



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 16 OCTOBER 2017 at 7.02 PM**

PRESENT	Cr. Brian Cunial (Mayor) Cr. Sandra Mayer Cr. Glenn Aitken Cr. Colin Hampton Cr. Michael O'Reilly Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam Cr. Lillian O'Connor
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	Mr. Tim Frederico, Acting Chief Executive Officer Dr. Gillian Kay, Director Communities Development Mr. Brad Hurren, Acting Director Community Asset Mr. Michael Craighead, Manager Administration & Corporate Services Ms. Joanne Ferrie, Manager Family Health Support Services Mr. Stuart Caldwell, Coordinator Statutory Planning Ms. Natalie Cincotta, Coordinator Communications Ms. Andrea Gaynor, Executive Manager Mayor & CEO Office
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

The Mayor, Councillor Cunial read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

Chairperson’s initials



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The Mayor acknowledged former Councillors, Brad Hill and James Dooley in the Gallery. He also acknowledged the Scout Group from Somerville.

1. PRESENTATION TO COMMUNITY GROUPS

Nil.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM307 held on 25 September 2017.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Hampton

That the minutes of the Ordinary Meeting No. OM307 held on 25 September 2017 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Nil.

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Cr McCormack declared an interest in Item 12.14: Councillor Training. Cr McCormack made a prior declaration to the Acting Chief Executive Officer and therefore will leave the chamber during discussion and voting.

Cr Bolam declared an interest in Item 12.14: Councillor Training. Cr Bolam made a prior declaration to the Chief Executive Officer and therefore will leave the chamber during discussion and voting.

5. PUBLIC QUESTION TIME

One (1) person submitted questions to Council with Notice. As the person was not present in the Gallery, a written response will be provided.

Two (2) persons submitted questions to Council without Notice. At the request of the Mayor, the Acting Chief Executive Officer read the questions. The Acting Chief Executive Officer will respond to the questions within seven (7) days.

6. HEARING OF PUBLIC SUBMISSIONS

Mr. Michael Phillips made a submission to Council regarding Item 11.2: Town Planning Application 119/2017/P - 15 Lawson Avenue Frankston South 3199 - To construct two (2) double storey dwellings to the rear of the existing dwelling (three (3) dwellings);

Ms. Jane Boswell made a submission to Council regarding Item 11.3: Planning Application 283/2017/P - To use the land at 372 Nepean Highway Frankston to sell or consume liquor (Restaurant and Café Licence) and a reduction in the car parking requirements of the Frankston Planning Scheme;

Cr Aitken left the Chamber at 7.16 pm

Cr Aitken returned to the Chamber at 7.17 pm

Ms. Helen Corcoran made a submission to Council regarding Item 14.1: NOM 1376 - Inconsistencies of Clause 52.48 - Bushfire Protection Exemptions (Known as the 10/30 Right).

Chairperson's initials



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

That Items:

- 11.2: Town Planning Application 119/2017/P - 15 Lawson Avenue Frankston South 3199 - To construct two (2) double storey dwellings to the rear of the existing dwelling (three (3) dwellings);
- 11.3: Planning Application 283/2017/P - To use the land at 372 Nepean Highway Frankston to sell or consume liquor (Restaurant and Café Licence) and a reduction in the car parking requirements of the Frankston Planning Scheme;
- 11.5: Town planning application 936/2005/P/D - 12 Hi-Tech Place Seaford - To amend the planning permit to increase the patron numbers, hours of operation, red line area, use the land for food and drink premises (cafe) and car parking reduction; and
- 14.1: NOM 1376 - Inconsistencies of Clause 52.48 - Bushfire Protection Exemptions (Known as the 10/30 Right)

be brought forward.

Carried Unanimously**8. PRESENTATIONS / AWARDS**

Nil.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil.

10. DELEGATES' REPORTS

Nil.

ITEMS BROUGHT FORWARD**11.2 Town Planning Application 119/2017/P - 15 Lawson Avenue Frankston South 3199 - To construct two (2) double storey dwellings to the rear of the existing dwelling (three (3) dwellings)**

(MP Community Development)

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

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 119/2017/P for to construct two (2) double storey dwellings to the rear of the existing dwelling (three (3) dwellings) at 15 Lawson Avenue Frankston South, subject to the following conditions:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application but modified to show:
 - (a) A Freestanding Trellis in accordance with Condition 11.
 - (b) First floor windows to Bedroom 3, Bedroom 4 and the bathroom to Dwelling 2 and to the first floor windows to Bedroom 4 and the bathroom for Dwelling 3 obscured to a minimum height of 1.7 metres above the finished floor level.
 - (c) A privacy screen (minimum 25% transparency) erected a minimum of 1.7 metres above the finished floor level on the west elevation to address overlooking from the first floor balcony on Dwelling 1 into the adjoining property at No. 17 Lawson Avenue.
 - (d) Extent of overshadowing to 6 and 7 Bolte Court annotated on the plans.
 - (e) Pedestrian sightlines are to be illustrated in accordance with Design Standard 1 of Clause 52.06-9 of the Frankston Planning Scheme.
 - (f) Turning circles demonstrating that vehicles can enter and exit the garages to Dwellings 2 and 3 and the property in a forward direction and any consequential modifications to the landscaping strip on the southern boundary.
 - (g) All trees growing on the site and on the adjoining properties within 3m of the boundaries must be clearly illustrated on all relevant plans to demonstrate canopy width, trunk location and clearly labelled in accordance with the Arborist report prepared by Constructive Arboriculture dated February 2017 and clearly state whether the tree is to be retained or removed to the satisfaction of the Responsible Authority.
 - (h) The Tree Protection Zone and Structural Root Zone for all trees to be retained and the tree protection fence locations must be illustrated on all relevant plans to the satisfaction of the Responsible Authority.
 - (i) Tree protection conditions noted in accordance with Conditions 4, 5 and 6.
 - (j) A Landscape Plan in accordance with Condition 8.

