



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 26 APRIL 2016 at 7.02PM**

PRESENT	Cr. James Dooley (Mayor) Cr. Sandra Mayer Cr. Rebekah Spelman Cr. Glenn Aitken Cr. Brian Cunial Cr. Colin Hampton
APOLOGIES:	Cr. Michael O'Reilly Cr. Suzette Tayler Cr. Darrel Taylor
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 CAA Development Ms. Naomi Neville, Coordinator Statutory Planning Ms. Lynne Robinson, Team Leader Statutory Planning Ms. Kelly Ross, Coordinator Communications Ms. Kristen Thomson, Communications Officer Media Ms. Andrea Gaynor, Executive Manager CEO Office Ms. Vera Roberts, Officer Council Business Support
EXTERNAL REPRESENTATIVES:	Nil

COUNCILLOR STATEMENT

Councillor Aitken made the following statement:

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

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

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

Chairperson's initials

PRAYER

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

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor Mayer 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

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1. PRESENTATION TO COMMUNITY GROUPS

Nil.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM285 held on 4 April 2016.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Spelman

That the minutes of the Ordinary Meeting No. OM285 held on 4 April 2016 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES**Council Decision**

Moved: Councillor Aitken

Seconded: Councillor Spelman

That the apologies be received and Councillors Tayler, O'Reilly and Taylor be granted leave from the meeting.

Carried Unanimously

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil.

Cr Hampton left the chamber at 7.03 pm

5. PUBLIC QUESTION TIME

One (1) person submitted questions to Council. At the request of the Mayor, the Chief Executive Officer read the questions and answers to the gallery. The questions and answers are contained in Appendix.

Cr Hampton returned to the Chamber at 7.04 pm

Cr Mayer left the Chamber at 7.04 pm

6. HEARING OF PUBLIC SUBMISSIONS

There were no public submission.

7. ITEMS BROUGHT FORWARD

Nil.

8. PRESENTATIONS / AWARDS

Cr Mayer returned to the Chamber at 7.05 pm

Frankston City Council received a "Certificate of Audit" from State Emergency Services to certify that the Municipal Emergency Management Plan complied with the guidelines issued by the Minister.

The Seagull Day Club recently presented to the Mayor a certificate of appreciation during their 30 year anniversary for the dedicated support they had received from Frankston City Council.

Cr Mayer left the chamber at 7.05 pm

A delegation from Susono recently visit Frankston and gifts received was the Mount Fuji Mascot, writing pens with a matching box. There was also a rugby ball presented to the Mayor from a representative of the local rugby team from Susono.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Cr Mayer returned to the Chamber at 7.07 pm

Nil.

10. DELEGATES' REPORTS

Nil

11. CONSIDERATION OF TOWN PLANNING REPORTS

11.1 Town Planning Application 61/2016/P - Shop 4/147 Frankston-Flinders Road, Frankston 3199 - To use the land to sell and consume liquor (restaurant and cafe licence)

(MP Community Development)

Council Decision

Moved: Councillor Cunial

Seconded: Councillor Hampton

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 61/2016/P for the use of land to sell or consume liquor (Restaurant and Café Licence) at Shop 4/147 Frankston-Flinders Road, Frankston, subject to the following conditions:

No Alterations

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

Liquor Licence Requirements

2. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place at the premises during the following hours:
 - 12:00 pm – 10:30 pm Monday - Sunday

Amenity

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

Patron Numbers

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

Permit Expiry

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

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

Notes

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. The owner/applicant of the subject site should join and comply with the Frankston Liquor Industry Accord, which requires the member to serve liquor in a responsible manner.

Chairperson's initials



- 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

11.2 Town Planning Application 53/2016/P - Shop 3/40-42 Playne Street, Frankston 3199 - To use the land to sell and consume liquor (restaurant and cafe licence)
(MP Community Development)

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Cunial

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 53/2016/P for the use of the land to sell or consume liquor (Restaurant and Café Licence) at Shop 3/40-42 Playne Street, Frankston, subject to the following conditions:

No Alterations

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

Liquor Licence Requirements

2. Unless with the prior written consent of the Responsible Authority, the selling of consumption of alcohol must only take place at the premises during the following hours:
 - 11:00am-11:00pm Sunday-Friday
 - 11.00am-11:00pm Saturday

Amenity

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

Patron Numbers

4. A maximum of 233 patrons will be permitted at any one time, unless with the prior written consent of the Responsible Authority.

Permit Expiry

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

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

Notes

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. The owner/applicant of the subject site should join and comply with the Frankston Liquor Industry Accord, which requires the member to serve liquor in a responsible manner.

