mayer left the chamber at 8:53 pm.

Councillor Mayer returned to the chamber at 8:57 pm.

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

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 522/2017/P to use land in an Industrial Zone for a Tavern, to sell and consume liquor and a reduction of the Clause 52.06 car parking requirements at 25-27 Hartnett Drive, Seaford, subject to the following conditions:

Plans

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application (or some other specified plan) but modified to show:
 - (a) The Venue Management Plan amended to include the requirements of Conditions 3 and 4 to the satisfaction of the Responsible Authority.

No Alterations

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

Patron Numbers


3. Unless with the prior written consent of the Responsible Authority, the maximum of number of people (including staff) permitted on the premises at any one time shall be:
 - a) Wednesday, Thursday and Friday – 12.00noon to 5.00pm - 35 persons.
 - b) Wednesday and Thursday – 5.00pm to 9.00pm – 75 persons.
 - c) Friday - 5.00pm to 10.00pm – 75 persons.
 - d) Saturday 12.00noon – 10.00pm – 75 persons.
 - e) Sunday 12.00noon – 9.00pm – 75 persons.

Shuttle

4. A Shuttle Service is to be made available after 9pm on Friday and Saturday nights by the business owner, which offers patrons safe access to the Kananook Railway Station and is to the satisfaction of the Responsible Authority.

Liquor Licence Requirements

5. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place within the approved red line plan and at the premises during the operating hours as shown in Condition 3.

Chairperson's initials 

Amenity

6. The amenity of the area must not be detrimentally affected by the use and development through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin; others as appropriate; or
 - e) In any other way.
7. Noise levels emanating from the premises must not exceed those required to be met under State Environment protection Policy (Control of Music Noise from Public Premises), No. N-2.

Satisfactorily Completed

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

Permit Expiry

9. This permit will expire if one of the following circumstances applies:
 - a. The use and development is not started within two years of the date of this permit.
 - b. The use of the land under ceases to operate for a continued period of two years.
 - c. The development is not completed within four years of the issued date of this permit.

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

Notes

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


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

Chairperson's initials

C. Hampton

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

Carried Unanimously

Chairperson's initials 

14.1 2018/NOM35 - Proposed Downs Estate Business Case


(VR Chief Executive Office)

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

It is noted that the University of Melbourne is engaging with the Friends of the Downs Estate community group to prepare a business case on the future sustainability of the site as food security demonstration site. The business case will cost between \$80K to \$100K and subject to Council approval, the University of Melbourne is seeking \$25K contribution from Council. Should Council support the proposal, \$25K will be referred for consideration to the mid-year budget review.

A report is to be provided to 10 September Ordinary Meeting outlining the proposal and considerations that will be detailed in the business case.


Carried Unanimously

Chairperson's initials 

11. CONSIDERATION OF TOWN PLANNING REPORTS**11.1 Built Form Guidelines for Mixed Use, Commercial and Residential Growth Areas**
*(MP Community Development)***Council Decision****Moved: Councillor Mayer****Seconded: Councillor Cunial**

That Council:

1. Notes the summary of responses from the community consultation process.
2. Adopts the *Built Form Guidelines* to allow for the documents to be referenced within the Frankston Planning Scheme as part of current planning scheme Amendment C124.

Carried UnanimouslyChairperson's initials 


11.6 May 2018 Town Planning Progress Report

(MP Community Development)

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

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

Carried Unanimously

Chairperson's initials 

12. CONSIDERATION OF REPORTS OF OFFICERS

12.1 Resolution Progress Update

(BA Corporate Development)

Council Decision

Moved: Councillor Bolam


Seconded: Councillor Cunial

That Council:

1. Receives the Notices of Motion Report as at 2 July 2018.
2. Approves the archiving of the following Notice of Motion from the Notices of Motion Report:
 - NOM 1347 - Budget addition for Pre-Schools
 - NOM 1357 - Young Street Redevelopment Works
 - NOM 1383 - Lack of consultation for Frankston Nature Conservation Reserve
 - NOM 1385 - The Pines Flora and Fauna Reserve
 - 2018/NOM 9 - Public Transport Advocacy
 - 2018/NOM13 - Rescission Motion - Response to NOM 1391 - Apsley Place
 - 2018/NOM27 - Waiving of Kerbside Dining Fees for affected traders during Frankston Train Station Works
 - 2018/NOM32 - Waiving of Kerbside Trading Fee
3. Notes that since 21 May 2018, 36 resolutions have been completed, as detailed in the Notices of Motion Report.
4. Notes that the reports listed below will not be presented back to Council by their advised dates and that a detailed explanation is provided in the body of the report.
 - Response to NOM 1316 – Former Frankston Ambassador site
 - Planning Permit Application 424/2017/P – 21 Edward Street, Langwarrin – To construct six (6) dwellings (three (3) single storey and three (3) double storey)
 - 12.5 Membership to Mornington Peninsula and Western Port Biosphere Reserve Foundation
 - Response to NOM1313 – Installation of Solar Panels on the Civic Centre and Ongoing Monitoring and Reporting of Water Energy and Greenhouse Gases Consumption and Expenditure
 - Review of Procurement Policy 2018/2019
 - Response to 2018/NOM4 – Emergency Grants
5. Notes that, in Item 12.7 Visitor Information Centre, tabled at Council's Ordinary meeting on 14 May 2018, there was an administrative error which resulted in an inaccuracy in the definition of the Centre's winter and summer seasons (recommendation 6c). The correct details should be:
 - i. Winter (May - August) – one Council Officer and four volunteers per day (two per shift)

- ii. Summer (September – April) – two Council Officers and four volunteers per day (Two per shift)

Carried Unanimously

Chairperson's initials 

12.2 Appointment and Authorisation of Council Staff

(BA Corporate Development)

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

That:

1. Pursuant to the provisions of Section 147 (4) of the Planning and Environment Act 1987 (The Act) and Section 232 of the Local Government Act 1989 (The Act), Council appoints the officers listed in the Instrument of Appointment and Authorisation, as attached under separate cover for the purposes and regulations of The Acts.
2. The Instrument of Appointment and Authorisations be signed and sealed.

Carried Unanimously

12.3 Response to petition - Keep Frankston's Centenary Park Golf Course in Public Hands

(LD Community Development)

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

That Council:

1. Receives the petition with 103 signatures.
2. Notes advice has been provided to the head petitioner that Council has decided to tender for Golf Services and Performance responsibilities at Centenary Park but retain the responsibility for course maintenance and capital works

Carried Unanimously

12.4 Response to petition - To include the Bayside Gymnastics Club in the Centenary Park sporting facility as a co tenant with the merged Frankston and Frankston East Tennis Clubs.

(LD Community Development)

Council Decision


Moved: Councillor Toms

Seconded: Councillor Mayer

That Council:

1. Receives the petition with 195 signatures.
2. Notes that advice has been provided to the head petitioner from the Bayside Gymnastics Club noting Council's acknowledgement of the petition and the decision of Council to pledge funding to the project for a regional tennis and gymnastics facility and to advocate to State and Federal Governments for matching funds.


Carried Unanimously

Chairperson's initials 

12.5 Annual Budget 2018-2019*(KJ Corporate Development)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Cunial**

That Council adopts the following amended rates in the dollar:

- A general rate of 0.2181% reduced to 0.2165% for all rateable Other Land: and
- A general rate of 0.1636% reduced to 0.1624% for all rateable Retirement Village Land; and
- A general rate of 0.2726% reduced to 0.2707% for all rateable Commercial Land; and
- A general rate of 0.2726% reduced to 0.2707% for all rateable Industrial Land; and
- A general rate of 0.2313% reduced to 0.2300% for all rateable Acacia Heath Properties; and
- A general rate of 0.2726% reduced to 0.2707% for all rateable Vacant Residential Land: and
- A general rate of 0.1745% reduced to 0.1732% for all rateable Farm Land; and
- A general rate of 0.6542% reduced to 0.6496% for all rateable Derelict Land.

Carried UnanimouslyChairperson's initials 


12.6 Delegates to Internal Organisations - Municipal Emergency Management Planning Committee

(LR Community Development)

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

That Council appoints Councillor Quinn McCormack as the appointed delegate to the Municipal Emergency Management Planning Committee.