No Alterations

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

Satisfactorily Completed

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

Tree Protection

4. 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.
5. Prior to the commencement of the development (including vegetation removal), a Tree Protection Fence defined by a 1.8 metre high (minimum) temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape, must be installed around all trees to be retained, tree no. 5 (3.6m), tree no. 4 (2.4m) and the tree no. 7 (street tree) to be fenced enclosing the nature strip 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 following requirements 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.
- (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.

The tree protection fence must remain in place for the duration of building and works to the satisfaction of the Responsible Authority.

Ground Protection

6. Prior to the commencement of construction the following tree protection conditions apply within the identified Tree Protection Zones for trees located on the neighbouring property; tree no. 1 Silver Birch (3.36 metres), tree 8 Camellia (2.4 metres) and tree 9 Magnolia (2.4 metres). All tree protection conditions must be undertaken to the satisfaction of the Responsible Authority.
 - (a) No excavation works are permitted for the construction of the driveway.

Chairperson's initials



- (b) The existing driveway is to be removed by hand with works overseen by a suitably qualified and experienced Arborist.
- (c) To avoid compaction and damage to the tree trees a layer of organic mulch 200 mm thick must be laid with rumble planks/ crossing planks laid above the mulch prior to any construction vehicles accessing the site. This ground protection is to be maintained until the construction of the new driveway is completed.
- (d) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.
- (e) No storage of equipment, machinery or material is to occur.
- (f) 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.
- (g) A tree protection fence defined by a 1.8 metre high (minimum) temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape, must be installed at the closest point appropriate to the tree / at the property fence line if the existing property boundary fencing is to be removed. If no fencing can be safety erected than trunk and limb protection must be installed as per the Australian Standard AS 4970-2009 Protection of trees on development sites
- (h) If machinery is used to remove existing structures, concrete, bricks or other materials it must be located outside of the defined Tree Protection Zones with ONLY the main arm of the machine reaching into this Zone.

Tree Pruning

- 7. All tree pruning is to be carried out by a qualified and experienced Arborist who has thorough knowledge of tree physiology and pruning methods. Pruning must be carried out in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees. Any pruning works required are to be undertaken prior to any construction works beginning on site. Any pruning of trees located on a neighbouring property should be undertaken in consultation with the property owner.

Landscape Plan

- 8. Before the commencement of buildings and works, a landscape plan in accordance with the submitted development plan, prepared by a suitably qualified landscape professional must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - (a) A survey (including botanical names) of all existing vegetation on the site and those located within three (3) metres of the boundary of the site on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is proposed to be retained and/or removed;
 - (b) Buildings on neighbouring properties within three metres of the boundary;
 - (c) The delineation and details of surface finishes of all garden beds, grassed areas, pathways, driveways, retaining walls and other landscape works including areas of cut and fill throughout the development site;

- (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 range of plant types from ground covers to large shrubs and trees
- (f) Landscaping and planting within all open areas of the site
- (g) Adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
- (h) The provision of screen planting (minimum mature height of 1.5m) within a landscape strip of 60cm along the driveway
- (i) A planting theme of a minimum 40% indigenous and 40% native within each plant group;
- (j) All existing environmental weed species are to be removed from the site and environmental and noxious weeds found in the 'Sustainable Gardening in Frankston City' (2015) booklet are not to be planted.
- (k) Screen planting that achieves a height greater than the fence boundary is to be provided in the following locations:
 - Along the eastern fence boundary from the easement to the southern boundary
 - Along the western fence boundary from the easement to the southern boundary
- (l) The provision of suitable canopy trees (minimum two metres tall when planted) in the areas specified below (trees are not to be sited over easements) with species chosen to be approved by the Responsible Authority;
 - (i) One (1) within the front setback minimum mature height of 5m
 - (ii) One (1) within the private open space of Dwelling 1 with a minimum mature height of 7.0 metres.
 - (iii) Two (2) within the private open space of Dwellings 2 and 3 with a minimum mature height of 7.0 metres.
 - (iv) One (1) within the garden bed area along the driveway opposite the garage for dwelling 1 minimum mature height 7.0 metres.
 - (v) One within the garden bed area along the southern boundary at the end of the driveway minimum mature height 7.0 metres.
- (m) The provision of notes on the landscape plan regarding site preparation, including in-ground irrigation system to be provided to all landscaped areas, removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.

Prior to Occupation

- 9. The landscaping as shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or commencement of the use or at such later date as is approved by the Responsible Authority in writing.
- 10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged trees are to be replaced.

Freestanding Trellis

11. Prior to the occupation of the development, a freestanding trellis (maximum 25% openings) must be erected above the existing fences in the following locations:
- (a) To a height of 600mm above the existing fence to the north of the kitchen and secluded private open space of Dwelling 3 adjacent to the shared boundary with No. 7 Bolte Court.

The trellis must be framed and thereafter maintained to the satisfaction of the Responsible Authority.

Drainage

12. Provision of a Stormwater Detention System with a volume capable of retarding the 10 year ARI flow from the development site back to a 5 year ARI pre-development value to the satisfaction of the Responsible Authority.
13. Prior to commencement of development construction detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority.
14. Water Sensitive Urban Design principles (WSUD) must 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
 - Rainwater tanks for harvesting and re-use of stormwater for laundry, toilet flushing, landscape irrigation, etc.
 - Soil percolation
 - Rain gardens providing extended detention and on-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
15. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.

