



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 1 FEBRUARY 2016 at 7PM**

PRESENT	Cr. James Dooley (Mayor) Cr. Darrel Taylor Cr. Sandra Mayer Cr. Rebekah Spelman Cr. Glenn Aitken Cr. Colin Hampton Cr. Michael O'Reilly
APOLOGIES:	Cr. Suzette Tayler Cr. Brian Cunial
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. Naomi Neville, Coordinator Statutory Planning Ms. Kelly Ross, Coordinator Communications Ms. Michelle Tipton, Coordinator Council Business Support
EXTERNAL REPRESENTATIVES:	Nil

COUNCILLOR STATEMENT

Councillor Hampton 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 Taylor read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor Spelman 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.



Chairperson's initials

A handwritten signature in black ink, consisting of stylized initials, located to the right of the text 'Chairperson's initials'.

1. PRESENTATION TO COMMUNITY GROUPS.....	4
2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	4
3. APOLOGIES.....	4
4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST	4
5. PUBLIC QUESTION TIME.....	4
6. HEARING OF PUBLIC SUBMISSIONS	4
7. ITEMS BROUGHT FORWARD	4
8. PRESENTATIONS / AWARDS.....	5
9. PRESENTATION OF PETITIONS AND JOINT LETTERS.....	5
10. DELEGATES' REPORTS	5
11. CONSIDERATION OF TOWN PLANNING REPORTS	6
11.1 Planning application 732/2014/P - 4 Hall Road and 1255 Frankston Dandenong Road Carrum Downs - To construct a three storey building containing 34 dwellings and reduction in car parking.....	6
11.2 Town Planning Application 404/2015/P - 75 McMahons Road Frankston - To construct two (2) double storey dwellings.....	7
11.3 Planning Permit Application 248/2015/P - 111 Cranbourne Road, Frankston. (Power Centre) - Use part of the existing Food Court building as a Children's Entertainment Centre, building and works to extend the existing Food Court building, a reduction of car parking and display of illuminated and non-illuminated business identification advertising signage.....	11
11.4 VCAT Review -Council Position - 652/2014/P - To construct seventeen dwellings and seventeen lot subdivision - 26 Robin Drive Carrum Downs	16
11.5 Planning Application 59/2012/P/B - 5/115 Railway Parade Seaford - Section 72 Amendment - To use land for the sale of packaged liquor (Extend the licence hours).....	22
11.6 November Town Planning Progress Report	24
12. CONSIDERATION OF REPORTS OF OFFICERS.....	25
12.1 Asset Management Strategy Progress Report - February 2016.....	25
12.2 Frankston City Council's Submission to the Sustainability Fund Priority Statement Review	26
12.3 2016 National General Assembly of Local Government from 19 to 22 June 2016 - Canberra ACT.....	27



12.4	Graffiti Program In-house Service Evaluation.....	28
12.5	Draft Frankston Open Space Strategy.....	29
12.6	Community Development Division - Resolution Progress Report.....	30
12.7	Municipal Emergency Management Plan Endorsement.....	31
13.	NOTICES OF MOTION.....	32
13.1	NOM 1188 - Federal Intervention regarding Scams	32
13.2	NOM 1189 - Meetings with applicants for proposed developments	33
13.3	NOM 1190 - Belvedere Shops - Camera Installation.....	34
13.4	NOM 1191 - I Love Frankston Slogan	35
13.5	NOM 1192 - South East Metropolitan Group.....	36
13.6	NOM 1193 - Railway crossing reworks proposed by State Government.....	37
13.7	NOM 1194 - Frankston Basketball Redevelopment.....	38
14.	LATE REPORTS	39
15.	URGENT BUSINESS.....	39
16.	CONFIDENTIAL ITEMS	40
C.1	Delegated Powers Report - Miscellaneous Grants and Frankston Arts Centre Concessions and Discounts	40
C.2	Minutes of the Frankston Arts Board - November and December Meetings.....	40
C.3	Appointment and Authorisation of Council Staff	40
C.4	Application for Additional Gaming Machines at Langwarrin Hotel	40
C.5	Audit and Risk Management Committee – Chairperson's Annual Report to Council.....	40
C.6	Seaford North Primary School - Lease Arrangements.....	40
C.7	Award of Contract - Seaford Bowling Club Synthetic Green.....	40
17.	OUTCOME OF CONSIDERATION OF CERTAIN CONFIDENTIAL ITEMS.....	41
C.2	Award of Contract – Construction of Union Road, Langwarrin (considered at OM279 26 October 2015)	41
C.3	Ballam Park Access Road and Carpark Construction (considered at OM280 16 November 2015)	41
C.1	Issuing Small Business Grants (considered at OM281 7 December 2015).....	42
C.3	2015 Frankston Charitable Funds Grants Program (considered at OM281 7 December 2015)	43

C.4	Minutes of the Frankston Arts Board - October Meeting (considered at OM281 7 December 2015).....	43
C.5	Proposed Recipients for Citizen, Young Citizen, Senior Citizen and Community Event of the Year Awards for 2015 (considered at OM281 7 December 2015)	44
C.6	Award Tender - Mowing Services Contract - Contract No 2014/15-74 (considered at OM281 7 December 2015)	45
C.7	Seaford Cabin Park- Sealing of Lease and associated documents (considered at OM281 7 December 2015).....	45
C.1	Application for additional Electronic Gaming Machines for the Langwarrin Hotel (considered at SP192 16 December 2015.....	46
C.3	Appointment and Authorisation of Council Staff (considered at this meeting)	46
C.4	Application for Additional Gaming Machines at Langwarrin Hotel (considered at this meeting)	47
C.5	Audit and Risk Management Committee – Chairperson's Annual Report to Council (considered at this meeting).....	47

Chairperson's initials



1. PRESENTATION TO COMMUNITY GROUPS

Nil

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

That the minutes of the Ordinary Meeting No. OM281 held on 7 December 2015 and Special Meeting No. SP192 held on 16 December 2015 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES**Council Decision****Moved: Councillor Hampton****Seconded: Councillor Taylor**

That the apologies be received and Councillors Tayler and Cunial be granted leave from the meeting.

