



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON  
ON 13 JULY 2015 at 7.03 PM**

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

**COUNCILLOR STATEMENT**

Councillor Spelman 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, Councillor O'Reilly read the Opening Prayer.

**ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

Councillor Tayler 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**

Ordinary Meeting No. OM273 held on 22 June 2015.

**Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor Tayler**

That the minutes of the Ordinary Meeting No. OM273 held on 22 June 2015 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

**Carried Unanimously**

**3. APOLOGIES**

Nil

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

Nil.

**5. PUBLIC QUESTION TIME**

*Cr. Hampton left the Chamber at 7.06 pm*

One (1) person submitted "Questions Without Notice" to Council. This question related to Public Open Space. The question was taken on notice and response will be provided within the next 14 days.

**6. HEARING OF PUBLIC SUBMISSIONS**

*Cr. Hampton returned to the Chamber at 7.10 pm*

Ms June Lambert made a submission to Council regarding Item 10.1: Planning Permit Application 327/2014/P - To construct two (2) double storey dwellings and five (5) single storey dwellings (seven (7) dwellings) - 3 Bembridge Avenue, Frankston South, 3199;

Mr Colby McDonough made a submission to Council regarding Item 10.1: Planning Permit Application 327/2014/P - To construct two (2) double storey dwellings and five (5) single storey dwellings (seven (7) dwellings) - 3 Bembridge Avenue, Frankston South, 3199;

Mr Dennis Crabb made a submission to Council regarding Item 10.1: Planning Permit Application 327/2014/P - To construct two (2) double storey dwellings and five (5) single storey dwellings (seven (7) dwellings) - 3 Bembridge Avenue, Frankston South, 3199;

Ms Jenny Hattingh made a submission to Council regarding Item 10.1: Planning Permit Application 327/2014/P - To construct two (2) double storey dwellings and five (5) single storey dwellings (seven (7) dwellings) - 3 Bembridge Avenue, Frankston South, 3199;

Mr Alexander McNab made a submission to Council regarding Item 10.1: Planning Permit Application 327/2014/P - To construct two (2) double storey dwellings and five (5) single storey dwellings (seven (7) dwellings) - 3 Bembridge Avenue, Frankston South, 3199;

Chairperson's initials *S. Mayer*

Mr Howard Davis made a submission to Council regarding Item 11.3: Hearing of submissions on the proposed relocation of a Bathing Box.

**7. ITEMS BROUGHT FORWARD**

Nil.

**8. PRESENTATIONS / AWARDS**

Nil.

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

Nil.

## 10. CONSIDERATION OF TOWN PLANNING REPORTS

### 10.1 Planning Permit Application 327/2014/P - To construct two (2) double storey dwellings and five (5) single storey dwellings (seven (7) dwellings) - 3 Bembridge Avenue, Frankston South, 3199

(MP Community Development)

#### Council Decision

**Moved: Councillor Taylor**

**Seconded: Councillor Spelman**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 327/2014/P to construct two (2) double storey dwellings and five (5) single storey dwellings (seven (7) dwellings), removal of vegetation and works within 15 metres of a significant tree at 3 Bembridge Avenue, Frankston South, subject to the following conditions:

#### **Amended Plans**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application prepared by Thomas Anderson Design, Ref 14-0016, Issue C, February 2015, TP1-6, but modified to show:
  - (a) Deletion of the driveway and cross-over notation on the eastern property boundary;
  - (b) Redesign of dwelling 2 so that the building footprint is setback a minimum of 7.0 metres from the base of Tree 31 (*Quercus canariensis x robur*).
  - (c) Include Tree 31 (*Quercus canariensis x robur*) into the common property area within a green space;
  - (d) Deletion of the proposed 1.8 metre high fence within the critical root zone of 3.7 metres of Tree 31 (*Quercus canariensis x robur*) and modification of any fence to be constructed within the Tree Protection Zone (15m) of Tree 31 (*Quercus canariensis x robur*) in accordance with Condition 6;
  - (e) A minimum of 40m<sup>2</sup> in a single parcel with a minimum width of 3 metres of secluded private open space for dwelling 1 and 2;
  - (f) The visitor car space within the TPZ of Tree 31 (*Quercus canariensis x robur*) to be of a permeable material to reduce the impact of the tree; and an additional visitor car space provided opposite dwelling 6, also to be made of permeable material.
  - (g) Realignment of the common property driveway to the north so that it is located further from the base of Tree 31 (*Quercus canariensis x robur*) to reduce the impact in the TPZ of this tree;
  - (h) Dwelling 1 and 2 to be of pier and beam construction in accordance with Condition 6;
  - (i) A crest is to be placed within the shared driveway at the permeable paved area adjacent to the visitors parking space to direct surface flows to the north-west corner of site;
  - (j) The vehicle crossing located at the south west property boundary must be designed to fully incorporate the existing storm water pit within the proposed vehicle crossing, retain the kerb intact and located so that it does not impact the existing street tree;
  - (k) Removal of Tree 33;