Carried Unanimously

Chairperson's initials 

12.7 Frankston City Business Grants

(SJ Corporate Development)


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

That Council:

1. Notes this report.
2. Endorses the revised Frankston City Business Grants Program as outlined in this report as they relate to:
 - a. Redefining the desired Grants Program outcomes
 - b. Removal of categories
 - c. Enhanced program marketing
 - d. The Independent Assessment Panel
 - e. Eligibility Criteria
 - f. Grant Funding Model
 - g. Frankston City Business Grants Guide and Toolkit
3. Endorses the increase in funding for the program to \$130,000 per year (allowing for \$10,000 promotion and up to \$120,000 for allocation as grants to business).
4. Commits an additional \$64,000 per annum to supplement the existing operating budget by authorising the Chief Executive Officer to make the necessary adjustments to the Mid-Year Budget Review
5. Endorses Officers writing to the relevant State and Federal Government stakeholders to invite them to match the funding being provided by Council for the Frankston City Business Grants program.

Carried

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

Chairperson's initials 

12.8 Registrations For Animal Adoptions

(LR Community Development)

Recommendation

That Council:

1. Notes the State Government is introducing legislation 1 July 2018 to restrict the number of animals available commercially, discourage puppy farms and illegal back yard breeders and promote the adoption of animals.
2. Notes the legal advice Council can validly waive the registration fee of an adopted animal through a Resolution of Council.
3. Notes a fee waiver in addition to the new legislation is likely to escalate the cost of lost revenue to Council over time, which is difficult to estimate without understanding the full impact of the new legislation.
4. Endorses monitoring of adoptions under the new legislation from the Lost Dogs Home for 12 months and reconsider the waiving of first year registration fees as part of the 2019/20 budget recommendations.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Council:

1. Waives the initial animal registration fee/s for owners, who live with their adopted pet/s within the municipality, that have appropriated their pet/s from Frankston's official animal pound facility.
2. Provides a report at the August Ordinary Meeting on duplicating Fairfield City Council's 'free adoption month' initiative which would see fifteen adoptions wholly funded by Council.
3. Provides a report at the August Ordinary Meeting on duplicating Banyule City Council's 'Responsible Dog Ownership Program' where a resident can provide evidence of a Dog Obedience Certificate and their annual canine renewal fee is reduced.

Deferral Motion to another Council Meeting

Moved: Councillor Cunial

Seconded: Councillor Mayer

That the matter be deferred to the August Council Meeting to consider the alternate prepared by Cr Bolam on this matter.

Lost

For the Motion: Crs Cunial and Mayer

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

The motion was then put and Carried Unanimously

Meeting was adjourned at 9.22pm for five (5) minutes

Meeting resumed at 9.29pm.

Chairperson's initials



12.9 Dalpura Precinct Local Area Traffic Management Study

(DD Community Assets)

Cr Mayer entered the Chamber at 9.29pm

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

That Council:

1. Adopts the Recommended Traffic Management Plan for the Dalpura Precinct as detailed in the report prepared by the traffic engineering consultant – EB Traffic Solutions;
2. Endorses provision of additional three threshold treatments as part of the Traffic Management Plan work for the Dalpura Precinct as per VicRoads recommendation;
3. Notes that funding of \$185,000 has been allocated in the adopted 2018/19 Capital Works Program to implement the recommended traffic Management Plan for Dalpura Precinct including three threshold treatments;
4. Notes that specific consultation with property owners abutting the proposed traffic management measures will be undertaken at the design and implementation stage in relation to exact locations and design;
5. Notes that Council will continue to promote the use of Crime Stoppers as an effective tool to reduce the incidence of irresponsible and anti-social driving behaviour in the local area; and
6. Monitors the Recommended Traffic Management Plan for a period of 12 months after its implementation.

Carried UnanimouslyChairperson's initials 

12.10 Pines Men's Shed Heating & Cooling

(LD Community Development)

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

That Council:

1. Notes \$10,000 is allocated in the capital works program toward a total cost estimate of \$74,900 to heat and cool Pines Men's Shed;
2. Notes State Government Men's Shed Grants closed on 8 June 2018 and officers submitted an application that can be withdrawn subject to Council's resolution;
3. Approves the application to State Government Men's Shed Grants for the maximum amount of \$30,000 towards installing heating and cooling in the Pines Men's Shed; and
4. Refers \$34,900 to be committed in the mid year budget review in the event the application for \$30,000 funding from State Government is successful.