Carried Unanimously

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

The Mayor, Crs Hampton and Mayer declared an interest on Item 12.3: 2016 National General Assembly of Local Government from 19 to 22 June 2016 - Canberra ACT and will remain in the chamber while discussions take place.

5. PUBLIC QUESTION TIME

There were no public questions submitted to Council.

6. HEARING OF PUBLIC SUBMISSIONS

Ms Anna Barclay made a submission to Council regarding Item 11.1: Planning application 732/2014/P - 4 Hall Road and 1255 Frankston Dandenong Road Carrum Downs - To construct a three storey building containing 34 dwellings and reduction in car parking;

Mr Brad Nash made a submission to Council regarding Item 11.3: Planning Permit Application 248/2015/P - 111 Cranbourne Road, Frankston. (Power Centre) - Use part of the existing Food Court building as a Children's Entertainment Centre, building and works to extend the existing Food Court building, a reduction of car parking and display of illuminated and non-illuminated business identification advertising signage.

7. ITEMS BROUGHT FORWARD

Nil.

Chairperson's initials



8. PRESENTATIONS / AWARDS

The Mayor James Dooley presented a Certificate of Appreciation from CityLife to Frankston City Council for the generosity and kind support for Christmas Day Lunch 2015.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS**Council Decision****Moved: Councillor Taylor****Seconded: Councillor Aitken**

That the petition containing 28 signatures with supporting letters submitted by residents of Barretts Road and Clemac Close to undertake improvements to the road surface of Barretts Road, be received.

Carried Unanimously**Council Decision****Moved: Councillor Taylor****Seconded: Councillor Aitken**

That the petition containing 22 signatures to remove a Wallangata White Gum located at 15 Donnelly Rise, Frankston South be removed to mitigate further property damage, be received.

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

That the petition containing 54 signatures requesting to have speed bumps installed on Armstrongs Road, Seaford between Nepean Highway and Halifax Street, be received.

Carried Unanimously**10. DELEGATES' REPORTS**

Nil.



11. CONSIDERATION OF TOWN PLANNING REPORTS**11.1 Planning application 732/2014/P - 4 Hall Road and 1255 Frankston Dandenong Road Carrum Downs - To construct a three storey building containing 34 dwellings and reduction in car parking.**

(MP Community Development)

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

That Council:

1. Resolves to form the position based on the amended plans that it supports the issue of a Planning Permit to Planning Permit Application No. 732/2014/P to construct thirty four (34) dwellings in a three storey building and reduction in car parking provision subject to the conditions contained in the officer's assessment.
2. Notes the car parking provided on the common property is protected by a 173 agreement and as such this 'protection' cannot be changed without Council's authorisation.

Carried**Extension of Time****Moved: Councillor Taylor****Seconded: Councillor Hampton**

That Cr Aitken be granted an extension of time.

Carried Unanimously**The Motion was put and
Carried**

For the Motion: Crs Dooley, Mayer, O'Reilly and Spelman

Against the Motion: Crs Aitken, Hampton and Taylor

Chairperson's initials



11.2 Town Planning Application 404/2015/P - 75 McMahons Road Frankston - To construct two (2) double storey dwellings

(MP Community Development)

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

That Council resolves to issue a Planning Permit in respect to Planning Permit Application Number 404/2015/P to construct two (2) double storey dwellings at 75 McMahons Road Frankston, 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 but modified to show:
 - a. Living room window on north elevation of Dwelling 1 to demonstrate compliance with Standard B15 of ResCode.
 - b. Removal of screening from the west facing windows of Bedroom 3 for dwelling 1 and 2.
 - c. The Tree Protection Zone and Structural Root Zone for trees in adjoining properties including the street trees must be illustrated on all relevant plans.
 - d. Tree protection conditions noted in accordance with Conditions 5 and 6.
 - e. A Landscape Plan in accordance with Condition 3.
 - f. Lighting in accordance with Condition 15.
 - g. Provision of one visitor car space utilising permeable paving to be provided at the end of the existing driveway while still providing for a minimum of 40.0 square metres of private open space to each dwelling.

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.

Landscape Plans

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) 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 3.0 metres of the boundary.
 - 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) The location of each species to be planted.
 - e) A planting theme of a minimum 40% indigenous and 20% native species within each planting group.

Chairperson's initials



- f) Landscaping to a minimum height of 1.5m to be incorporated along the east boundary of the common driveway.
- g) A range of plant types from ground covers to large shrubs and trees;
- h) Adequate planting densities (e.g.: plants with a mature width of 1.0 metre, planted at 1.0 metre intervals).
- i) The delineation of garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development.
- j) Canopy trees (minimum 2.0 metres tall when planted) in the following areas:
 - i. One (1) within the secluded private open space of each dwelling (minimum mature height 8m);
 - ii. One (1) within front setback of dwelling 1.

Completion of Landscaping

- 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 the commencement of the use or at such later date as is approved by the Responsible Authority.

Tree Protection

- 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. The tree protection fence must remain in place for the duration of building and works to the satisfaction of the Responsible Authority.
- 6. Prior to the commencement of buildings and works (including vegetation removal), a Tree Protection Fence defined by a 1.8 metre high (minimum) temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape, must be installed around the TPZ of the street trees where it occurs within the nature strip and the TPZ of tree 9 to the satisfaction of the Responsible Authority. A fixed sign is to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from Frankston City Council".