- (l) Location for waste collection on the nature strip for the dwellings to the east of the existing cross-over;
- (m) Location of external lighting near the entry and throughout the communal areas of the development;
- (n) Existing and finished surface contours, proposed finished floor levels, cut and fill depths, retaining wall locations and heights, levels and longitudinal grades of driveway and garage access and cross-sections to indicate treatment where a difference in levels occurs between adjacent garages;
- (o) A notation on the ground floor plan requiring all construction works must be in accordance with the Tree Protection Plan;
- (p) All car parking areas to have a maximum grade of 1:20;
- (q) All physical infrastructure in accordance with Condition 7;
- (r) All trees growing on the site and on the adjoining properties within 3m of the boundaries must be clearly illustrated on all relevant plans to demonstrate canopy width, trunk location and clearly labelled in accordance with the Tree Assessment Report prepared by Simon Howe dated August 2014 and clearly state whether the tree is to be retained or removed;
- (s) Provision of a tree retention plan showing the Tree protection zones for all trees to be retained and the tree protection fence locations must be illustrated on all relevant plans;
- (t) A Landscape Plan in accordance with Condition 3.
- (u) Tree Protection Plan in accordance with Condition 6.
- (v) Removal of the storage area from the garage of "Residence 3" and to include the provision for an external storage area.

### No Alteration or Changes

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

### Landscaping

- 3. Before the commencement of buildings and works, a landscape plan prepared by a suitably qualified person 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) the retention of Trees and ;
  - (c) buildings and trees (*including botanical names*) on neighbouring properties within three metres of the boundary;
  - (d) details of surface finishes of pathways and driveways, retaining walls and areas of cut and fill;
  - (e) 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;
  - (f) suitable plantings for use beneath the existing canopy of tree no. 31 to be retained e.g. low density, shade species, no excavation for garden bed borders, tube stock only for minimal disturbance.
  - (g) A planting theme of a minimum 40% indigenous, 40% native and 20% exotic within each plant group;
  - (h) Six (6) canopy trees to a minimum mature height of five metres (*minimum two metres tall when planted*) to be provided throughout the site to the satisfaction of the responsible authority; and



- (i) landscaping to a minimum height of 1.5m to be incorporated along the west boundary of the common driveway.

Trees are not to be sited over easements and 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.
- 5. 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.

#### **Tree Protection Plan**

- 6. Before the commencement of the development a detailed Tree Protection Plan prepared by a qualified Arborist must be submitted to, and approved, by the Responsible Authority. The report must be prepared in accordance with the Australian Standard AS4970-2009 'Protection of trees on development sites' and contains the requirements and measures or works necessary to protect the existing trees during the pre-construction, construction and post construction stages of development. The report must contain (but is not necessarily limited to) the following information:
  - a) The Tree Protection Zone (TPZ) for each tree being retained (including street trees) including restricted activities and required actions within the tree protection zones;
  - b) Details on the Tree Protection Fence locations, any ground protection requirements and site access route(s);
  - c) Identify construction methods and equipment to be utilised for the root sensitive footings for the dwellings and fences within the SRZ or TPZ of trees 7, 8, 9, 21, 22 and 31. Details to include non-invasive root exploration, footing relocation (when/where deemed necessary) and root pruning;
  - d) Identify construction methods and materials for the new section of the crossover for the protection of the street tree no. 12 *Corymbia ficifolia* in Bembridge Avenue. The kerb is to remain intact and the proposed surface finish be laid above the existing surface level and remain permeable;
  - e) Identify construction methods and materials for the section of the driveway for the protection of tree no. 31 *Quercus canariensis x robur*;
  - f) Identify construction methods for the section of the driveway which is to be bridged for the protection of tree no. 8 *Leptospermum laevigatum* and tree no. 7 *Liquidambar styraciflua*. Details to include non-destructive root investigation and an engineered design to locate piles to avoid severance of significant underlying roots;
  - g) Identify a schedule of activities including pre and post construction care measures;
  - h) Identify any tree canopy pruning necessary to provide clearance for the development to and any remedial works required;
  - i) Identify key supervision and monitoring stages of the development;
  - j) Location of all underground services;