Urban Design

16. 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.
17. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.
18. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.
19. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

Permit Expiry

20. This permit will expire 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.

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.

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

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

Against the Motion: Crs Aitken, McCormack and Toms

11.3 Planning Application 283/2017/P - To use the land at 372 Nepean Highway Frankston to sell or consume liquor (Restaurant and Café Licence) and a reduction in the car parking requirements of the Frankston Planning Scheme.

(MP Community Development)

Recommendation (Director Community Development Community Development)

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 283/2017/P to reduce the number of spaces required under Clause 52.06-5 (Car Parking) and a Liquor Licence (Restaurant and Café Licence) at 372 Nepean Highway, Frankston, subject to the following conditions:

Amended Plans

1. Before the use 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) The provision of three (3) bicycle spaces to be provided within the subject site.
 - (b) A patron management plan in accordance with condition 2.

Patron Management Plan

2. Before the use starts, a patron management plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed plan. The plan must include:
 - (a) staffing and other measures which are designed to ensure the orderly arrival and departure of patrons, particularly from the car parking area at the rear of the restaurant.
 - (b) signage to be used to encourage responsible off-site patron behaviour, particularly in the car parking area at the rear of the restaurant.
 - (c) measures to control noise emissions from the premises.

No Alterations

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

Patron Numbers

4. A maximum of fifty (50) patrons may be present on the premises at any one time between the hours of 10:00am and 6:00pm (Monday to Friday), unless with the prior written consent of the Responsible Authority.
5. Excluding the aforementioned hours, a maximum of eighty (80) patrons shall be permitted at any one time, unless with the prior written consent of the Responsible Authority.

Liquor Licence Requirements

6. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place within an approved red line plan and at the premises during the following hours:
 - Monday to Sunday: 11:00 am – 10:30 pm

Permit Expiry

7. 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 ceases for a continuous period of two (2) or more years.

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

Notes

- A. 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. 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.
- D. 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.

Deferral Motion to another Council Meeting**Moved: Councillor Bolam****Seconded: Councillor Hampton**

That the matter be deferred to the November 2017 Ordinary Meeting pending further negotiations with the applicant.

Carried

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

- 11.5 Town planning application 936/2005/P/D - 12 Hi-Tech Place Seaford - To amend the planning permit to increase the patron numbers, hours of operation, red line area, use the land for food and drink premises (cafe) and car parking reduction**
(MP Community Development)

Recommendation (Director Community Development)

That Council resolves to issue a Notice of Refusal to amend the Planning Permit 936/2005/P to increase the patron numbers, hours of operation, red line area, use the land for food and drink premises (cafe) and car parking reduction on the following grounds:

1. The proposal is inconsistent with the objectives of the State and Local Planning Policy Framework of the Frankston Planning Scheme, including:
 - a) Clause 17.02-1 Industrial Land Development
 - b) Clause 21.04 - Settlement
2. The proposed use does not satisfy the purpose of Clause 33.01- Industrial 1 Zone of the Frankston Planning Scheme.

The proposal does not satisfy the purpose of Clause 52.27 - Licensed Premises of the Frankston Planning Scheme.
4. The proposal would have a detrimental effect on the amenity of the locality.

Cr McCormack left the Chamber at 7.43 pm

Deferral Motion to another Council Meeting

Moved: Councillor Bolam

Seconded: Councillor O'Connor

That the matter be deferred to the November 2017 Ordinary Meeting pending further negotiations with the applicant.

Carried

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

Cr McCormack returned to the Chamber at 7.44 pm

**14.1 NOM 1376 - Inconsistencies of Clause 52.48 - Bushfire Protection Exemptions
(Known as the 10/30 Right)**
(GK Community Development)

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Toms

That Council make representations through all local Members of Parliament with reference to the inconsistencies of the Clause 52.48 – Bushfire Protection Exemptions (otherwise known as the 10/30 Right) The introduction of a uniform ability for residents to remove trees without any impediment when located within 10 metres of their house (if constructed or approved prior to September 2009), entirely negates the recognition particularly of highly important or heritage trees that contribute greatly to the streetscape.

The irreparable damage to the character of local communities by the provision of this exemption as it currently stands means that vast numbers of trees are being removed throughout the greater Melbourne area in situations that are at either very low or negligible fire risk because of the blanket status of this provision.

This is entirely against widely upheld state policy of greening our suburbs and represents an administrative measure which was taken at a moment of understandably high public emotion following the devastating bushfires of 2009. However, as outlined above the unfortunate nett effect is that vegetation has been removed from locations where it cannot be reasonably justified.

Cr Bolam left the Chamber at 7.46 pm

Cr Bolam returned to the Chamber at 7.46 pm

Extension of Time

Moved: Councillor McCormack

Seconded: Councillor Toms

That Cr Aitken be granted an extension of time.

Carried Unanimously

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

11. CONSIDERATION OF TOWN PLANNING REPORTS

11.1 Planning Application 339/2017/P - 135 Beach Street, Frankston - To use the land to sell and consume liquor (Restaurant and Café Liquor Licence).

(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 339/2017/P to sell and consume liquor (restaurant and café licence) at 135 Beach Street, subject to the following conditions:

No Alterations

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

Patron Numbers

2. A maximum of 43 patrons shall be permitted at any one time, unless with the prior written consent of the Responsible Authority.

Liquor Licence Requirements

3. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place within an approved red line plan and at the premises during the following hours:
 - Monday: 11:00am – 9:30pm
 - Tuesday: 11:00am – 9:30pm
 - Wednesday: 11:00am – 10:00pm
 - Thursday: 11:00am – 10:00pm
 - Friday: 11:00am – 10:30pm
 - Saturday: 11:00am – 10:30pm
 - Sunday: 11:00am – 10:00pm

Permit Expiry

4. 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. Prior to the commencement of construction the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Frankston City Council's Infrastructure Department.