- C. Any request for 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

11.3 Town Planning Application 677/2015/P - 106 Young Street, Frankston 3199 - To use the land to sell and consume liquor (restaurant and cafe licence)

(MP Community Development)

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

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 677/2015/P for the use of land to sell or consume liquor (Restaurant and Café Licence) at 106 Young Street, Frankston, subject to the following conditions:

No Alterations

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

Liquor Licence Requirements

2. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place at the premises during the following hours:
 - 11:00 am – 11:00 pm Monday - Sunday

Amenity

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

Patron Numbers

4. A maximum of 48 patrons will be permitted at any one time, unless with the prior written consent of the Responsible Authority

Permit Expiry

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

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

Notes

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. The owner/applicant of the subject site should join and comply with the Frankston Liquor Industry Accord, which requires the member to serve liquor in a responsible manner.
- C. Any request for 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:

Chairperson's initials



- 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

Chairperson's initials



11.4 Frankston Planning Scheme Amendment C113 - Report on Review of Submissions to the Amendment and Progression to a Planning Panel.

(MP Community Development)

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

That Council:

1. Notes the submissions to Frankston Planning Scheme Amendment C113 Frankston Vegetation Review.
2. Continues to progress Planning Scheme Amendment C113.
3. Writes to Planning Panels Victoria to formally request an independent Planning Panel be convened to consider the submissions to Amendment C113.
4. Advises all submitters of Council's decision

Carried Unanimously

12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Cancellation of 10th October Council Meeting**

(MT Chief Executive Office)

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

That:

1. Council Ordinary Meeting OM294 scheduled for Monday 10th October 2016 be cancelled as no Council meetings are to be held during the election period;
2. The cancellation of the meeting date be advertised in the Local Paper and Council website.

Carried Unanimously

Chairperson's initials



12.2 Response to Petition for Speed Humps on Armstrongs Road, Seaford
(BH Community Development)

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Spelman

That:

1. Council investigate the need for traffic calming in Armstrongs Road, and
2. The Head Petitioner be advised accordingly.

Carried Unanimously

Chairperson's initials



12.3 Community Development Division - Resolution Progress Report

(GK Community Development)

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

That Council notes the report including:

- Council notes the Operations, Open Space and Leisure and Infrastructure Departments now report to Director Community Development;
- A council report will be presented to Council for consideration in May 2016 regarding the planting at roundabouts which will be submitted as part of the Frankston Metropolitan Activity Centre Streetscape Strategy;
- The proposed management model and concept design for Centenary Park along with a draft Strategic Assessment of Tennis will be presented to Council in July 2016;
- A council report also will be presented in May 2016 on the Draft Frankston Coastal Management Plan;
- A council report will be presented in June 2016 on the Draft Open Space Strategy;
- A Councillor briefing will be scheduled once a firm proposal and options are clarified for the Community Roof program; and
- Notes hard waste fees and charges will be considered pending the community survey and 2016/17 budget adoption.

Carried Unanimously

Chairperson's initials



**12.4 Proposed Lease of Land - Telecommunications Facility - 294N Frankston-
Flinders Road Frankston South (Baxter Park)**

(MC Corporate Development)

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

That:

1. In accordance with s.190(3)(b) of the *Local Government Act 1989*, and having complied with the provisions of s.223, one (1) submission was received in respect of the proposed lease, from the Baxter Cricket Club.
2. Council is advised the issues raised have been addressed, and that the Baxter Cricket Club no longer wishes to be heard.
3. Council resolves to enter into a lease with Optus Mobile Pty Ltd, in respect of part of the Crown Land at 294N Frankston-Flinders Road Frankston South, being Crown Allotment 8F in the Parish of Frankston, temporarily reserved for a Racecourse and Public Recreation, for a term of ten (10) years, plus two (2) further options of five (5) years each, for the sum of \$20,000 plus GST per annum, for the purposes of the construction and use of a Telecommunications Facility.
4. The Baxter Cricket Club and Visionstream acting on behalf of Optus Mobile Pty Ltd, be advised accordingly.
5. The Chief Executive Officer be authorised to finalise lease negotiations.
6. That the lease agreement be signed and sealed.

Carried Unanimously

Chairperson's initials



12.5 Frankston Future Project - Young Street Redevelopment

(VA CAA Development)

Recommendation (Director CAA Development)

That Council:

1. Endorses the Design Development Report and associated pallet as per Attachment A for the Redevelopment of Young Street and Public Park and advise the State Government accordingly;
2. Authorises the CEO to facilitate the implementation of the project to ensure it is delivered in line with Council's direction; and
3. Requests that Councillors be briefed on the detailed landscape plan once completed as well as be given regular briefings on the progress of the project.