The requirements below must be observed within this area:

- a) Coarse mulch laid to a depth of 50-100 mm (excluding street trees).
- b) No vehicular or pedestrian access.
- c) The existing soil level must not be altered either by fill or excavation.
- d) The soil must not be compacted or the soil's drainage changed.
- e) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.
- f) No storage of equipment, machinery or material is to occur.
- g) Open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used unless approved by the Responsible authority to tunnel beneath.

Chairperson's initials



- 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

- 7. 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.
- 8. 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.
- 9. Stormwater Drainage Outfall is to be constructed to the satisfaction of the Responsible Authority.
- 10. 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.
- 11. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.

Urban Design

- 12. 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.
- 13. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.
- 14. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.
- 15. 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

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

Permit Expiry

- 17. 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.

Chairperson's initials



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 **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.

Carried Unanimously

Chairperson's initials



11.3 Planning Permit Application 248/2015/P - 111 Cranbourne Road, Frankston. (Power Centre) - Use part of the existing Food Court building as a Children's Entertainment Centre, building and works to extend the existing Food Court building, a reduction of car parking and display of illuminated and non-illuminated business identification advertising signage

(MP Community Development)

Council Decision

Moved: Councillor Taylor

Seconded: Councillor Aitken

That Council resolves to issue a Refusal to Grant a Planning Permit in respect to Planning Application No. 248/2015/P - Use part of the existing Food Court building as a Children's Entertainment Centre, building and works to extend the existing Food Court building, a reduction of car parking and display of illuminated and non-illuminated business identification advertising signage, on the following grounds:

1. The reduction in car parking requirements at Clause 52.06 of the Frankston Planning Scheme for the Children's Entertainment Centre and restricted floor space is not justified.
2. The removal of existing car parking will impact negatively on the availability of car parking spaces for customers using the centre.

Extension of Time

Moved: Councillor Aitken

Seconded: Councillor Spelman

That Cr Taylor be granted an extension of time.

Carried Unanimously

Extension of Time

Moved: Councillor Taylor

Seconded: Councillor Hampton

That Cr Aitken be granted an extension of time.

The Motion was put and Lost

For the Motion: Crs Aitken, Hampton and Taylor

Against the Motion: Crs Dooley, Mayer, O'Reilly and Spelman

Council Decision

Moved: Councillor Mayer

Seconded: Councillor O'Reilly

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 248/2015/P for the use of part of the existing Food Court building as a Children's Entertainment Centre, building and works to extend the existing Food Court building, reduction of the car parking requirements for the restricted retail floor increase, installation of illuminated and non-illuminated business identification advertising signage at 111 Cranbourne Road, Frankston, subject to the following conditions:

Chairperson's initials



Plans

1. Before the use and 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 but modified to show:
 - (a) Location of pedestrian crossings into the food court building;
 - (b) Details of lettering, colours and logos for the signage;
 - (c) A minimum of at least four (4) large plate glazed windows along each of the eastern, southern and western elevations of the proposed extension;
 - (d) Deletion of a total of six (6) non-illuminated business identification signs along the eastern, southern and western elevations of the proposed extension to facilitate the glazed windows; and
 - (e) A Drainage Strategy in accordance with Condition 17.

No Alterations

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

Prior to Occupation or commencement of works

3. Before the occupation of the proposed dwellings, the landscaping works, as shown on the endorsed plans, must be completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority at all times.
4. Prior to the commencement of the use, any building or works, a Statement of Compliance must be issued and plan of subdivision registered at the titles office for the realignment of boundaries and part removal of carriageway E1 and E5 proposed under planning permit application 237/2015/P as affected by the extension of the Food Court building.

Use

5. The hours of the use of the Indoor Recreational Facility (Children's Entertainment Centre) are restricted to:

Monday to Wednesday	9.00am to 5.30pm;
Thursday to Friday	9.00am to 9.00pm;
Saturday	9.00am to 5.00pm; and;
Sunday and public holidays	10.00am to 5.00pm.

Number of Patrons

6. No more than a maximum of 180 patrons can attend the premises at any one time.

Number of Staff

7. Not more than fifteen (15) staff may be present on the premises at any one time unless with the prior written consent of the Responsible Authority.

Amenity

8. Without the prior written consent of the Responsible Authority any form of public address system or sound amplification equipment used on the premises must not be audible outside the premises.

Chairperson's initials



9. The approved use must not cause any nuisance or annoyance to persons beyond the land because of the emission of noise or otherwise to the satisfaction of the Responsible Authority.
10. Noise emitted from the premises must not exceed limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. SEPP N-1
11. The amenity of the area must not be detrimentally affected by the development and/or use 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;
 - e) In any other way.

Loading and Unloading

12. The loading and unloading of goods from vehicles must only be carried out on the land, within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.

Drainage

13. 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.
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. Prior to occupation of the building hereby permitted, 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 or surfaced with crushed rock or gravel.
 - d. Drained and maintained to the satisfaction of the Responsible Authority.
 - e. Parking guidance signage on the approach to the roundabout from Cranbourne Road is to be amended to clearly indicate the direction to the respective on-site parking areas.
 - f. Line-marked to indicate each car space, loading bay and all access lanes and the direction in which vehicles are to travel including on the approach to the roundabout to correctly indicate the lane disciplines (i.e. shared through and right-turn arrows) to the satisfaction of the Responsible Authority.

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

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

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

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

17. Prior to commencement of any building and works, construction detailed design plans and drainage computations of the internal stormwater drainage system including relocation of existing affected common property drainage infrastructure and the method of connection to the existing internal drainage infrastructure are to be submitted to the satisfaction of the Responsible Authority.