Chairperson's initials



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

Carried Unanimously

11.4 Planning Application 316/2017/P - Shop 8 1095 Frankston-Dandenong Road, Carrum Downs - To use the land to sell and consume liquor (Restaurant and Cafe Licence); associated with an existing food and drink premises in a Commercial 1 Zone

(MP Community Development)

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Mayer

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 316/2017/P to sell and consume liquor (Restaurant and Café Licence) at Shop 8, 1095 Frankston-Dandenong Road, Carrum Downs, 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.

Patron Numbers

2. A maximum of 121 patrons shall be permitted at any one time, unless with the prior written consent of the Responsible Authority.

Liquor Licence Requirements

3. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place within the approved red line plan and at the premises during the following hours:
 - Sunday to Thursday between 11:00am and 10:00pm.
 - On any other day between 11:00am and 10:00pm.
 - Good Friday & Anzac Day between 12:00 noon and 10:00pm.
 - Anzac Day (when it falls on Sunday to Thursday) between 12:00 noon and 10:00pm.

Permit Expiry

4. This permit will expire if one of the following circumstances applies:
 - The use of the land under clause 52.27 is not commenced within two years of the date of the permit.
 - The use of the land under clause 52.27 ceases to operate for a continued period of two years.

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

Notes

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

Carried Unanimously

12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Draft Frankston Biodiversity Policy**

(MP Community Development)

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

That:

1. Council endorses the draft Frankston Biodiversity Policy for public exhibition of Policy for a period of 6 weeks.
2. A report to be submitted to Council reviewing all submissions received with a view to formal adoption of a revised Biodiversity Policy early in 2018.

Carried Unanimously

12.2 Record of Assemblies of Councillors

(DH Chief Executive Office)

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

That Council receives the following written records:

- 31 July 2017;
- 7 August 2017;
- 9 August 2017;
- 21 August 2017;
- 23 August 2017;
- 28 August 2017;
- 6 September 2017;
- 11 September 2017;
- 12 September 2017;
- 18 September 2017; and
- 20 September 2017.

Carried Unanimously

Chairperson's initials



12.3 Frankston City Health and Wellbeing Plan 2017-2021

(LD Community Development)

Council Decision**Moved: Councillor Toms****Seconded: Councillor O'Connor**

That Council:

1. Notes the community feedback received on the draft Plan and that only minor amendments to the draft Plan have been recommended as a result (Attachment A);
2. Adopts the draft Frankston City Health and Wellbeing Plan 2017–2021 (Attachment B)
3. Adopts the draft Frankston City Health and Wellbeing Plan 2017–2021: Year One Action Plan (Attachment C)
4. Adopts the draft Health and Wellbeing Policy 2017–2021 (Attachment D); and
5. Receives the final annual review of the Frankston City Health and Wellbeing Plan 2013-2017 (Attachment E).

Carried Unanimously

12.4 Frankston City Council Annual Report 2016-2017

(SJ Corporate Development)

Cr Bolam left the Chamber at 8.11 pm

Cr Toms left the Chamber at 8.11 pm

Cr Bolam returned to the Chamber at 8.12 pm

Cr Toms returned to the Chamber at 8.13 pm

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

That Council:

1. Endorses the Annual Report 2016-2017.
2. Advises the Minister for Local Government of its endorsement of the Annual Report 2016-2017.

Carried Unanimously

Chairperson's initials



12.5 Frankston City News Editorial Committee - Terms of Reference

(SJ Corporate Development)

Recommendation (Director Corporate Development)

That Council:

1. Notes the consultation undertaken to update the Frankston City News Editorial Committee Terms of Reference.
2. Formally endorses the updated Frankston City News Editorial Committee Terms of Reference.

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Mayer

That Council:

1. Notes the consultation undertaken to update the Frankston City News Editorial Committee Terms of Reference.
2. Formally endorses the updated Frankston City News Editorial Committee Terms of Reference.
3. Amends the Frankston City News Editorial Committee Terms of Reference under the heading Editor in Chief to read 'Chief Executive Officer, as Editor in Chief', as Chief Executive Officer is ultimately responsible for Frankston City News in conjunction with the Council.

Carried Unanimously

12.6 Capital Works Annual Report for 2016/17*(CD Corporate Development)***Council Decision****Moved: Councillor Aitken****Seconded: Councillor Bolam**

That Council:

1. Receives and notes the report for the 2016/17 Capital Works Program;
2. Notes that \$27.872 million of expenditure was achieved in 2016/17, out of a total Revised (Mid-Year Budget Review) Capital Works Program budget of \$45.075 million;
3. Notes that 89% of projects were completed or underway.
3. Adopts the list of projects in Attachment C which totals \$15.582 million to be carried forward into the 2017/18 Capital Works Program; and
4. Adopts the list of Key Projects for 2017/18 as per the Project Management Framework given in Attachment D.
5. Notes the quarterly report presented on the 30 January 2016 (OM296) resolved that a benchmarking exercise be conducted by relevant staff, reviewing Frankston City Council's delivery of capital works and adherence to prescribed capital works budget allocations to other similarly sized municipalities. At the time of writing this report neighbouring councils including Knox, Casey, Kingston, Greater Dandenong and Mornington Peninsula have not finalised their annual reports. This exercise will be undertaken and reported to Council with the first quarterly report of the 2017/18 Capital Works Program in November 2017.
6. Notes the quarterly report presented on the 30 January 2016 (OM296) resolved all capital projects that are anticipated to run either over-time or over-budget must be specifically articulated in future versions of the Capital Works Quarterly Report/s forthwith. Projects with Status B (May not meet scheduled completion date and requires organisational support to bring project to plan) and Status C (On time but with expenditure expected to be above current budget) have comments listed against the projects and are detailed in Attachment B.