- k) Develop a communication plan that provides contact information for a designated individual responsible for ensuring work adheres to the approved Tree Protection Plan. The designated individual will also ensure contractors working at the development site are aware of the Approved Tree Protection Plan.
7. All proposed and existing overhead and underground services must be indicated on the relevant plans ensuring any underground services are diverted around the trees protection zone where possible or laid beneath the root profile by method of directional boring to the satisfaction of the responsible authority.
8. The development must be undertaken in accordance with the recommendations of the approved Tree Protection Plan to ensure that the development does not adversely impact on the health, life expectancy and structural stability of the trees to be retained, to the satisfaction of the responsible authority.
9. Tree protection must be installed prior to the commencement of the development (including demolition) and remain in place for the duration of works (unless stated otherwise in the approved Tree Protection Plan) to the satisfaction of the Responsible Authority. A representative from Council's Environment Department is required to inspect the Vegetation Protection Fencing prior to any works commencing on site.
10. Prior to the commencement of any building and/or works, including vegetation removal, the owner must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority to provide for the following:-
- a) The retention, protection and management of trees 7 (*Liquidambar styraciflua*), tree 8 (*Leptospermum laevigatum*), tree 9 (*Ulmus glabra*), tree 31 (*Quercus canariensis x robur*), tree 21 (*Quercus canariensis x robur*) and tree 22 (*Quercus canariensis x robur*) to be in accordance with the approved Tree Protection Plan required by Condition 6 of planning permit 327/2014/P.
  - b) In the event that any of the trees specified in condition 10(a) are proven to be diseased, dangerous or dead then the tree/s may be removed with the written consent of the responsible authority but must be replaced within three months after removal with a suitable species which has a mature height and canopy size generally comparable to the existing trees. The replacement tree/s must be approved by the responsible authority and must be supplied with a minimum height of two metres tall (at the time of planting). The replacement tree must be planted in the same location as the tree being removed and maintained thereafter to the satisfaction of the Responsible Authority.
  - c) If a request is received by the responsible authority for the removal of any tree protected by this agreement, an Arborist Report prepared by a suitably qualified person will be required to be submitted to the satisfaction of the responsible authority.
  - d) No buildings are allowed within the Tree Protection Zone of the specified trees, detailed as follows:
    - Tree 7 (*Liquidambar styraciflua*) TPZ 10.1 metres;
    - Tree 8 (*Leptospermum laevigatum*) TPZ 4.1 metres;
    - Tree 9 (*Ulmus glabra*) TPZ 6.5 metres;
    - Tree 31 (*Quercus canariensis x robur*) TPZ 11 metres;

- Tree 21 (*Quercus canariensis x robur*) TPZ 4.1 metres;
- Tree 22 (*Quercus canariensis x robur*) TPZ 4.4 metres.

unless with the written approval of the Responsible Authority;

- e) Prior to the removal of any trees specified in Condition 10 (a) or any works within the Tree Protection Zone of any specified tree, tree protection measures must be put in place in accordance with Condition 6 of Planning Permit 327/2014/P.

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

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

### Tree Pruning

11. Pruning must be kept to the minimum extent necessary. All tree pruning (as recommended in the approved Tree Protection Plan) is to be carried out by a qualified and experienced Arborist who has a thorough knowledge of tree physiology and pruning methods. Pruning must be carried out in accordance with Australian Standard AS4373-2007 *Pruning of Amenity Trees*. If pruning works are to be undertaken then these works should be carried out prior to any construction works beginning on site. Any pruning of trees located on a neighbouring property should be undertaken in consultation with the property owner. Council's Arborist must be advised prior to any pruning works being undertaken.

### Drainage

12. Provision of a Stormwater Detention System with a volume capable of retarding the 10 year ARI flow from the development site back to a 5 year ARI pre-development value to the satisfaction of the Responsible Authority.
13. Prior to commencement of development construction detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority.
14. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
- On-site stormwater detention and rainwater tanks.
  - Soil percolation
  - Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc
  - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
15. The vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.

16. 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.

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

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

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

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

### **Urban Design**

18. 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.
19. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.
20. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.
21. 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**

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

### **Permit Expiry**

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

Chairperson's initials *S. Mayer*

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

### Notes

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. Prior to the commencement of construction the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Frankston City Council's Infrastructure Department.
- C. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed timeframes:

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

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

- D. Asset Protection Permit

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.