Signage

18. The location and details of signs as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
19. The signs hereby permitted must not:
- a. Be animated;
 - b. Be moving or rotating;
 - c. Contain any flashing or intermittent light.
20. The signs hereby permitted must be constructed and maintained to the satisfaction of the Responsible Authority.

Satisfactorily Completed

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

Permit Expiry

22. The permit that relates to advertising signs expires 15 years from the date of issue of the permit.
23. This permit will expire if one of the following circumstances applies:
- The development is not started within two years of the date of this permit.
 - The development is not completed within four years of the issued date of this permit.
 - The use is not commenced within 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.

Chairperson's initials



- 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:
- d. Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
 - e. 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.

Council Decision

Moved: Councillor Taylor

Seconded: Councillor Hampton

That the following conditions also be included in the officers recommendations:

- 24. Offset the 162 car parks elsewhere on site.
- 25. That "way finding" signage is improved on the site to allow for better flow of traffic through the site.

Carried

For the Motion: Crs Aitken, Hampton, Mayer and Taylor

Against the Motion: Crs Dooley, O'Reilly and Spelman

**The motion with additional wording was then put
and Carried**

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

Against the Motion: Cr Dooley

Chairperson's initials



11.4 VCAT Review -Council Position - 652/2014/P - To construct seventeen dwellings and seventeen lot subdivision - 26 Robin Drive Carrum Downs

(MP Community Development)

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

- A. That Council's position, should the amended plans be substituted at VCAT, would be to support the substitution of the plans providing they are generally in accordance with the plans considered in this report and consent to the issue of a planning permit subject to conditions to be fully determined upon the substitution of amending plans with VCAT.

Plans

1. Before the certification of a plan of subdivision or commencement of the development, 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 Thomas Anderson Design, Ref: 14-0562, Issue D, Feb 2015, TP1-13 and Peninsula Survey Group Pty Ltd, Plan of Subdivision PS733698Q, Version 2, Ref: 5188-PS-2, but modified to show:
 - (a) As required
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Landscape Plans

3. Before the development starts, a landscape plan, prepared by a person suitably qualified or experienced in landscape design, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must show:-
 - a. A survey (including botanical names) of all existing vegetation to be retained and removed;
 - b. Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary;
 - c. Details of surface finishes of pathways and driveways, retaining walls and areas of cut and fill;
 - d. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
 - e. A planting theme of a minimum 20% indigenous, 40% native and 40% exotic species within each plant group;
 - f. Canopy trees that have a minimum mature height of five metres (minimum two metres tall when planted) one (1) provided in the secluded private open space of each dwelling and a further 10 canopy trees throughout the common property area.

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

Chairperson's initials



Prior to Occupation

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

Drainage

5. 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.
6. 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.
7. 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.

8. Prior to commencement of development construction detailed pavement and drainage design plans including Koomaloo Place T court head and drainage computations of the internal stormwater drainage system are to be submitted and approved to the satisfaction of the Responsible Authority.
9. Prior to the issue of a Statement of Compliance or occupation of the dwellings, Koomaloo Place T court head must be constructed to Frankston City Council standards and specifications to the satisfaction of the responsible authority.
10. Prior to the issue of a Statement of Compliance and once constructed, Koomaloo Place T court is to be set aside as Road Reserve in favour of Frankston City Council and transferred to the responsible authority.
11. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
12. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.
13. Prior to occupation of the dwellings hereby permitted, 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 or surfaced with crushed rock or gravel.

Chairperson's initials



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.

14. 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.

Construction and Environment Management Plan

15. Prior to the commencement of buildings and works a Construction and Environment Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. Any plans submitted must be consistent with all other documents approved as part of this permit. The information must be drawn to scale with dimensions and three (3) copies must be provided. The Plan is to include details of the following:

- a) Contact Numbers of responsible owner/contractor including emergency/24 hour mobile contact details.
- b) Identification of possible environmental risks associated with development works.
- c) Response measures and monitoring systems to minimise identified environmental risks, including but not limited to acid sulphate soils, 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) Hours during which construction activity will take place.

The Construction Management Plan must be guided by the Urban Stormwater Best Practice Management Guidelines (CSIRO 1999).

Waste Management

- 16 Before the commencement of buildings and works, a waste management plan clearly identifying waste collection points must be provided to the satisfaction of the Responsible Authority. This waste management plan must include details that the collection is to be undertaken by a private contractor. Waste collection areas to be concreted, free from landscaping and not located adjacent to habitable room windows of the dwellings with the required clearance to allow free flow collection.

Chairperson's initials



17. All waste generated by dwellings 1, 6 – 16 will be required to be collected on site by a Private Waste Collection Agency.

Urban Design

18. Before the development commences, a materials and colour schedule is required of all external materials and finishes, walls, roof and glazing treatments, etc. A variety of materials and colours must be used for each of the dwellings and throughout the development. The materials and colour schedule must be to the satisfaction of the Responsible Authority and when approved, the schedule will form part of the permit.
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. Mailboxes shall be provided to the proposed dwellings to the satisfaction of the Responsible Authority and Australia Post.
21. All plumbing work, sewer pipes etc (except for spouting and stormwater pipes) associated with the new dwellings shall be concealed from general view.
22. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

Satisfactorily Completed

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

Subdivision

24. Prior to the certification of the plan of subdivision approved by this permit, the plan of subdivision PS733699N for the two lot subdivision of the land approved by planning permit 51/2014/P must be certified and prior to the issue of a statement of compliance for the subdivision approved by this permit, a statement of compliance must be issued for the two lot subdivision (PS733699N) approved by planning permit 51/2014/P and evidence of the registration of the subdivision at the Titles Office must be provided to the satisfaction of the Responsible Authority.

Public Open Space Contribution

25. The owner must pay to the Responsible Authority a sum equivalent to five per cent (5%) of the site value of all land in the subdivision. This payment must be made before a Statement of Compliance is issued and may be varied under Section 19 of the Subdivisions Act 1988.