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

That Council:

1. Endorses in principle subject to the items below, the Design Development Report and associated pallet as per Attachment A for the Redevelopment of Young Street and Public Park and advise the State Government accordingly;
2. Authorises the CEO to facilitate the implementation of the project to ensure it is delivered in line with Council's direction;
3. That further discussions be had with Councillors in relation to the landscaping plans; and
4. Requests a cleaning demonstration of the two different surfaces proposed be held and a decision made by Councillors on preferred surface after the demonstration.

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

That Cr Aitken be granted an extension of time.

Carried Unanimously

**The motion was put and
Carried**

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

Against the Motion: Cr Spelman

12.6 Draft Integrated Water Action Plan

(*CD Corporate Development*)

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

That Council:

1. Notes the latest draft of Council's *Integrated Water Action Plan*.
2. Endorses the draft *Plan* for a period of public consultation and community feedback, from Wednesday 27 April to Wednesday 18 May 2016.
3. Notes that a report to Council be prepared for the Council Ordinary Meeting on 27 June 2016 on the outcomes of the public consultation.

Carried Unanimously

13. NOTICES OF MOTION**13.1 NOM1197 - Achievements of Council**

(CM Chief Executive Office)

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

That a press release be produced by the Mayor on all things that have been achieved by this Council over its term, having been the collective efforts of all the Councillors and not that on any one particular Councillor.

Carried Unanimously

13.2 NOM1198 - Frankston City News column

(MT Chief Executive Office)

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

That a review be conducted into party political comment being made by Councillors in their columns in the Frankston City News.

Carried

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

Against the Motion: Crs Dooley and Spelman

13.3 NOM1199 - Wall of Kindness

(CM Chief Executive Office)

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

That Council approaches the Frankston Emergency Relief Providers Network and interested community members to host a one – three day Wall of Kindness. During this time people will be able to donate their old winter coats and jackets at an agreed venue and those needing these will be able to acquire them without charge.

Carried Unanimously

Chairperson's initials



13.4 NOM1200 - Graffiti Removal

(MT Chief Executive Office)

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

That graffiti removal practices from public infrastructure be reviewed to avoid significant damage as a result of the removal.

Carried Unanimously

Chairperson's initials



13.5 NOM1201 - Young Street Rejuvenation Project

(MT Chief Executive Office)

That Council respond to the State Government Department that is managing the Young Street rejuvenation project indicating that the design, plant palette and materials used are not to the standard that we would expect to achieve a high level outcome which the people of Frankston deserve.

Cr Aitken withdrew the Notice of Motion 1201 – Young Street Rejuvenation Project.

Chairperson's initials



14. LATE REPORTS**15. URGENT BUSINESS****Urgent Business****Council Decision****Moved: Councillor Aitken****Seconded: Councillor Cunial**

That the matter of Councillor Code of Conduct for meetings with developers be accepted as urgent business.

Carried Unanimously

Councillor Code of Conduct for Meetings with Developers**Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

At a meeting held on 1 February 2016, a Notice of Motion No 1189 was resolved:

That Council resolves that at any scheduled meetings, held between Councillor and the developer/applicant/consultant for any development proposed within the City of the 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.

Moved: Hampton Seconded: Aitken

And that this be treated as a matter of urgency and be incorporated into the Councillor Code of Conduct.

Carried Unanimously

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

That the matter of consultancy fees committee be accepted as urgent business.

Carried Unanimously

Consultancy Fees Committee**Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

At a meeting held on 20 February 2012, a Notice of Motion No 832 was resolved:

That a Committee of interested Councillors meet with the CEO to discuss methods of actually apportioning consultancy fees and means of reporting back to Council and this meeting be convened within the next four weeks.

Moved: Hampton Seconded: Mayer

And that this be acted upon immediately.

Carried Unanimously

16. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Cunial****Seconded: Councillor Spelman**

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 Minutes of the Frankston Arts Board - March Meeting

Agenda Item C.1 Minutes of the Frankston Arts Board - March Meeting is designated confidential as it relates to proposed developments (s89 2e)

C.2 Award of Contract No. 2015/16-62 - Olivers Hill Boat Ramp and Pier Works

Agenda Item C.2 Award of Contract No. 2015/16-62 - Olivers Hill Boat Ramp and Pier Works is designated confidential as it relates to contractual matters (s89 2d)

C.3 Frankston Yacht Club Occupancy Agreements

Agenda Item C.3 Frankston Yacht Club Occupancy Agreements is designated confidential as it relates to contractual matters (s89 2d)

Carried Unanimously

The meeting closed to the public at 9.02 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 Tuesday, 26 April 2016, confirmed on Monday, 16 May 2016.

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

Dated this

day of

2016