Carried Unanimously

13. RESPONSE TO NOTICES OF MOTION

13.1 Response to NOM 1354 - Urban Design Excellence

(MP Community Development)

Recommendation (Director Community Development)

That Council:

1. Explores opportunities to establish an advisory committee to provide feedback on town planning development applications;
2. Supports officers in appointing an additional consultancy firm to Council's existing external design review panel of consultants to enhance choice and responsiveness;
3. Supports officers in undertaking an analysis of the municipality to identify areas where Urban Design Frameworks may be appropriately applied;
4. Commits to Councillor and officer training to assist evaluation and application of best practice urban design;
5. Seeks to facilitate best practice urban design information forums for the community, developers, Councillors and staff; and
6. Supports officers in the provision of publicly accessible urban design information on Council's digital platforms.

Council Decision


Moved: Councillor Bolam

Seconded: Councillor Aitken

That Council:

1. Explores opportunities to establish an advisory committee to provide feedback on town planning development applications;
2. Supports officers in appointing an additional consultancy firm to Council's existing external design review panel of consultants to enhance choice and responsiveness;
3. Supports officers in undertaking an analysis of the municipality to identify areas where Urban Design Frameworks may be appropriately applied;
4. Commits to Councillor and officer training to assist evaluation and application of best practice urban design;
5. Seeks to facilitate best practice urban design information forums for the community, developers, Councillors and staff; and
6. Supports officers in the provision of publicly accessible urban design information on Council's digital platforms.
7. Provides a report to the September Ordinary Meeting on the composition, parameters and Terms of Reference for the potential advisory committee as per Item 1.

Carried Unanimously

Chairperson's initials 

13.2 Response to 2018/NOM21 - Economic Resilience Package II

(SJ Corporate Development)

Recommendation (Director Corporate Development)

That Council:

1. Will receive a quarterly report and spreadsheet of economic development indicators (March 2018 quarterly figures attached)
2. Notes that there are a number of programs being run by Frankston City Council that address investment attraction and jobs creation, but that our strategic framework for investment attraction is overdue for a review
3. Endorses the refreshed Investment Attraction Program 2019-2024
4. Selects the High Investment Option (\$151,000) for implementation by referring an additional \$131,000 per annum to supplement the existing investment attraction operating budget to the Mid-Year Budget Review for further consideration.
5. Notes that Council already has sufficient resources within the current establishment and budget to facilitate tourism event and general investment attraction.
6. Notes that there are a wide array of programs being run by Frankston City Council and the State and Federal Governments that facilitate businesses becoming more export ready
7. Notes that Officers will continue to strengthen their relationship with relevant State and Federal departments to ensure that Frankston City is considered for appropriate investment opportunities.

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

That Council:

1. Receives the quarterly spreadsheet of economic development indicators (March 2018 quarterly figures attached)
2. Notes that there are a number of programs being run by Frankston City Council that address investment attraction and jobs creation, but that our strategic framework for investment attraction is overdue for a review
3. Endorses the refreshed Investment Attraction Program 2019-2024, and selects:
 - a. **Option 1 (High Investment)** - refers \$151,000 to the Mid-Year Budget Review for consideration and/or for consideration in the 2019/2020 Annual Budget Review.
4. Notes that Council already has sufficient resources within the current establishment and budget to facilitate tourism event and general investment attraction.
5. Notes that there are a wide array of programs being run by Frankston City Council and the State and Federal Governments that facilitate businesses becoming more export ready
6. Notes that Officers will continue to strengthen their relationship with relevant State and Federal departments to ensure that Frankston City is considered for appropriate investment opportunities.
7. Is provided with a report quarterly, as is practiced by the Townsville City Council, on the economic 'State of the City' (Economic Development Scorecards). The report and scorecards should endeavour to be user-friendly. An abridged version (twelve months of consolidate data) should also be provided in Council's Annual Report.