South East Water

26. The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.
27. The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.
28. Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the Subdivision Act 1988.

Chairperson's initials



Melbourne Water

29. Prior to certification of plans, Melbourne Water requires that the applicant submit a detailed Drainage and Stormwater Management Strategy, which calculates flow levels, and flood levels for the 100-year ARI flood event and demonstrates how stormwater runoff from the subdivision will achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater.
30. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
31. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined within Appendix A of Melbourne Water's Land Development Manual.
32. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
33. Prior to the issuing of a Statement of Compliance for the subdivision, as constructed plans detailing any Water Sensitive Urban Design (WSUD) treatment measures must be submitted.
34. Prior to the issuing of a Statement of Compliance for the subdivision documentation supporting the approved ongoing maintenance of the treatment measures by Frankston City Council must be submitted.
35. Prior to the commencement of works separate application, direct to Melbourne Water, must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.
36. At least 21 days prior to commencement of works, a Site Management Plan detailing pollution and sediment control measures, must be submitted to Melbourne Water.
37. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988

Telstra

38. A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time.
38. A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Permit Expiry

40. This permit will expire for the development if one of the following circumstances applies:
 - (a) The development is not started within two years of the date of this permit.
 - (b) The development is not completed within four years of the issued date of this permit.

Chairperson's initials



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.

41. This permit will expire for the subdivision of the land in one of the following circumstances applies:
- (a) The subdivision is not certified within two years of the date of this permit.
 - (b) The subdivision is not registered within five years of the date of certification.

The Responsible Authority may extend the periods referred to in (a) if a request is made in writing before permit expiry or within six (6) months of the permit expiry date.

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.

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 Unanimously



11.5 Planning Application 59/2012/P/B - 5/115 Railway Parade Seaford - Section 72 Amendment - To use land for the sale of packaged liquor (Extend the licence hours)

(MP Community Development)

Recommendation (Director Community Development)

That Council resolves to issue a Notice of Decision to amend the Planning Permit number 59/2012/P for use the land for the sale of packaged liquor at 5/115 Railway Parade, Seaford subject to the following conditions:

WHAT AMENDMENTS IS BEING MADE TO THE PERMIT?

A. Variation to condition 3 to alter the hours for sale of liquor.

TO WHAT CONDITION IS THE AMENDMENT SUBJECT?

3. Unless with the prior written consent of the Responsible Authority, the sale of alcohol must only take place during the following times:

Monday to Saturday: 9:00am – 9:00pm

Sunday: 10.00am – 9.00pm

Good Friday, Anzac Day & Christmas Day closed

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Mayer

That Council resolve to issue a Refusal to Grant an Amendment to Planning Permit number 59/2012/P/B to use land for the sale of packaged liquor at 5/115 Railway Parade, Seaford.

What Has Been Refused?

To Amend Condition 3 to alter the hours for sale of liquor

What are the Reasons for Refusal?

1. The increase in the hours for the sale of packaged liquor will result in an increase in anti-social behaviour within the immediate area.
2. The extended hours for the sale of packaged liquor are excessive.
3. Will exacerbate what is already an oversupply of liquor outlets within the neighbourhood.

Cr Taylor left the Chamber at 8.36 pm

Cr Taylor returned to the Chamber at 8.37 pm

Cr Hampton let the Chamber at 8.38 pm

Cr Hampton returned to the Chamber at 8.38 pm

Chairperson's initials



The Motion was put and
Carried

For the Motion: Crs Aitken, Dooley, Hampton and Mayer
Against the Motion: Crs O'Reilly, Spelman and Taylor

Chairperson's initials



11.6 November Town Planning Progress Report

(MP Community Development)

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

That Council receives and notes the report.

Carried Unanimously

Chairperson's initials



12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Asset Management Strategy Progress Report - February 2016**

(CD City Development)

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

That Council:

1. Receives and notes this progress report;
2. Endorses the Asset Management Strategy Progress Report – February 2016; and
3. In response to the 15 January 2015 resolution, where Council requested a business case to consider opportunities to expedite the delivery of the Asset Management Strategy, that the Status Quo option (current resources are maintained) and the resources to deliver the Strategy is reviewed in February 2017.

Carried Unanimously

Chairperson's initials



12.2 Frankston City Council's Submission to the Sustainability Fund Priority Statement Review

(CD City Development)

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

That Council:

1. Receives and reviews Council's submission on the Victorian Government's Sustainability Fund Priority Statement Review;
2. Formally endorses Council's submission on the Sustainability Fund Priority Statement Review.

Extension of Time**Moved: Councillor Mayer****Seconded: Councillor Taylor**

That Cr Hampton be granted an extension of time.

Carried Unanimously**Extension of Time****Moved: Councillor Hampton****Seconded: Councillor Taylor**

That Cr Aitken be granted an extension of time.

Carried Unanimously**The Motion was put and
Carried Unanimously**

12.3 2016 National General Assembly of Local Government from 19 to 22 June 2016 - Canberra ACT

(AC Chief Executive Office)

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

That:

1. The Mayor, Cr James Dooley, Deputy Mayor, Cr Colin Hampton, Cr Sandra Mayer and other interested Councillors to be confirmed be registered to attend the National General Assembly held from 19 to 22 June 2016 in Canberra and that expenditure for each attending Councillor is approved.
2. The attending Councillors also participate in any meetings relating to Council's Top 5 priorities and South East Melbourne's groups' Regional Plan objectives with Federal Ministers and Federal Shadow Ministers.

Carried Unanimously

Chairperson's initials



12.4 Graffiti Program In-house Service Evaluation

(PC City Development)

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

That Council notes the review.