- E. Street Numbering

Local Government is the Authority responsible for property addressing. There is a requirement under Local Law No. 7 2.12 for the owner or occupier of each property to clearly display the street numbering allocated by Council.

Proposed Street Numbering can be provided by contacting Frankston City Council Rates department - Phone 9784 1853.

It is the applicant's responsibility to ensure all owners are notified of the allocated street numbering.

### Suspension of Standing Orders

**Moved: Councillor Cunial**

**Seconded: Councillor Tayler**

That standing orders be suspended.

**Carried Unanimously**

### Resumption of Standing Orders

**Moved: Councillor Dooley**

**Seconded: Councillor O'Reilly**

That standing orders be resumed.

**Carried Unanimously**

Then the Motion was Put  
And Carried Unanimously

Chairperson's initials *S. Mayer*

**10.2 Planning Application 591/2014/P - 65A Wells Street Frankston - To construct a three storey building, and to waive car parking and loading bay requirements**  
(MP Community Development)

**Council Decision**

**Moved: Councillor Dooley**

**Seconded: Councillor Taylor**

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 591/2014/P to construct a three storey building, and to waive car parking and loading bay requirements at 65A Wells Street Frankston, subject to the following conditions:

**Plans**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted 10 March 2015 but modified to show:
  - a) Alterations to the façade treatments generally in accordance with drawings TP2-TP10, Revision E, and for the treatment to be extended to the west façade.
  - b) The door to the bin area at ground level to be solid and of a material and colour consistent with the materials and colours of the building.
  - c) Provision of a waste management plan in accordance with Condition 7.

**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.

**Drainage**

3. Stormwater Drainage Outfall is to be constructed to the satisfaction of the Responsible Authority.
4. 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.
5. 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 .
6. Where the development involves work on or access to Council controlled land including roads, reserves and rights of way, the owner, operator and their agents under this permit shall at all times take adequate precautions to maintain works to the highest public safety standards.



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

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

### **Waste Management Plan**

7. Prior to the commencement of construction a Waste Services Management Plan (WSMP) must be submitted for approval by the Responsible Authority. When approved, the WSMP will be endorsed and form part of this permit. The plan must detail the method of garbage collection from the site, times and frequency of garbage collection, to the satisfaction of the Responsible Authority.

### **Construction Management Plan**

8. Prior to the commencement of works (including vegetation removal) a Construction and Environment Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. Any plans submitted must be consistent with all other documents approved as part of this permit. The information must be drawn to scale with dimensions and three copies must be provided. The Plan is to include details of the following:
  - a. Contact Numbers of responsible owner/contractor including emergency/24 hour mobile contact details
  - b. Identification of possible environmental risks associated with development works
  - c. Response measures and monitoring systems to minimise identified environmental risks, including but not limited to vegetation protection, fauna protection, runoff, erosion, dust, litter, noise and light.
  - d. Location and specifications of sediment control devices on/off site.
  - e. Location and specifications of surface water drainage controls.
  - f. Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.
  - g. Proposed drainage lines and flow control measures.
  - h. Location of all stockpiles and storage of building materials.
  - i. Location of parking for site workers and any temporary buildings or facilities.
  - j. Details to demonstrate compliance with relevant EPA guidelines.
  - k. Hours during which construction activity will take place.
  - l. Timing, condition and form of reinstatement of all public land (if applicable).

### **Urban Design**

9. 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.
10. All plumbing work, sewer pipes etc. (except for spouting and storm waterpipes) associated with the buildings shall be concealed from general view.
11. All roof top plant and equipment must be screened to the satisfaction of the Responsible Authority.
12. Any outdoor lighting of the site must be baffled to prevent light from the site causing any detriment to the locality.
13. Power and telephone lines to the development shall be placed underground from the main points of service outside the boundaries of the site.



**Satisfactorily Completed**

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

**Permit Expiry**

15. 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 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**

*Cr. Taylor left the Chamber at 8.18 pm*

*Cr. Taylor returned to the Chamber at 8.19 pm*

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

Against the Motion: Cr Hampton

Chairperson's initials *S. Mayer*

**11. CONSIDERATION OF REPORTS OF OFFICERS****11.1 Saturday Trading for Langwarrin and Seaford Customer Service Centres**

*(SJ Corporate Development)*

**Recommendation (Director Corporate Development)**

That:

1. The review of trading hours of the Langwarrin and Seaford Customer Service Centres be noted
2. The Langwarrin and Seaford Customer Service Centres will no longer open on Saturdays after Saturday 15 August 2015.
3. The budget currently allocated to staff hours on Saturdays be redirected to improving service delivery within Council's Call Centre.
4. A communications plan be implemented to ensure that customers are informed of the change to trading hours and advising of alternate means of accessing Council services.