Carried Unanimously

12.7 Increase Animal Adoptions

(LR Community Development)

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

That Council:

1. Notes Council is obligated to comply with the provisions of the Domestic Animals Act 1994.
2. Notes the report and the approaches available to Council to increase pet adoptions and the return of lost and stray animals to their owners.
3. Notes the new Pound Services Contract is due to be presented to Council in April 2018. The contract agreement will consider any further improvements.

Carried Unanimously

12.8 Council Resolution Update Report

(MC Corporate Development)

Council Decision**Moved: Councillor O'Connor****Seconded: Councillor Toms**

That Council

1. Notes the report.
2. Note that live streaming of Council Meetings will be implemented for the first meeting in 2018.

Carried Unanimously

12.9 Progress of Council Resolutions resulting from Notices of Motion*(MC Corporate Development)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Mayer**

That Council:

1. Receives the Notices of Motion Report as at 16 October 2017.
2. Notes that the following Notices of Motion be archived from the Notice of Motion Report:
 - NOM 1258 - Civic Reception for CFA Volunteers
 - NOM 1264 - Frankston History taught in Local Schools
 - NOM 1270 - Funding for Life Saving Clubs
 - NOM 1296 - Support for Self-Funded Retirees
 - NOM 1303 - Quality of Life / Anti Social Behaviour in the Frankston
 - NOM 1312 - Unemployment in Frankston
 - NOM 1317 - Frankston Nature Conservation
 - NOM 1323 - Young Street Precinct
 - NOM 1329 - Quality of Life / Anti Social Behaviour II
 - NOM 1340 - Frankston Homelessness Count
 - NOM 1353 - Advocating for Increased Bus Services
 - NOM 1363 - Orwil Street Community House Funding
 - NOM 1369 - Chief Executive Officer Credit Card
 - NOM 1371 - Frankston Basketball Stadium

Carried Unanimously

12.10 Review of CEO's Instruments of Sub-Delegation CEO to Staff

(MC Corporate Development)

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

That Council notes the changes made by the Chief Executive Officer (CEO) to the S7 Instrument of Sub-Delegation CEO to staff which has been reviewed and updated to reflect all legislative and role title changes since it was last updated on 23 May 2016 (attached as Attachment A to this agenda).

Carried Unanimously

12.11 Proposed renaming of a section of "Moorooduc Highway Service Lane" to "Susono Way"

(MC Corporate Development)

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

That Council:

1. Having considered all written submissions, notes one submission received for and one submission against.
2. Resolves to lodge an application with the Registrar to formally change the name of the section of "Moorooduc Highway Service Lane" located on the corner of Moorooduc Highway, Foot Street and Hastings Road, directly in front of the Frankston Private Hospital to "Susono Way".
3. That the submitters to the proposed name change, be advised of Councils decision and the reasons for the decision as outlined in the body of this report.

Carried

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

Against the Motion: Cr McCormack

12.12 Kananook Creek entrance sediment management

(MR Community Development)

Recommendation (Director Community Development)

That Council:

1. Notes that this report responds to the Council meeting on 22 and 23 May 2017 (OM301) item C.4, Council Decision 4;
2. Continues to dredge the entrance of Kananook Creek;
3. Notes the potential options to reduce siltation at the entrance of Kananook Creek provided by technical experts;
4. Considers funding in the 2018/19 Capital Works budget to undertake necessary analysis of options and design for a project to reduce siltation at the Kananook Creek entrance.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Council:

1. Notes that this report responds to the Council meeting on 22 and 23 May 2017 (OM301) item C.4, Council Decision 4;
2. Continues to dredge the entrance of Kananook Creek;
3. Notes the potential options to reduce siltation at the entrance of Kananook Creek provided by technical experts;
4. Considers funding in the 2018/19 Capital Works budget to undertake necessary analysis of options and design for a project to reduce siltation at the Kananook Creek entrance; and
5. Provides a further report at the first Ordinary Meeting of 2018 on the proposed Capital Works (as mentioned in 4.) in relation to ongoing blockages at the mouth of Kananook Creek. As part of this report back to Council, technical advice should be sought from relevant authorities and local community organisations regarding the most effective mechanism/s to improve the health, cleanliness and enjoyment of Kananook Creek. The aim of this report should be to identify methods to provide siltation reduction and significantly decrease sand/silt/debris (any form of obstruction) at major arteries of the Kananook Creek.
6. Provides a report at the at the first Ordinary Meeting of 2018 on the governance proposition for the new integrated management body recently announced by the State Government, recommended to be under the auspice of Frankston City Council, to centralise responsibility for the management of Kananook Creek. The report is to supply governance options if the handover of oversight were to occur. The report is to also provide an estimation of the annual upkeep (ie. maintenance, new and renewal) costs and liabilities juxtaposed with what the State Government is presently offering (\$40k singular grant) to offset risk/s to Frankston City Council and its ratepayers.

The Kananook Creek Association and other local community groups (ie. Frankston Coastguard, Frankston Beach Association etc) are to be consulted on the aforementioned report.