Carried Unanimously

13.3 Response to 2018/NOM30 - Council to bid for 1 x W-Class Tram and 1 x Z-Class Tram

(AM Community Development)

Recommendation (Director Community Development)

That Council:

1. Notes there are only 3 'Z' class trams available through the Expression of Interest (EOI) and greater success of achieving 2 trams would be to focus on the 'W' class trams.
2. Notes while the full cost of repurposing the trams is unknown until the condition of the allocated trams can be assessed consideration is given to the additional capital works costs of approximately \$750K for the repurposing of 2 trams for:
 - a) asbestos removal
 - b) transport and moving
 - c) repurpose of interior
 - d) utilities required
 - e) investigation of structural integrity of chosen site/s
 - f) ongoing maintenance & operational activity
 - g) exterior and surrounding works including landscaping and Disability Discrimination Act (DDA) compliance works
3. Supports making an EOI bid for 1 'W' class tram and should Council be successful refers \$400K to be committed to the mid-year capital works program and budget.

Or
4. Supports making an EOI bid for 2 'W' Class trams and should Council be successful refers \$750K to be committed to the mid-year capital works program and budget.

Or
5. Does not make an EOI submission.

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

That Council:

1. Notes there are only 3 'Z' class trams available through the Expression of Interest (EOI) and greater success of achieving 2 trams would be to focus on the 'W' class trams.
2. Notes while the full cost of repurposing the trams is unknown until the condition of the allocated trams can be assessed consideration is given to the additional capital works costs of approximately \$750K for the repurposing of 2 trams for:
 - a) asbestos removal
 - b) transport and moving
 - c) repurpose of interior
 - d) utilities required
 - e) investigation of structural integrity of chosen site/s
 - f) ongoing maintenance & operational activity
 - g) exterior and surrounding works including landscaping and Disability Discrimination Act (DDA) compliance works
3. Does not make an EOI submission.

Carried

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

Against the Motion: Crs Aitken and Bolam

14. NOTICES OF MOTION**14.2 2018/NOM37 - Overflow Rubbish at Fast Food Sites**

(VR Chief Executive Office)

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


Given ongoing instances where inconsistent and insufficient clean-ups of fast food outlets is occurring (ie. McDonalds, Kentucky Fried Chicken, Red Rooster, Burger King etc), a report is to explore the following:

- Increased patrols/audits of fast food sites to determine compliance;
- The ability to impose additional or better defined penalties on fast food businesses/landholders that are not maintaining their properties and/or creating an overflow situation where rubbish is posing a visual (reducing pride) or actual (i.e. attracting vermin and rodents) impediment to adjoining residents or public land;
- Increased utilisation of any statutory and/or state-based legislation to enforce better compliance to overflowing rubbish on fast food sites; and
- Where applicable, exploring prosecutions under the Victorian Food Act 194 (and thereby risking placement on the Victorian Food Convictions Register)

The report is to be provided at the second October Ordinary Meeting.

Carried

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

Chairperson's initials 

14.3 2018/NOM41 - Gaming Machines

(VR Chief Executive Office)

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

That Council writes to the Premier of Victoria, Daniel Andrews and Opposition Leader, Matthew Guy, State Member for Frankston, Mr Paul Edbrooke MP and State Member for Carrum, Ms Sonya Kilkenny MP, requesting a moratorium and/or ban on any further gaming machines in the Frankston municipality. That a letter of support be sought from the Alliance for Gambling Reform.

Carried Unanimously

14.4 2018/NOM43 - Exposed pylons of the elevated rail sections in Frankston

(VR Chief Executive Office)

Recommendation

That Council formally writes to Frankston MP Paul Edbrooke and Carrum MP Sonya Kilkenny, to support the exposed pylons of the elevated rail sections to become a part of the Frankston's street art attraction. Council seeks to ensure the infrastructure is not only protected from graffiti damage but also enhances the city's reputation for art.

Cr Bolam sought Leave of Council to amend his Notice of Motion

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

That Council writes to State Member for Frankston MP Mr Paul Edbrooke and State Member for Carrum MP Ms Sonya Kilkenny in order to request that discussions be held regarding the potential to incorporate street art within the undercroft of the rail bridge that has been constructed at Skye Overton Roads.

Carried Unanimously

14.5 2018/NOM44 - Green Space in the CAD

(MT Chief Executive Office)

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

Given that open space is fundamental to the quality of life for Frankston City's residents, workers and visitors, that Council strongly supports its position on the value of preserving and reinforcing green space in the Frankston Central Activities District (CAD) both now and into the future.

That a report be presented back to Council at its meeting in October 2018 about all Council owned land in the CAD area and what can be done to improve open space in the CAD area.

Carried

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

Against the Motion: Nil

Abstained: Cr Cunial

15. LATE REPORTS

Nil.

