



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON  
ON 19 JANUARY 2015 at 7PM**

|                           |  |
|---------------------------|--|
| PRESENT                   | Cr. Sandra Mayer (Mayor)<br>Cr. Darrel Taylor<br>Cr. James Dooley<br>Cr. Rebekah Spelman<br>Cr. Glenn Aitken<br>Cr. Suzette Tayler<br>Cr. Brian Cunial<br>Cr. Colin Hampton<br>Cr. Michael O'Reilly  |
| APOLOGIES:                | Nil.   |
| ABSENT:                   | Nil.   |
| OFFICERS:                 | Mr. Dennis Hovenden, Chief Executive Officer<br>Mr. Russell Joiner, Acting Director Corporate Development<br>Dr. Gillian Kay, Director Communities Development<br>Mr. Vito Albicini, Director City Development<br>Mr. Michael Papageorgiou, Manager Planning & Environment<br>Ms. Fiona Johnstone, Coordinator Statutory Planning<br>Ms. Marilyn Miller, Coordinator Media & Communications<br>Ms. Michelle Tipton, Coordinator Council Business Support |
| EXTERNAL REPRESENTATIVES: | Nil  |

**COUNCILLOR STATEMENT**

Councillor O'Reilly 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

*S. Mayer*

**PRAYER**

At the request of the Mayor, Councillors, officers and members of the gallery stood while Councillor Aitken read the Opening Prayer.

**ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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



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**1. PRESENTATION TO COMMUNITY GROUPS**

Nil.

**2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING****Council Decision****Moved: Councillor Aitken****Seconded: Councillor Hampton**

That the minutes of the Ordinary Meeting No. OM265 held on 22 December 2014 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

**Carried Unanimously**

*Councillor Aitken left the chamber at 7.03 pm*

**3. APOLOGIES**

Nil

*Councillor Aitken entered the chamber at 7.03 pm*

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

Nil.

**5. PUBLIC QUESTION TIME**

Nil.

**6. HEARING OF PUBLIC SUBMISSIONS**

Mr Robert Wright made a submission to Council regarding Item 10.2, Planning Application 645/2014/P - 96 Young Street, Frankston - To use the land to sell and consume liquor (Restaurant and Cafe Licence).

Ms Leanne Hodolic made a submission to Council regarding Item 11.2, Frankston War Memorial Consultation Update.

Ms Jennifer Allen made a submission to Council regarding Item 11.2, Frankston War Memorial Consultation Update.

Ms. Pat Bentley made a submission to Council regarding Item 11.2, Frankston War Memorial Consultation Update.

**Extension of Time****Council Decision****Moved: Councillor Cunial****Seconded: Councillor Aitken**

Ms. Pat Bentley be granted an extension of time.

**Carried Unanimously**

**7. ITEMS BROUGHT FORWARD****Council Decision****Moved: Councillor Hampton****Seconded: Councillor Cunial**

That Item 11.2, Frankston War Memorial Consultation Update be brought forward.

**Carried Unanimously****8. PRESENTATIONS / AWARDS**

The Mayor tabled the 2014 RACV Victorian Tourism Award – Hall of Fame which was presented to Frankston Visitor Information Centre in the category of Visitor Information and Services by the previous Minister for Tourism and Major Events, Louise Asher MP.

Council congratulated and acknowledged all staff and volunteers at the Visitor Information Centre.

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

The Mayor invited Brent Clyne Secretary of the Frankston RSL, to speak on Item 11.2, Frankston War Memorial Update.

**ITEMS BOUGHT FORWARD****11.2 Frankston War Memorial Consultation Update***(AS City Development)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Taylor**

That

1. Council proceeds with construction of the adopted design;
2. The Mayor, Deputy Mayor and the CEO continue negotiations with the Frankston RSL regarding their conditional support of the project and report back to Council the outcome of these negotiations; and
3. Council invites interested service clubs to discuss how they could support any aspects of the project.