Carried

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

Against the Motion: Cr Hampton

12.13 Sale of Council Land (Replacement of Public Open Space) - Part of 1R Yuille Street Frankston (Relocation of the Frankston Tennis Club and Other Matters)
(MP Corporate Development)

Council Decision

Moved: Councillor Hampton

Seconded: Councillor O'Reilly

That:

1. Council supports the inclusion of the land at 6R Lee Street Frankston in the next Prescribed Planning Scheme Amendment process pursuant to s.20 Part A of the *Planning and Environment Act 1987*.
2. Council acknowledges the inclusion of 6R Lee Street Frankston is to address the requirement to replace the public open space at 1R Yuille Street Frankston pursuant to s.20(4) of the *Subdivision Act 1988*, which is being sold to Peninsula Health in association with the expansion of the Frankston Hospital project.
3. Officers advise Council of the outcome of the Prescribed Planning Scheme Amendment process, in so far as it relates to 6R Lee Street Frankston, on completion of the statutory procedures.

Carried

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

Against the Motion: Nil

Abstained: Cr McCormack

12.14 Councillor Training Funding

(RJ Corporate Development)

Crs McCormack and Bolam left the Chamber at 8.53 pm due to a Conflict of Interest declared to the Chief Executive Officer prior to the meeting.

Recommendation (Director Corporate Development)

That Council:

1. Notes the report.
2. Notes that appropriate guidelines will be prepared to cover the use and management of funds allocated for Councillor training and development and presented to the December 2017 Council Meeting.

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

That Council:

1. Notes the report.
2. Notes that appropriate guidelines will be prepared to cover the use and management of funds allocated for Councillor training and development and presented to the December 2017 Council Meeting.
3. Authorises Councillor Bolam and Councillor McCormack to attend the Company Directors Course. Expenditure is to be sourced from the Councillor's future training budgets up to 2019/2020.

Carried Unanimously

The Mayor adjourned the meeting at 8.56 pm

The Mayor resumed at the meeting 9.06 pm with all Councillors present

13. RESPONSE TO NOTICES OF MOTION**13.1 Response to NOM 1336 - Green Infrastructure**

(MP Community Development)

Recommendation (Director Community Development)

That Council:

1. Supports the recommended key road corridors of Cranbourne Road from Fletcher to Peninsula Link; Nepean Highway from Davey Street to Liddesdale and Hastings Road from Moorooduc Highway to Young Street for boulevard treatment.
2. Notes the opportunities for promoting Green Infrastructure in Frankston.
3. Supports the implementation of a Gardens for Wildlife pilot project.
4. Notes a range of State and Federal Government rebate programs exist which are promoted by Frankston City Council. At this time additional Council based rebates are not recommended as they may duplicate existing external rebates.
5. Notes progress on the development of the Urban Forest Action Plan and that proposals to further explore and fund opportunities for Green Initiatives throughout the City will be considered in the 2018/19 budget.

Council Decision

Moved: Councillor Toms

Seconded: Councillor Mayer

That Council:

1. Supports the recommended key road corridors of Cranbourne Road from Fletcher to Peninsula Link; Nepean Highway from Davey Street to Liddesdale and Hastings Road from Moorooduc Highway to Young Street for boulevard treatment.
2. Notes the opportunities for promoting Green Infrastructure in Frankston
3. Supports the implementation of a Gardens for Wildlife pilot project
4. Notes a range of State and Federal Government rebate programs exist which are promoted by Frankston City Council. At this time additional Council based rebates are not recommended as they may duplicate existing external rebates.
5. Notes progress on the development of the Urban Forest Action Plan and that proposals to further explore and fund opportunities for Green Initiatives throughout the City will be considered in the 2018/19 budget.
6. Requests the Economic Development Officers initiate discussions between Frankston City Council and business/industry owners in relation to the installation of 'green walls' in prominent locations of the municipality and a report be presented to Council at its first Ordinary meeting of 2018.

Carried Unanimously

13.2 Response to NOM 1350 - Community Bus Service

(JF Community Development)

Recommendation (Director Community Development)

That Council:

1. Notes the service currently being provided to the community as outlined in Attachment A.
2. Notes that Family Health Support Services are currently undertaking business modelling of all services provided to the aged and individuals with a disability including transport.
3. Supports deferring any decisions on the Community Bus Service until after the business modelling report has been presented to Council in December 2017.

Council Decision

Moved: Councillor O'Connor

Seconded: Councillor Hampton

That Council:

1. Notes the service currently being provided to the community as outlined in Attachment A.
2. Notes that Family Health Support Services are currently undertaking business modelling of all services provided to the aged and individuals with a disability including transport.
3. Supports deferring any decisions on the Community Bus Service until after the business modelling report has been presented to Council in December 2017 and this report should also include proposed future uses for the Community Bus Service.

Carried Unanimously

13.3 Response to NOM 1367 - Homelessness in Australia

(LD Community Development)

Recommendation (Director Community Development)

That Council:

1. Approves the draft letter to be sent to the Prime Minister (Attachment A).
2. Approves the draft letter to be sent to the Mayor of every local Council in Australia (Attachment B).

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Bolam

That Council:

1. Approves the draft letter to be sent to the Prime Minister (Attachment A).
2. Approves the draft letter to be sent to the Mayor of every local Council in Australia (Attachment B).
3. Prepares and lodges a Notice of Motion for the next MAV State Conference (beyond October) with a view to building a compelling case for improved funding from State and Federal Governments to alleviate homelessness in Australia.
4. Also send the letter to primary care organisations such as the Salvation Army and Red Cross etc to seek their voice of support.