**Council Decision**

**Moved: Councillor Hampton**

**Seconded: Councillor Cunial**

That:

1. The matter be deferred.
2. A report be brought back exploring the opportunity of closing the Seaford and Langwarrin shop on one weekday per week and to retain half a day trading on the Saturday.

**Carried Unanimously**

*Cr. Cunial left the Chamber at 8.36 pm*

*Cr. Cunial returned to the Chamber at 8.37 pm*

**11.2 Municipal Neighbourhood Safer Places Plan Review 2015**

*(PM Community Development)*

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

That:

1. Council adopts the Municipal Neighbourhood Safer Places Plan (MNSPP), noting that no Neighbourhood Safer Places are proposed for Frankston at this stage;
2. The Plan is published on Council's web site.

**Carried Unanimously**

**11.3 Hearing of submissions on the proposed relocation of a Bathing Box**

*(MC Corporate Development)*

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

That:

1. The submission/s be heard.
2. A detailed report be presented to the next Council meeting for determination on the submission/s and proposed location of the bathing box.

**Carried Unanimously**

**11.4 Record of Assemblies of Councillors**

*(MT Chief Executive Office)*

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

That Council receives the following written records:

- 23 March 2015,
- 30 March 2015,
- 1 April 2015,
- 7 April 2015,
- 13 April 2015,
- 20 April 2015,
- 27 April 2015,
- 4 May 2015,
- 11 May 2015,
- 12 May 2015,
- 13 May 2015,
- 18 May 2015,
- 25 May 2015,
- 1 June 2015; and
- 17 June 2015.

**Carried Unanimously**

Chairperson's initials *S. Mayer*

**11.5 Committee Minutes**

*(MT Chief Executive Office)*

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

That the minutes of the following Committee be received:

- Frankston Tourism Inc – Minutes – 14 May 2015.

**Carried Unanimously**

Chairperson's initials *S. Mayer*

**11.6 Review of Parking Pilot in 89 Young Street, Power Centre and Bunnings***(PM Community Development)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Cunial**

That:

1. Council continues enforcing car parking at 10 McMahons Road, Frankston (trading as Bunnings);
  - on an as needs basis
  - at Bunnings expense

**Carried Unanimously**

**11.7 Submission on the consultation for the Victorian Public Health and Wellbeing Plan 2015-2019**

*(LD Community Development)*

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

That Council endorses the attached draft consultation response that was submitted to the Victorian Department of Health and Human Services on 1 July 2015.

**Carried Unanimously**



**11.8 Frankston Basketball Stadium Expansion Project - Schematic Design***(CD City Development)***Council Decision****Moved: Councillor Aitken****Seconded: Councillor Dooley**

That:

1. Council notes its resolution at meeting OM262 (20 October 2014) and the changed circumstances with respect to the funding breakdown.
2. Council note the refined scope that can be delivered for the revised project budget of \$12.45 Million;
3. Subject to receiving an agreement from the FDBA to commit \$1 Million towards the project, Officers prepare an application to Federal Government NSRF of \$4.95 Million for the revised project scope and project budget of \$12.45 Million prior to the application close date of 31 July 2015 ;
4. Council receives a design report for the revised scope and project budget of \$12.45 M including impact on the program in January 2016;
5. Council accepts the revised programme which shows the impact of an extended advocacy phase due to the re-application of the funding submission to the Federal Government; and
6. Council writes to the State Government to express disappointment that the State Government has not seen fit to provide an additional \$1.5M to potentially attract a greater federal government contribution for this project.

**Carried Unanimously***Cr. Taylor left the Chamber at 8.58 pm*

**11.9 Special Child Care Benefit funding issues Mahogany Rise Child and Family Centre**

*(KW Community Development)*

*Cr. Taylor returned to the Chamber 8.59 pm*

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

That Council:

1. Continues to support the most 'at risk' families where claims for SCCB have been rejected and the families cannot afford to pay the gap fee until a formal response has been received from Federal Government, at which time Councillors will be further briefed.
2. Prepares correspondence to relevant Ministers and Members of Parliament requesting assistance to get the current SCCB applications approved and for an interim agreement for future applications until the new Child Care Assistance Package is finalised and implemented.
3. Endorses officer's response to the Federal Governments '*Regulatory Impact Statement Child Care Assistance Package*' for submission by the 31 July 2015.