**Carried**

For the Motion: Crs Dooley, Hampton, Mayer, O'Reilly, Tayler and Taylor

Against the Motion: Crs Aitken and Spelman

Abstained: Cr Cunial

## 10. CONSIDERATION OF TOWN PLANNING REPORTS

### 10.1 Planning Application No. 515/2014/P - Shop 3/ 13-15 Thompson Street, Frankston - To use the land to sell or consume liquor (Restaurant and Cafe License)

(CB Community Development)

#### Council Decision

**Moved: Councillor Dooley**

**Seconded: Councillor Aitken**

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 515/2014/P for the use of the land to sell or consume liquor (Restaurant and Café Licence) at Shop 3/13-15 Thompson Street, Frankston, subject to the following conditions:

#### **No Alterations**

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

#### **Liquor Licence Requirements**

2. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place at the premises during the following hours:
  - Monday to Sunday – 11.00am to 9.30pm.
3. A maximum of 40 patrons shall be permitted at any one time in association with the licensed café, unless with the prior written consent of the Responsible Authority.

#### **Amenity**

4. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence/permit relates during or immediately after trading hours authorised by the licence/permit.

#### **Permit Expiry**

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

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. The works associated with resurfacing and levelling of the entrance to the premises must be contained within the property boundary (i.e. not on the footpath/road reserve).
- 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.

Chairperson's initials

*S. Mayer*



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

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

**Carried Unanimously**

*Councillor Taylor left the chamber at 7.49 pm*

*Councillor Taylor entered the chamber at 7.51 pm*

**10.2 Planning Application 645/2014/P - 96 Young Street, Frankston - To use the land to sell and consume liquor (Restaurant and Cafe Licence)**

*(OR Community Development)*

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

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 645/2014/P for the use of the land to sell or consume liquor (Restaurant and Café Licence) at 96 Young Street Frankston, subject to the following conditions:

**No Alterations**

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

**Liquor Licence Requirements**

2. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place at the premises during the following hours:
  - Monday to Saturday 11am-11pm
  - Sunday 11am to 11pm

**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 trading hours authorised by the licence/permit.

**Patron Numbers**

4. A maximum of 50 patrons shall be permitted at any one time, unless with the prior written consent of the Responsible Authority.

**Permit Expiry**

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

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

**Notes**

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

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

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

**Carried Unanimously**

*Councillor Hampton left the chamber at 7.56 pm*

*Councillor Hampton entered the chamber at 7.58 pm*

- 10.3 Planning permit 722/2011/P - 453-455 Nepean Highway, Frankston 3199 - Use and development of the land for a temporary car park - Extension of Time request**  
*(AS Community Development)*

**Council Decision**

**Moved: Councillor Dooley**

**Seconded: Councillor Aitken**

That Council resolves to issue an extension of time for Planning Permit 722/2011/P for a further two year period to expire on 7 June 2016.

**Carried Unanimously**

**10.4 November Town Planning Progress Report***(FJ Community Development)***Council Decision****Moved: Councillor Aitken****Seconded: Councillor Taylor**

That Council receives and notes the report.

**Carried Unanimously**

**11. CONSIDERATION OF REPORTS OF OFFICERS****11.1 Asset Management Strategy Progress Report - January 2015**

*(CD City Development)*

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

That Council:

1. Receives and notes this progress report;
2. Endorses the Asset Management Strategy Progress Report – January 2015 and the draft State of the Assets Report Card; and
3. Receives a business case to consider opportunities to expedite the delivery of the Asset Management Strategy within the November 2015 annual report, prior to the 2016/17 Budget process.