Carried Unanimously

13.4 Response to NOM 1374 - Frankston District Basketball Association

(LD Community Development)

Recommendation (Director Community Development)

That Council:

1. Notes the updates; and
2. Requests a further update report to its next Ordinary Meeting.

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Bolam

That Council:

1. Notes the updates; and
2. Requests a further update report to a Special Meeting on 25 October 2017.

Carried Unanimously

14. NOTICES OF MOTION**14.2 NOM 1377 - McClelland Gallery Interconnectedness and Peninsula Link**

(DH Chief Executive Office)

Councillor Recommendation

That a report be provided to Council on:

1. Improving relations with the McClelland Gallery; and furthering its interconnectedness within the greater Frankston community;
2. The potential loaning and/or gifting of sculptures - monuments to the municipality in secured and prefabbed locations to improve amenity and civic pride; and
3. Advocacy to the relevant authority on consultation with Frankston City Council/Frankston public on future sculptures - monuments on the Frankston portion of the Peninsula Link (i.e. chrome gnome, 'tree of life' etc.).

A report to Council is to be provided in December on the outcomes of the above three considerations.

*Cr Bolam sought Leave of Council to amend the title and his motion,
and Leave was granted.*

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

That a report be provided to Council on:

1. Improving relations with the McClelland Gallery; and furthering its interconnectedness within the greater Frankston community;
2. The potential loaning and/or gifting of sculptures - monuments to the municipality in secured and prefabbed locations to improve amenity and civic pride; and
3. Advocacy to the relevant authority on consultation with Frankston City Council/Frankston public on future sculptures - monuments on the Frankston portion of the Peninsula Link (i.e. chrome gnome, 'tree of life' etc.).
4. Advocacy to the relevant authority on the possibility of Frankston City Council utilising additional signage and flags, on the Peninsula Link portion of Frankston, to advertise Frankston and its surrounds (ie. Frankston Nature Conservation Reserve, The Pines Flora and Fauna Reserve, Langwarrin Flora and Fauna Reserve, Ballam Park, Frankston and Seaford foreshores, etc).

A report to Council is to be provided in December on the outcomes of the above four considerations.

Carried Unanimously

14.3 NOM 1378 - Restoration of roads damaged as a result of ongoing and future Level Crossing Removal Works

(KJ CAA Development)

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

That the Council formally writes to the LXRA organisation and relevant State Ministers expressing concern about the state of Council and non-Council roads within the municipality that have been impacted upon by heavy machinery, and increased patronage of large vehicles, due to ongoing (and future) level-crossing removal works.

The Council seeks confirmation that Council roads and non-Council roads will be returned to the standard they were in, prior to the initiation of level-crossing removal upgrades.

The Council is to make mention to particular roads that have been visibly affected by LXRA level-crossing removal efforts, such as Dandenong Road East (Frankston), David Street (Frankston) and Raymond Street (Frankston) that are now in need of resurfacing as a consequence of the aforementioned works.

The CEO is requested to ensure that other damaged roads - beyond the three mentioned - are identified to enable Frankston City Council to relay to the LXRA organisation and the State Government the full scope of damaged roads that require remedial repairs upon the completion of level-crossing removal works.

In the event that the LXRA organisation and relevant Ministers are unable to give a satisfactory commitment to the rehabilitation of damaged roads, due to level-crossing removal upgrades, then this matter is to form part of Frankston City Council's state election advocacy agenda.

Carried Unanimously

14.4 NOM 1379 - Additional Food Safety Measures

(LR Community Development)

Councillor Recommendation

That a report be provided to Council at the December Ordinary Meeting on the potential implementation of the following two measures utilised by other municipalities in relation to food safety:

1. 'Eat Safe' database which is designed to encourage adherence to good food safety practices; and

The 'I'M ALERT' online food training program (or equivalent) which could be offered to new food-based businesses and/or non-complying food-based businesses.

*Cr Bolam sought Leave of Council to amend his motion,
and Leave was granted.*

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

That a report be provided to Council at the December Ordinary Meeting on the potential implementation of the following two measures utilised by other municipalities in relation to food safety:

1. 'Eat Safe' database which is designed to encourage adherence to good food safety practices. The report is to explore the creation of an online database, available to the public as per the Brisbane City Council 'Eat Safe' model, as well as the use of certificates, which identify the food hygiene standard of given local businesses; and
2. The 'I'M ALERT' online food training program (or equivalent) which could be offered to new food-based businesses and/or non-complying food-based businesses. The report is to consider how the use of online certification - new and present – for food safety awareness can be better formalised for Safety and Compliance, as well as Planning, Environmental and Health purposes.

Deferral Motion to another Council Meeting**Moved: Councillor Hampton****Seconded: Councillor O'Reilly**

That the matter be deferred to the next Ordinary Meeting.

Lost

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

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

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

That the motion be put.

Carried

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

Against the Motion: Cr Hampton

**The Motion was then Put
and Carried**

For the Motion: Crs Aitken, Bolam, Cunial, Mayer, McCormack, O'Connor and
Toms

Against the Motion: Crs Hampton and O'Reilly

The Mayor adjourned the meeting at 9.48 pm

The Mayor resumed the meeting at 9.51 pm

14.5 NOM 1380 - Adding Value to Rates

(SJ Corporate Development)

Council Decision**Moved: Councillor O'Connor****Seconded: Councillor Toms**

That Council consider the inclusion of annual discount vouchers with annual residential and business rate notices. Vouchers for consideration should include the FRRRC (Frankston Regional Recycling and Recovery Centre), PARC (Peninsula Aquatic Recreational Centre) and the Frankston Arts Centre. The inclusion of vouchers with rate notices should be explored either on a recurrent basis or for the following budget periods: 2018/2019, 2019/2020 and 2020/2021.

That a report be provided at the first Council Meeting in 2018 on the workability of the above proposition and/or a varied version.

Carried Unanimously

14.6 NOM 1381 - Committee for the Future Occupancy of Linen House

(BD Community Development)

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

That a committee of interested Councillors, Chief Executive Officer and appropriate Council officers be formed to oversee the future occupancy of Linen House including the Expressions of Interest (EOI) that go out to organisations interested in participating.