**Motion be put****Moved: Councillor O'Reilly****Seconded: Councillor Spelman**

That the motion be put.

**Carried Unanimously****The motion was then put and****Carried Unanimously**

*Cr. Cunial left the Chamber at 9.10 pm*

*Cr. Cunial returned to the Chamber at 9.12 pm*

**12. NOTICES OF MOTION****12.1 NOM 1122 - Seaford Foreshore Friends**

*(VR Chief Executive Office)*

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

That Council accepts the letter from the Seaford Foreshore Friends requesting financial assistance to purchase much needed equipment to enhance the work carried out by Council's Foreshore team. The total amount requested is \$104.56 and that these funds be taken from Cr Glenn Aitken's discretionary fund.

**Carried Unanimously**

**12.2 NOM 1125 - Landfill Levy and Council Advocacy**

(MT Chief Executive Office)

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

- (1) Frankston City Council advocate to the Victorian Government to seek a greater proportion of funds being released from the Landfill Levy to support local government and their communities with their waste reduction and resource recovery efforts, through improved infrastructure, services, communication and education, with the intention of achieving best value for the Frankston City community.
- (2) Further to the above, in September 2015, Council to issue a Motion to the Municipal Association of Victoria (MAV) to initiate the development of a local government advocacy program with the aim to achieve a greater proportion of funds from the Landfill Levy for local governments in Victoria, to enhance their ability to strategically manage and minimise municipal waste on behalf of their local communities.
- (3) Council officers organise a meeting with Frankston City Councillors, the local Member of Parliament, Mr Paul Edbrooke MP and the Victorian Government Minister for Finance, the Hon. Robin Scott MP, to discuss the Landfill Levy and to progress the matters as outlined above, to ensure the fair and equitable distribution of Landfill Levy funds and the necessary reforms to empower local government and their communities to effectively manage waste.

**Background**

*Since 2008, Frankston City Council has contributed approximately \$7M to the Victorian Government's Landfill Levy. However, Council has received approximately \$500,000 in direct funding from the Landfill Levy for delivering a number of local grant projects targeting waste and other resource efficiency initiatives. Council is therefore not a major beneficiary of the funds secured through the Levy, despite increasing responsibility and burden of local government organisations across Victoria in managing municipal waste.*

*Council also recognises that there are a number of strategic programs and initiatives that are funded by the Landfill Levy that have indirect benefits to local government and their communities, for example, the role and contribution of the Waste and Resource Recovery Groups, such as the Metropolitan Waste and Resource Recovery Group. However, it is difficult to ascertain how the Landfill Levies are being applied and whether these funds are being utilised to position Victoria as a leader in waste and resource recovery. There appears to be no shortage of funds, yet there is no clear and transparent plan of action from the State Government to enable local governments and their communities to effectively manage waste.*

**Carried Unanimously**

*Crs. Tayler and Dooley left the Chamber at 9.17 pm*

*Cr. Spelman left the Chamber at 9.18 pm*

*Cr. Dooley returned to the Chamber at 9.18 pm*

*Cr. Tayler returned to the Chamber at 9.19 pm*

*Cr. Spelman returned to the Chamber at 9.20 pm*

Chairperson's initials

*S. Mayer*

**12.3 NOM 1126 - Cash-in-Lieu Car Parking Scheme**

*(VR Chief Executive Office)*

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

That Council implements Cash-in-lieu of Car Parking Scheme for the Frankston Metropolitan Activity Centre that will allow Council to directly attract funding for public car parking from new developments in the FMAC Structure Plan area. The Cash-in-lieu of Car-parking scheme will have the following key elements:

- a) That locations be identified with in the FMAC which could be utilised for car parking, using funding from a future cash in lieu scheme and a report be brought back to Council quarterly on the progress of the cash in lieu scheme.
- b) A Parking Scheme Overlay will apply to all developments in the FMAC area to ensure they are eligible to participate in the Cash-in-lieu of Car Parking Scheme should they choose not to provide the Frankston Planning Scheme's required car parking spaces on their own development site.
- c) Council's Cash-in-lieu of Car Parking Scheme may include the funding of additional public car parking areas to be provided within the FMAC area as components of the Cash-in-Lieu of Car Parking Scheme.
- d) That his project become a priority of Council.
- e) That a comprehensive report be brought back to Council on the Parking Precinct Plan that has been undertaken to date and the cost.