**Carried Unanimously**

**11.3 Audit of all Applications for Statement of Compliance including retrospective applications**

*(MP Community Development)*

**Recommendation (Director Community Development)**

That Council note:

1. The existing legislative authority that applies to enforcement under the Planning and Environment Act and the legal context for undertaking valid inspections in relation to planning applications.
2. Council officers have been undertaking compliance inspections for all planning applications prior to issuing a Statement of Compliance.
3. A quarterly report on all inspections undertaken is provided to Council

And that Council resolves:

4. To submit a motion to the MAV State Conference to amend Planning and Building legislation to allow inspection of developments during construction for compliance with planning and building approvals without the need for prior suspicion.
5. That for retrospective applications, Ward Councillors be consulted in each case to determine the level of concern for the minor individual compliance matters, and that Councillors retain the right to call an item into the Chamber for a decision. *(Councillors to be contacted via email and provided 7 days to reply.)*

**Council Decision**

**Moved: Councillor Taylor**

**Seconded: Councillor Aitken**

That:

1. Council note the report;
2. Effective immediately, the Chief Executive Officer ensures a 100% Audit of all applications for a Statement of Compliance for all developments that require a Statement of Compliance;
3. The Chief Executive Officer ensures that any retrospective application due to non-compliance be brought to Council; and
4. Additional resources be trialed for a period of 12 months and a further report be brought back to Council in January 2016.

**Carried**

For the Motion: Crs Aitken, Cunial, Hampton, Mayer, O'Reilly, Spelman, Tayler and Taylor

Against the Motion: Cr Dooley

**11.4 Audit and Risk Management Committee – Chairperson's Annual Report to Council**

*(KJ Corporate Development)*

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

That the report be received by Council.

**Carried Unanimously**



**11.5 Record of Assemblies of Councillors**

*(MT Chief Executive Office)*

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

That Council receives the following written records:

- 28 October 2014;
- 10 November 2014;
- 17 November 2014;
- 1 December 2014;
- 3 December 2014;
- 15 December 2014; and
- 22 December 2014.

**Carried Unanimously**

*The Mayor adjourned the meeting at 8.33 pm*

*The meeting resumed at 8.52 pm  
All Councillors present.*

Chairperson's initials

*S. Mayer*

**11.6 Confirmation of Minutes for Frankston Cemetery Trust**

*(VO Corporate Development)*

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

That Council, acting as the Trustee of the Frankston Cemetery Trust, receives the Minutes of the Cemetery Trust Meeting held on Tuesday 11 November 2014, as a true and correct record of the meeting.

**Carried Unanimously**

**11.7 Review of Council's Instruments of Delegation**

(MC Corporate Development)

**Council Decision****Moved: Councillor Dooley****Seconded: Councillor Taylor**

That:

1. In the exercise of the powers conferred by Section 98 of the *Local Government Act 1989* and the other legislation referred to in the Instrument of Delegation to members of Council staff, attached as Attachment A to the Agenda, Council resolves that the powers, duties and functions be delegated to staff as detailed in the Instrument, subject to the conditions/limitations specified in the Instrument of Delegation.
2. In the exercise of the powers conferred by Section 98 of the *Local Government Act 1989* and the other legislation referred to in the Instrument of Delegation to the Chief Executive Officer as Attachment B to the Agenda, Council resolves that the powers, duties and functions set out in the Instrument be delegated to the Chief Executive Officer, subject to the conditions/limitations specified in the Instrument of Delegation.
3. The Instruments of Delegation referred to in 1 and 2 above:
  - (i) be signed and sealed;
  - (ii) come into force immediately the Common Seal of the Council is affixed to the Instrument; and
  - (iii) remain in force until Council determines to vary or revoke the Instrument.
4. The duties and functions set out in the Instruments of Delegation referred to in 1 and 2 above be performed and the powers, duties and functions set out in the Instruments be executed in accordance with any guidelines or policies of Council that Council may from time to time adopt.