Carried Unanimously

Extension of Time**Moved: Councillor Taylor****Seconded: Councillor Hampton**

That Cr O'Reilly be granted an extension of time.

Carried Unanimously

**The Motion was put and
Unanimously Carried**

Chairperson's initials



12.5 Draft Frankston Open Space Strategy*(DS City Development)***Council Decision****Moved: Councillor Taylor****Seconded: Councillor Aitken**

That Council:

1. Releases the Draft Open Space Strategy for community consultation.
2. Receives a further report considering the community's feedback prior to adoption of the Open Space Strategy.
3. An additional clause be added under "Frankston" paragraph 2 – "pursue any greening opportunity in the CAA be taken".

Carried Unanimously**Extension of Time****Moved: Councillor Hampton****Seconded: Councillor Taylor**

That Cr Aitken be granted an extension of time.

Carried Unanimously*Cr Taylor left the Chamber at 9.23 pm**Cr Taylor returned to the Chamber at 9.23 pm**Cr Mayer left the Chamber at 9.23 pm and was not present when voting took place.***The Motion was put and
Unanimously Carried**

Chairperson's initials



12.6 Community Development Division - Resolution Progress Report*(MP Community Development)**Cr Mayer returned to the Chamber at 9.28 pm***Council Decision****Moved: Councillor Aitken****Seconded: Councillor Taylor**

That Council endorses the report including

- Noting the status of the inclusion of the Multi-Unit Residential Car Parking policy in the Frankston Planning Scheme.
- The report on options to better address Monkey Bikes will be submitted to the 22 February Ordinary Council Meeting
- Council's monitoring of compliance audits will continue to be undertaken through quarterly reporting to Council and accordingly, a further report to Council as per resolution of 19 January 2015 is no longer required
- The Frankston Arts Centre 3 year Business Plan will be presented to the Councillor briefing 21 march for discussion prior to its submission to Council

Carried Unanimously

Chairperson's initials



12.7 Municipal Emergency Management Plan Endorsement*(KJ Community Development)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Taylor**

1. That Council receives the minutes of the Municipal Emergency Management Planning Committee.
2. That Council endorses the Municipal Emergency Management Plan (December 2015).
3. The MEMP be placed on Council's website following completion of an audit scheduled for 29 February 2016.

Carried Unanimously

Chairperson's initials



13. NOTICES OF MOTION**13.1 NOM 1188 - Federal Intervention regarding Scams**

(CM Chief Executive Office)

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

“That Council requests the Federal Member The Hon Bruce Billson, to make representations in Parliament on behalf of the Frankston and broader community to seek Federal intervention in respect to random scam telephone calls i.e. people impersonating the Australia Taxation Office with the obvious view to seize personal details and/or unlawfully extract money under false pretences.”

Carried Unanimously

Chairperson's initials



13.2 NOM 1189 - Meetings with applicants for proposed developments

(JS Corporate Development)

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

That Council resolves that at any scheduled meetings, held between a Councillor and the developer/applicant/consultant for any development proposed within the City of Frankston, a minimum of two members of Council staff also be in attendance.

That legal advice be sought to have this incorporated into the Councillor Code of Conduct.

Carried**Extension of Time****Moved: Councillor Hampton****Seconded: Councillor Mayer**

That Cr Aitken be granted an extension of time.

Carried Unanimously**The Motion was put and
Carried**

For the Motion: Crs Aitken, Dooley, Hampton and Mayer

Against the Motion: Crs O'Reilly, Spelman and Taylor

Chairperson's initials



13.3 NOM 1190 - Belvedere Shops - Camera Installation

(MT Chief Executive Office)

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

That a meeting be held with shop owners, Councillors and Council officers regarding installation of camera at the Belvedere Shops, Cnr Seaford/Frankston-Dandenong Roads, Seaford given the high rate of violent behaviour including car ram raids, dealing of drugs and other petty crimes that shop owners are being subjected to on a daily basis. That funding sources be identified by Councillors and Council officers.

Carried Unanimously

Chairperson's initials



13.4 NOM 1191 - I Love Frankston Slogan

(MT Chief Executive Office)

Cr Mayer left the Chamber at 10.13 pm

Cr Taylor left the Chamber at 10.15 pm

Cr Taylor returned to the Chamber at 10.17 pm

Cr Mayer returned to the Chamber at 10.18 pm

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

That the "I Love Frankston" slogan be maintained and not abandoned, continuing with more colourful aspect for merchandise and the removal of the black background.

Carried Unanimously

Chairperson's initials



13.5 NOM 1192 - South East Metropolitan Group

(MT Chief Executive Office)

Cr Spelman left the Chamber at 10.24 pm

Cr Spelman returned to the Chamber at 10.26 pm

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

That Council writes to the Premier of Victoria and the South East Metropolitan Group of Councils putting forth a proposal to determine the viability of the Port of Hastings site as a location for the South Eastern Airport as identified in Plan Melbourne.

Carried Unanimously

Chairperson's initials



13.6 NOM 1193 - Railway crossing reworks proposed by State Government

(MT Chief Executive Office)

That a meeting be called with the Level Crossing Authority so that Council can further discuss the elevation of the railway lines and other options to facilitate the removal of level crossings in order to assist in developing a position in consultation with the impacted community.

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

That Council does not support the rail over road option for the grade separation program considered for the level crossing removal program between Mordialloc and Frankston.

Lost

For the Motion: Crs Aitken and Taylor

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

Chairperson's initials



13.7 NOM 1194 - Frankston Basketball Redevelopment

(MT Chief Executive Office)

The Council seeks an urgent meeting with the Premier of Victoria, the Hon Daniel Andrews and the Minister for Sport, the Hon John Eren, to explain the following:

1. Remaining stages of the project;
2. Additional State Government funds would not be required immediately and could be spread over a number of financial years;
3. The benefit of working together in partnership with all parties to achieve an outstanding result for the community; and
4. A commitment to the additional funds to ensure the project can be fully completed.