16. URGENT BUSINESS**Urgent Business****Council Decision****Moved: Councillor Aitken****Seconded: Councillor Toms**

That the matter of a public transport meeting with Mornington Peninsula Shire be accepted as urgent business.

**Carried on the
Casting vote of the Mayor**

For the Motion: Crs Aitken, Bolam, McCormack and Toms

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

Rationale –the limited time we have left between now and the state election to prepare a joint case. There is a strong link between transport needs between both municipality needs with people travelling from various parts of Mornington Peninsula to Frankston and people travelling from Frankston to various places in Mornington Peninsula.

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

That a meeting be held between Councillors of Frankston City Council and Mornington Peninsula Shire to formulate a joint approach in putting a combined case of public transport needs for the upcoming state election.

Carried Unanimously

17. CONFIDENTIAL ITEMS

Council Decision

Moved: Councillor Cunial

Seconded: Councillor Toms

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

C.1 Leasing of Commercial Tenancies at the Frankston Yacht Club Building

Agenda Item C.1 Leasing of Commercial Tenancies at the Frankston Yacht Club Building is designated confidential as it relates to contractual matters (s89 2d)

C.2 Response to NOM1375 - East/West Wells St Streetscape Improvement Project - Internal Audit

Agenda Item C.2 Response to NOM1375 - East/West Wells St Streetscape Improvement Project - Internal Audit is designated confidential as it relates to contractual matters (s89 2d)

C.3 Documents for Sealing

Agenda Item C.3 Documents for Sealing is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.4 Outcomes of the Audit and Risk Committee meetings

Agenda Item C.4 Outcomes of the Audit and Risk Committee meetings is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.5 Peninsula Leisure Pty Ltd - Quarterly Report period ending March 2018

Agenda Item C.5 Peninsula Leisure Pty Ltd - Quarterly Report period ending March 2018 is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.6 Peninsula Leisure Pty Ltd - Company Matters

Agenda Item C.6 Peninsula Leisure Pty Ltd - Company Matters is designated confidential as it relates to proposed developments (s89 2e)

C.7 Chief Executive Officer Leave Policy

Agenda Item C.7 Chief Executive Officer Leave Policy is designated confidential as it relates to personnel matters (s89 2a)

C.8 Chief Executive Officer Performance Review Subcommittee

Agenda Item C.8 Chief Executive Officer Performance Review Subcommittee is designated confidential as it relates to personnel matters (s89 2a)

C.9 Continuance of Events Tender

Agenda Item C.9 Continuance of Events Tender is designated confidential as it relates to contractual matters (s89 2d)

C.10 Minutes of the Frankston Arts Board - 19 June 2018


Agenda Item C.10 Minutes of the Frankston Arts Board - 19 June 2018 is designated confidential as it relates to contractual matters (s89 2d)

C.11 RF Miles Reserve

Agenda Item C.11 RF Miles Reserve is designated confidential as it relates to proposed developments (s89 2e)

Carried Unanimously

.....
Signed by the CEO

Chairperson's initials 

18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS**C.1 Frankston Charitable Fund Grants (considered at 2018/OM7 – 4 June 2018)**

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

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

That Council:

1. Notes the 2018 Frankston Charitable Fund grant recommendations to the Lord Mayor's Charitable Fund (LMCF) Board.
2. Notes applicants will be notified after the LMCF Board of Management meeting on Wednesday 20 June 2018.
3. Approves a 'gifting ceremony' to successful applicants as part of the August Ordinary Council Meeting; and
4. Releases this recommendation following notification from LMCF Board of Management meeting on Thursday 21 June 2018.

The motion was put and Carried

C.2 Response to NOM1375 - East/West Wells St Streetscape Improvement Project - Internal Audit (considered at this meeting)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) 'contractual matters'.

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

That Council:

1. Notes the East/West Wells St Streetscape Improvement Project audit report and management responses.
2. Notes that implementation of the management responses and actions will be monitored by Council's Audit and Risk Committee.
3. Notes that the report be made confidential indefinitely and the recommendation only be made publicly available.