**Carried Unanimously**

**11.8 Proposed Acquisition of Melbourne Water Land to facilitate the Declaration of Lathams and Rutherford Road Carrum Downs as Arterial Roads**

*(GW Corporate Development)*

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

That Council resolves to:

1. Support the declaration of Lathams Road and Rutherford Roads in Carrum Downs as Arterial Roads.
2. Approve the acquisition of the Melbourne Water land required to facilitate the arterial road declaration for \$51,350 exclusive of GST.
3. Fund the acquisition from the Strategic Reserve Account.
4. Sign and Seal the land transfer documents.

**Carried Unanimously**

**11.9 The Draft Frankston Mornington Peninsula Strategic Framework for Young People**

*(MG Community Development)*

**Council Decision****Moved: Councillor Dooley****Seconded: Councillor Spelman**

1. That Council adopts the Frankston and Mornington Peninsula Strategic Framework for Young People (as attached as Attachment A) subject to the inclusion of very clear information on the impact of methadone and any other drug availability upon our youth within the municipality.
2. That the new Strategic Framework for Young People is for the period 2015-2019.

**Carried Unanimously**

**12. NOTICES OF MOTION****12.1 NOM 1077 - Artificial Reefs**

*(TH Community Development)*

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

That officer's investigate the economic, recreational and environmental risks and benefits of establishing an artificial reef offshore, as part of the Coastal Management Plan. Officer's will also need to take into consideration the service benefits and financial implications of the proposal.

**Carried Unanimously**

**12.2 NOM 1078 - Kananook Primary School - School Bus Hire for Camp**

*(CM Chief Executive Office)*

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

“That Council accepts the invoice from Stuart Gilchrist from Kananook Primary School, requesting financial assistance for the Year 5/6 School Camp Bus Hire and that the amount of \$1,420.00 be given to the Kananook Primary School from Cr Spelman’s Discretionary Fund.”

**Carried Unanimously**

**12.3 NOM 1079 - Frankston Bowls Club - Easter Tournament**

(CM Chief Executive Office)

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

"That Council accepts the invoice from Alan McNeil from the Frankston Bowls Club requesting financial assistance and that the amount of \$1,500 be given to the Frankston Bowls Club for their Easter Tournament from each of Councillors Darrel Taylor, Brian Cunial and Suzette Tayler's Discretionary Funds."

**Carried Unanimously**

**Suspension of Standing Orders****Council Decision****Moved: Councillor Cunial****Seconded: Councillor Hampton**

That standing orders be suspended.

**Carried Unanimously**

**Resumption of Standing Orders****Council Decision****Moved: Councillor Cunial****Seconded: Councillor Hampton**

That standing orders be resumed.

**Carried Unanimously**

**13. LATE REPORTS**

Nil.

**14. URGENT BUSINESS**

Nil.



**15. CONFIDENTIAL ITEMS****Council Decision****Moved: Councillor Taylor****Seconded: Councillor Cunial**

That the Ordinary Council Meeting be closed to the public to consider the following items which are of a confidential nature, pursuant to section 89(2) of the Local Government Act (LGA) 1989 for the reasons indicated:

**C.1 EDMS Software System Contract Award**

Agenda Item C.1 EDMS Software System Contract Award is designated confidential as it relates to contractual matters (s89 2d)

**C.2 Appointment of Chairperson to the Audit and Risk Management Committee**

Agenda Item C.2 Appointment of Chairperson to the Audit and Risk Management Committee 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.3 Appointment and Authorisation of Council Staff**

Agenda Item C.3 Appointment and Authorisation of Council Staff is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

**Carried Unanimously**

*The meeting closed at 9.09 p.m.*

CONFIRMED THIS

DAY OF

2015

.....  
CHAIRPERSON

**AUTHORITY TO STAMP INITIALS ON MINUTES**

I, Cr. Sandra Mayer, Chairperson – Council Meeting hereby authorise the use of a stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday 19 January 2015, confirmed on 9 February 2015.

.....  
(Cr. Sandra Mayer, Chairperson – Council Meeting)

Dated this

day of

2015