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

The Council seeks an urgent meeting with the Premier of Victoria, the Hon Daniel Andrews and the Minister for Sport, the Hon John Eren, to highlight the following:

1. The Federal Governments recent commitment of \$4.95M towards the Frankston Basketball Stadium Redevelopment.
2. That the current State Government has not yet contributed any funds.
3. In a rate capped environment the Frankston City Council is still contributing \$4M.
4. Due to the current State Governments failure to provide funding, the scope of the project has been significantly reduced.
5. A commitment to the additional funds to ensure the project can be fully completed.

Carried

For the Motion: Crs Aitken, O'Reilly, Spelman and Taylor

Against the Motion: Crs Dooley, Hampton and Mayer

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

As per Section 26 of the Governance Local Law No 1, the Ordinary Meeting be extended for a further 30 minutes.

Carried Unanimously

Chairperson's initials



14. LATE REPORTS

Nil.

15. URGENT BUSINESS

Nil.

Chairperson's initials



16. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Taylor****Seconded: Councillor Aitken**

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 Delegated Powers Report - Miscellaneous Grants and Frankston Arts Centre Concessions and Discounts

Agenda Item C.1 Delegated Powers Report - Miscellaneous Grants and Frankston Arts Centre Concessions and Discounts 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 Minutes of the Frankston Arts Board - November and December Meetings

Agenda Item C.2 Minutes of the Frankston Arts Board - November and December Meetings is designated confidential as it relates to contractual matters (s89 2d)

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 personnel matters (s89 2a), and Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.4 Application for Additional Gaming Machines at Langwarrin Hotel

Agenda Item C.4 Application for Additional Gaming Machines at Langwarrin Hotel 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 Audit and Risk Management Committee – Chairperson's Annual Report to Council

Agenda Item C.5 Audit and Risk Management Committee – Chairperson's Annual Report to Council 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 Seaford North Primary School - Lease Arrangements

Agenda Item C.6 Seaford North Primary School - Lease Arrangements is designated confidential as it relates to contractual matters (s89 2d)

C.7 Award of Contract - Seaford Bowling Club Synthetic Green

Agenda Item C.7 Award of Contract - Seaford Bowling Club Synthetic Green is designated confidential as it relates to contractual matters (s89 2d)

Carried Unanimously

Chairperson's initials



17. OUTCOME OF CONSIDERATION OF CERTAIN CONFIDENTIAL ITEMS**C.2 Award of Contract – Construction of Union Road, Langwarrin (considered at OM279 26 October 2015)****Council Decision****Moved: Councillor Hampton****Seconded: Councillor Tayler**

That:

1. Council approves the acceptance of the tender from Gilmore Civil Pty Ltd for the Construction of Union Road, Langwarrin;
2. Council notes that the contract sum will include a project contingency of 10% to fund variations approved by the Chief Executive Officer;
3. The Contract/s be signed and sealed; and
4. The recommendation (without commercially sensitive information) be released by the next Ordinary Meeting of Council on Monday 16 November 2015.

The Motion was put and CARRIED unanimously

C.3 Ballam Park Access Road and Carpark Construction (considered at OM280 16 November 2015)**Council Decision****Moved: Councillor Aitken****Seconded: Councillor Tayler**

That:

1. Council approves the acceptance of the tender from Parkinsons Group for the *Ballam Park Access Road and Carpark Construction*.
2. Council notes that a project contingency of 10% will be reserved outside of the contract sum and vests specific authority in the Manager Infrastructure to authorise the payment of variations from that sum.
3. The Contract/s be signed and sealed; and,
4. The recommendation (without commercially sensitive information) be released by the next Ordinary Meeting of Council on Monday 7th December 2015.

The Motion was put and CARRIED unanimously

Chairperson's initials



C.1 Issuing Small Business Grants (considered at OM281 7 December 2015)**Council Decision****Moved: Councillor Aitken****Seconded: Councillor Cunial**

That Council:

- 1) Issue issues Small Business Grants the following business for amounts indicated (in accordance with recommendations by the Independent Assessment Panel):
 - a) ABM Combustion
 - b) Barton Engineering
 - c) Lisa's Lacies
 - d) Vertical Matters
 - e) Southside Social

With the following businesses nominated as back-up grant recipients in priority order (in the event that the intended grant recipients cannot meet the conditions of the grant agreement)

 - Magafekt
 - Clark Masts Asia
 - Langwarrin Auto Care
 - Zealous Arts Movement
- 2) Releases the recommendation to the public after 14 December 2015.
- 3) Writes to the Hon Tim Pallas – Treasurer seeking confirmation of his matched funding for Council's Small Business Grants Program as indicated by his support when he attended Community Session held in Frankston, November 2015.
- 4) Requests a further report on the Small Business Grants Program. The report will need to provide:
 - a) A general update on the previous recipients of Small Business Grants, outlining what the funds have been spent on and employment generation to date.
 - b) A review of the Small Business Grants categories and assessment criteria to ensure the program continues to meet with Council objectives and is consistent with the Economic Development Strategy 2016-2022. In doing this, consideration will be given to:
 - i) an additional grant category that will provide an incentive to property owners that agree to participate in the Frankston Space Innovators Program
 - ii) the applicability of the emerging exporter and green business grant categories.

The Motion was put and CARRIED unanimously

Chairperson's initials



**C.3 2015 Frankston Charitable Funds Grants Program (considered at OM281
7 December 2015)****Council Decision****Moved: Councillor Aitken****Seconded: Councillor Cunial**

That Council:

1. Note the 2015 Frankston Charitable Fund Grant recommendations to the Lord Mayor's Charitable Foundation Board;
2. Thank the Frankston Charitable Fund Committee of Management for their efforts.
3. Successful and unsuccessful will be notified after the LMF Board of Management Meeting 10th December 2015.