The motion was put and Carried

C.3 Documents for Sealing (considered at this meeting)

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

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

That:

1. The transfers of land to obtain title, in respect of those sections of discontinued road which have not been transferred to adjoining property owners, be signed and sealed.
2. The Deed of Renewal and Variation for the Langwarrin Service Centre at 230 Cranbourne-Frankston Road Langwarrin be signed and sealed.
3. The resolution be published as part of the public minutes of this meeting.

The motion was put and Carried

C.5 Peninsula Leisure Pty Ltd - Quarterly Report period ending March 2018 (considered at this meeting)

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

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

That Council receives and notes the Peninsula Leisure (PL) Quarterly report period ending 31 March 2018. Directs that resolution only be released with the minutes of this meeting, but the report and attachments remain confidential.

The motion was put and Carried

C.6 Peninsula Leisure Pty Ltd - Company Matters (considered at this meeting)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (e) 'proposed developments'.

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

That the matter be deferred to the next Council meeting.

The motion was put and Carried

C.7 Chief Executive Officer Leave Policy (considered at this meeting)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (a) 'personnel matters'.

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

That:

1. Council notes the report.
2. Council endorses the proposed Chief Executive Officer Leave Policy.
3. Council delegates to the Mayor (or in the absence of the Mayor, the Deputy Mayor), the authority to approve the Chief Executive Officer's Leave applications in accordance with the policy.
4. Council delegates to the Mayor (or in the absence of the Mayor, the Deputy Mayor), the authority to appoint an Acting Chief Executive Officer for up to four (4) weeks (20 days).
5. Council appoints an Acting Chief Executive Officer in the absence of the Chief Executive Officer for more than four (4) weeks (20 days).
6. The resolution be incorporated into the public minutes of this meeting.

The motion was put and Carried

C.8 Chief Executive Officer Performance Review Subcommittee (considered at this meeting)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (a) 'personnel matters'.

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

That:

1. A Sub-Committee of Council be established to undertake the Chief Executive Officer's (CEO) annual Performance Review, in accordance with the CEO's contract of employment.
2. Council approves the proposed composition of the Sub-Committee.
3. Council nominates Councillor McCormack and Councillor Bolam to be members of the Sub-Committee, in addition to the Mayor and Deputy Mayor.
4. Council approves the proposed Charter for the Sub-Committee.
5. The Sub-Committee will provide a confidential report and recommendations to Council on the CEO's performance against the established Key Performance Indicators, the CEO's remuneration review and performance criteria and measures for the next review period.
6. The recommendation only be released as part of the public minutes of this meeting.

The motion was put and Carried

C.11 RF Miles Reserve (considered at this meeting)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (e) 'proposed developments'.

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

That Council:

1. Reaffirms its highest priority for the \$10million contribution to Seaford community resulting from LXRA works is the redevelopment of the RF Miles pavilion as endorsed by OM304 (26July 2017);
2. Endorses "RF Miles Site Opportunities Plan" as Council's position for RF Miles Reserve in LXRA, Alliance and State Government negotiations;
3. Notes positive discussions (27/6/18) with the Alliance in relation to core funding for an enhanced oval, scoreboard, coaches boxes, oval fencing, sports lighting, ball protection fencing and additional car parking are ongoing and commitments need to be confirmed in writing;
4. Advocates to State Government to fund RF Miles Reserve pavilion and netball court components that are not included in Alliance core funding discussions as shown on the attached site plan (Attachment B);
5. Formally acknowledges and responds to Seaford Football Netball Club (SFNC) letter (8/6/18) advising Council support for their return to RF Miles Reserve; Council's resolution in this matter and advocacy plans;
6. Notes the importance of the Seaford Junior Football Club to the ongoing viability; 90 year history and community contribution of the Seaford Football Netball Club and determines to consider this in any future decisions relating to the tenancy of 'Linen House';
7. Notes the Seaford Cricket Club will continue to be located at RF Miles Reserve and writes to them informing them of Council's decision;
8. Notes Council has \$300,000 Federal Government funds toward female friendly facilities at RF Miles Reserve; and
9. Releases this recommendation immediately following the Council meeting with the report to remain confidential.

The motion was put and Carried

The meeting was closed to the public at 10.20 pm

CONFIRMED THIS

DAY OF

2018

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Colin Hampton, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday 2 July 2018, confirmed on Monday 23 July 2018.

.....
(Cr. Colin Hampton, Chairperson – Council Meeting)

Dated this

day of

2018