**Carried Unanimously**

**12.4 NOM 1127 - Metropolitan Planning Levy**

*(MP Community Development)*

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

That the Council:

1. Write to the Premier of Victoria, the Minister for Planning, the Opposition Leader and the Shadow Planning Minister to request that the revenue from the Metropolitan Planning Levy be diverted to Local Government to assist with the rising cost of assessing Planning Applications; and
2. Write to the Premier of Victoria, the Minister for Planning, the Opposition Leader and the Shadow Planning Minister to request the implementation of indexation on planning application fees to assist Local Government to offset the rising cost of assessing Planning Applications.

**Background**

*On 1 July 2015, the State Government introduced the Metropolitan Planning Levy. The Levy applies to all planning applications over \$1M. The Levy rate is set at \$1.30 per \$1,000 (or 0.13% of the whole value of the development) for affected projects.*

*The Levy must be paid to the State Revenue Office to receive a Levy certificate. Responsible authorities in the Melbourne metropolitan area are required to check that, if required, a valid Levy certificate is submitted with a Planning Permit application.*

*In the 14/15 financial year, Council's total fee income was \$600,000 while the labour and associated costs of the Statutory Planning service totalled around \$1.5 million a net cost to the ratepayer of \$900,000. This is due to the Government not implementing Planning Fee indexation.*

*The implementation of Rate Capping, the absence of Planning Fee Indexation, the rising cost associated with accessing planning applications and now, the cost of administering Valid Levy Certificates, will be a challenge for all Victorian Councils.*

*This highlights that residents are subsidising developers profits while the State Government is imposing additional charges for their own revenue while simultaneously continuing to demand Council's reduce costs and spending further, constraining Council's ability to deliver service.*

**Carried Unanimously**

*Cr. Hampton left the Chamber at 9.39 pm*

**13. LATE REPORTS**

Nil.

**14. URGENT BUSINESS**

*Cr. Taylor left the Chamber at 9.46 pm*

*Cr. Hampton returned to the Chamber at 9.46 pm*

*Cr. Taylor returned to the Chamber at 9.47 pm*

**Frankston Transit Interchange****Council Decision****Moved: Councillor Aitken****Seconded: Mayor Mayer**

That the matter of Frankston Transit Interchange be accepted as urgent business.

**Carried Unanimously**

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

That Council writes to the Minister for Public Transport, the Hon Jacinta Allan and State Member for Frankston, Mr Paul Edbrooke requesting a meeting to discuss Council's formal position on the Frankston Transit Interchange.

**Carried Unanimously**

**15. CONFIDENTIAL ITEMS****Council Decision****Moved: Councillor Tayler****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 Confidential Papers - Expiry of Confidential Period - Frankston City Council Briefing Paper Consultants Overview**

Agenda Item C.1 Confidential Papers - Expiry of Confidential Period - Frankston City Council Briefing Paper Consultants Overview 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.2 Contract 2014/15-85 Operation of the Frankston Regional Recycling and Recovery Centre Harold Road Skye**

Agenda Item C.2 Contract 2014/15-85 Operation of the Frankston Regional Recycling and Recovery Centre Harold Road Skye is designated confidential as it relates to contractual matters (s89 2d)

**C.3 Amendment of previous Council decision regarding the Fees and Charges for the Frankston Regional Recycling and Recovery Centre**

Agenda Item C.3 Amendment of previous Council decision regarding the Fees and Charges for the Frankston Regional Recycling and Recovery Centre is designated confidential as it relates to contractual matters (s89 2d)

**C.4 Frankston War Memorial Tender Award**

Agenda Item C.4 Frankston War Memorial Tender Award is designated confidential as it relates to contractual matters (s89 2d)

**C.5 Contract 2014/15-63 Seaford Community Centre Upgrade, Renewal and Compliance Works**

Agenda Item C.5 Contract 2014/15-63 Seaford Community Centre Upgrade, Renewal and Compliance Works is designated confidential as it relates to contractual matters (s89 2d)

**C.6 Frankston Motor Cycle Park**

Agenda Item C.6 Frankston Motor Cycle Park is designated confidential as it relates to contractual matters (s89 2d), and legal advice (s89 2f)