The Motion was put and CARRIED unanimously

**C.4 Minutes of the Frankston Arts Board - October Meeting (considered at OM281
7 December 2015)****Council Decision****Moved: Councillor Tayler****Seconded: Councillor O'Reilly**

That Council:

- Receives the Minutes.
- Consents to Councillors endorsing at the Councillor briefing 14 December, sculptures recommended by the Frankston Arts Board and Sculpture by the Sea.
- Recommendations are released to the public after Council Meeting 1/2/2016.

The Motion was put and CARRIED unanimously

Chairperson's initials



C.5 Proposed Recipients for Citizen, Young Citizen, Senior Citizen and Community Event of the Year Awards for 2015 (considered at OM281 7 December 2015)

Council Decision

Moved: Councillor Taylor

Seconded: Councillor Cunial

That:

1. Council awards David Cross the Citizen of the Year Award for 2016;
2. Council awards the Senior Citizen of the Year Award for 2016 to Alan Quaife;
3. Council notes that there were no nominations received for Young Citizen of the Year Award for 2016;
4. Council awards the Community Event of the Year for 2016 to Lifegate for its "Colour of Hope Youth Art Exhibition";
5. The award recipients be notified of Council's decision after the meeting, and the names of the winners be embargoed until Australia Day 2016, where the awards will be presented to the winners at the Australia Day Citizenship Ceremony; and
6. The resolution be incorporated in the public minutes of the February Meeting.

The Motion was put and CARRIED unanimously

Chairperson's initials



C.6 Award Tender - Mowing Services Contract - Contract No 2014/15-74 (considered at OM281 7 December 2015)**Council Decision****Moved: Councillor Tayler****Seconded: Councillor Taylor**

That Council:

1. Approves the acceptance of the schedule of rates tender from Services South East Pty Ltd for the provision of Mowing Services (exclusive of GST) per cut, of Category 1, Category 2, Category 3, Category 4 and Category 5 for a term of two years with a two plus two year extension;
2. Approves the acceptance of the schedule of rates tender from Herbert Group Pty Ltd for the provision of Mowing Services (exclusive of GST) per cut of Category 1, Category 2, Category 3, Category 4 and Category 5; for a term of two years with a two plus two year extension;
3. Approves the acceptance of the schedule of rates tender from Marriott Support Services for the provision of Mowing Services (exclusive of GST) per cut of Category 1, Category 2, Category 3, Category 4 and Category 5; for a term of two years with a two plus two year extension;
4. Authorises the Chief Executive Officer to sign and seal the contracts;
5. Notes that within the first six months (or earlier) of the operation of the contracts, a report is presented to Council on Mowing Service Standards;
6. Authorises the recommendation (without commercially sensitive information) be released by 7 January 2016.

The Motion was put and CARRIED unanimously

C.7 Seaford Cabin Park- Sealing of Lease and associated documents (considered at OM281 7 December 2015)**Council Decision****Moved: Councillor Aitken****Seconded: Councillor Spelman**

That:

1. The Lease of Crown land occupied by Seaford Beach Cabin Park, S173 agreement and associated documents be signed and sealed.
2. The report be released once signed by the Department of Environment Land water and Planning and a press release be issued at that time.

Carried Unanimously

The Motion was put and CARRIED unanimously

Chairperson's initials



**C.1 Application for additional Electronic Gaming Machines for the Langwarrin Hotel
(considered at SP192 16 December 2015)****Council Decision****Moved: Councillor Aitken****Seconded: Councillor Hampton**

That Council:

1. Notes the information provided on the application for an additional 10 EGMs at the Langwarrin Hotel.
2. Notes that officers believe that an increase in the number of EGMs will have a detrimental social and economic impact to the community
3. Resolves to contest the application by Beretta's Langwarrin Pty Ltd (Langwarrin Hotel) at VCGLR, and issues a notice of intention to make a submission by the 24th December 2015, noting the legal fees to contest the application through the VCGL.
4. Authorises officers to prepare and lodge a submission in support of Council's position by 24 January 2016.
5. Releases this recommendation after the matter is resolved.

The Motion was put and CARRIED

C.3 Appointment and Authorisation of Council Staff (considered at this meeting)**Council Decision****Moved: Councillor Mayer****Seconded: Councillor O'Reilly**

That

1. Pursuant to the provisions of Section 147 (4) of the Planning and Environment Act 1987 (The Act), Council appoint the officer listed below to be an authorised officer for the purposes of The Act and regulations made under The Act:
 - Matthew Harvey – Deputy Building Surveyor
2. The Instrument of Appointment and Authorisation in respect of the Officer listed above be signed and sealed.
3. This resolution is incorporated in the public minutes of this Meeting.

The Motion was put and CARRIED unanimously

Chairperson's initials



C.4 Application for Additional Gaming Machines at Langwarrin Hotel (considered at this meeting)

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Aitken

That excluding dollar figures relating to legal advice, the resolution for "Application for Additional Electronic Gaming Machines for the Langwarrin Hotel" determined by Council at its Special Meeting on 16 December 2015 be released immediately after this meeting.

The Motion was put and CARRIED unanimously

C.5 Audit and Risk Management Committee – Chairperson's Annual Report to Council (considered at this meeting)

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Aitken

That the report be received by Council.

Carried Unanimously

The Motion was put and CARRIED unanimously

Chairperson's initials



The meeting was closed to the public at 11.04 p.m.

CONFIRMED THIS

DAY OF

2016

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. James Dooley, 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 1 February 2016, confirmed on 22 February 2016.

.....
(Cr. James Dooley, Chairperson – Council Meeting)

Dated this

day of

2016