**C.7 Minutes of the Frankston Arts Board - June Meeting**

Agenda Item C.7 Minutes of the Frankston Arts Board - June Meeting 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**



**16. OUTCOME OF CONSIDERATION OF CERTAIN CONFIDENTIAL ITEMS****C.2 Frankston Tennis Club Relocation (considered at OM271 4 May 2015)****Council Decision****Moved: Councillor Hampton****Seconded: Councillor Tayler**

That:

1. Council endorse Centenary Park as the relocation site for Frankston Tennis Club;
2. Officers to advise club this is Council's final decision;
3. Officers commence consultation with all tennis clubs on the proposed Tennis Facility Hierarchy; and
4. Officers report back at a Council Briefing in October with a draft Regional Tennis Centre Schematic Plan and a draft Strategic Assessment of Tennis Report.
5. Council seeks from Sports Recreation Victoria (SRV) written confirmation that Centenary Park is the preferred location.
6. This resolution be incorporated in the public minutes of this meeting.

The Motion was put and CARRIED

**C.4 Frankston Charitable Fund Major Impact Grant 2015 (considered at OM272 25 May 2015)****Council Decision****Moved: Councillor Aitken****Seconded: Mayor Mayer**

That the information contained in the report on Frankston Charitable Fund Major Impact Grant 2015 recipient be received and released to the public after the Lord Mayor's Charitable Foundation Board of Management meeting on 18 June 2015.

**Carried Unanimously**

The Motion was put and CARRIED Unanimously

Chairperson's initials *S. Mayer*

**C.1 Contract 2014/15-76 - Town Planning Consultancy Services Panel  
(considered at OM273 22 June 2015)****Council Decision****Moved: Councillor Taylor****Seconded: Councillor O'Reilly**

That:

1. Council approves the acceptance of the tender from the following providers

- Andrew Crack & Associates
- Hansen Partnership Pty Ltd
- Kellock Town Planning
- Louise Lunn Planning
- SJB Urban

for the provision of town planning services as set out in Council's tender documentation and consistent with the rates included in each provider's respective submission to Council.

2. Council notes that:

2.1 The Contract shall operate on a schedule of rates basis, unless a lump sum fee is required by Council for certain project specific town planning services.

2.2 The Contract will be for a three (3) year term with provision for one, two year (2) extension option.

2.3 All contractors on the panel are required to be a registered business and maintain that business form for the life of the Contract.

2.4 No level of work is guaranteed under this Contract to any panel member and Council may at its discretion seek quotations for similar planning work.

3. The Contracts be signed and sealed; and,

4. The recommendation (without commercially sensitive information) be released by 30 June 2015.

The Motion was put and CARRIED Unanimously

**C.2 Fees & Charges Options Frankston Regional Recycling and Recovery Centre (considered at OM273 22 June 2015)****Council Decision****Moved: Councillor Hampton****Seconded: Councillor Cunial**

That Council:

2. Adopts the fees and charges shown in Attachment C, for the Frankston Regional Recycling and Recovery Centre (FRRRC) based upon the charge for the receipt of hard waste of \$65 per cubic metre for residents and \$75 per cubic metre for non-residents for the 2015/16 financial year.

The Motion was put and CARRIED Unanimously

Chairperson's initials *S. Mayer*

**C.6 Re-appointment of Chief Executive Officer (considered at OM273 22 June 2015)****Council Decision****Moved: Councillor Hampton****Seconded: Councillor Cunial**

That:

1. Council re-appoints the Chief Executive Officer (CEO) for a period of four (4) years from the expiry of his current contract of employment (28 October 2015) providing that a new contract of employment is signed before that date.
2. Council shall make details of the total remuneration of the CEO under the new contract available for public inspection within 14 days of passing this resolution, in accordance with section 94 (6) of the *Local Government Act 1989*.

The Motion was put and CARRIED Unanimously

**C.3 Amendment of previous Council decision regarding the Fees and Charges for the Frankston Regional Recycling and Recovery Centre (considered at this meeting)****Council Decision****Moved: Councillor Dooley****Seconded: Councillor Aitken**

That:

1. Council amends its decision and releases the Fees and Charges for the Frankston Regional Recycling and Recovery Centre (FRRRC) to the general public immediately.
2. The resolution be incorporated into the public minutes of this meeting.

The Motion was put and CARRIED Unanimously



*The meeting closed at 9.53 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 13 July 2015, confirmed on 3 August 2015.

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

Dated this

day of

2015