That this committee meet on a monthly basis and report back to Council on the issues covered.

Carried Unanimously

14.7 NOM 1382 - Increased Community Gardens in Frankston City
(LD Community Development)

Cr Hampton left the Chamber at 10.10 pm

Cr Hampton returned to the Chamber at 10.12 pm

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

That a report be provided at the March 2018 Council Meeting on the practice of Community Gardens in the Frankston municipality. This report must consider:

1. Evaluation on how the four present sites are operating and what could be done to improve them.
2. Introduction of new sites to achieve greater municipal balance – Karingal, Seaford, Carrum Downs, Skye and Frankston South.
3. Investigate how to encourage residents / neighbourhood to create their own community garden cooperative. This is to include (but not limited to) grants, staff information sessions for residents, seeds and permit rental modification.

Carried Unanimously

14.8 NOM 1383 - Lack of consultation for Frankston Nature Conservation Reserve

(GK Community Development)

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

That Council:

1. Writes to the Minister for the Environment, the Hon Lily D'Ambrosio MP, expressing concern that there has been:
 - (a) No community consultation regarding current management arrangements for Frankston Nature Conservation Reserve; and
 - (b) No community consultation regarding access arrangements for Frankston Nature Conservation Reserve under the current management, noting that the reserve is presently closed to the public and that the Master Plan successfully implemented at the reserve, received overwhelming community endorsement during a thorough consultation period.
2. Seeks a meeting with Parks Victoria forthwith to discuss their future management and their proposed access arrangements.

Carried Unanimously

15. LATE REPORTS

Nil.

16. URGENT BUSINESS

Urgent Business

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Bolam

That the matter of Review of FMAC Car Precinct Plan be accepted as urgent business.

Carried

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

Against the Motion: Cr McCormack

Urgent Business – Review of FMAC Car Precinct Plan

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Bolam

That this Council conduct an urgent review of the FMAC car parking precinct plan and support strategic recommendations with detailed forecast modelling.

This will in itself ensure that an adequate future supply of car parking is created as the city's development intensity increases.

That an urgent briefing of Councillors be scheduled to start this process off.

Carried

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

Against the Motion: Nil

Abstained: Cr McCormack

Crs Mayer & Hampton noted that this was the last Ordinary Meeting for the current Mayor, Cr Cunial and thanked the Mayor for his service to the Community over the past year

17. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Hampton****Seconded: Councillor O'Reilly**

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

C.1 Visitor Information and Services Delivery Options

Agenda Item C.1 Visitor Information and Services Delivery Options is designated confidential as it relates to personnel matters (s89 2a)

C.2 Appointment of Directors to the Board of Peninsula Leisure Pty Ltd

Agenda Item C.2 Appointment of Directors to the Board of Peninsula Leisure Pty Ltd is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.3 Carrum Downs Oval No 2 Reconstruction

Agenda Item C.3 Carrum Downs Oval No 2 Reconstruction is designated confidential as it relates to contractual matters (s89 2d)

C.4 Baxter Park Soccer Pavilion Carpark Construction Project Tender Award of Works

Agenda Item C.4 Baxter Park Soccer Pavilion Carpark Construction Project Tender Award of Works is designated confidential as it relates to contractual matters (s89 2d)

C.5 Frankston Yacht Club Additional Works

Agenda Item C.5 Frankston Yacht Club Additional Works is designated confidential as it relates to contractual matters (s89 2d), and proposed developments (s89 2e)

Carried Unanimously.....
Signed by the CEO

Chairperson's initials



18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS**C.2 Appointment of Directors to the Board of Peninsula Leisure Pty Ltd**

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

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

That Council

1. Notes the exceptional performance of Peninsula Leisure Pty. Ltd, both during the establishment and ongoing operations of the Peninsula Aquatic and Recreation Centre (PARC), and since taking over operational management of the Pines Forrest Aquatic Centre.
2. Renews the appointment of Ms. Roseanne Healy as a Director and Chair of Peninsula Leisure Pty. Ltd. for a further three years, with the appointment expiring on 31 October 2020.
3. Renews the appointment of Mr Philip Johnson as a Director of Peninsula Leisure Pty. Ltd. for a further three years, with the appointment expiring on 31 October 2020.
4. Notes that the appointment of Board members allows for considered succession planning over the coming years.
5. Releases this resolution with the open minutes of this meeting.

The motion was put and Carried

C.3 Carrum Downs Oval No 2 Reconstruction

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

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

That:

1. Council approves the acceptance of the tender from Hendriksen Contractors for the *reconstruction of Oval No 2 at Carrum Downs Recreation Reserve* for \$1,073,339.65 (exclusive of GST);
2. Council notes that a project contingency of 10% (\$107,333) will be reserved outside of the contract sum and vests specific authority in the Chief Executive Officer to authorise the payment of variations from that sum;
3. Council authorises the Chief Executive Officer to sign and seal the contract;
4. A report be brought back to Council at the first Ordinary meeting in 2018 with regard to issues with the construction of Oval No 1 including reparations to the city; and
5. The recommendation (without commercially sensitive information) be released by the next open meeting of Council following signing of Contract.

The motion was put and Carried Unanimously

C.4 Baxter Park Soccer Pavilion Carpark Construction Project Tender Award of Works

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

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

That Council:

1. Approves the acceptance of the tender from Changed Latitude Pty Ltd for the Contract 2017/18-18 – Baxter Park Soccer Pavilion Carpark Construction for \$563,458.75 (exclusive of GST).
2. Notes that a project contingency of 15% (\$84,518.81) will be reserved outside of the contract sum and vests specific authority in the Chief Executive Officer to authorise the payment of variations from that sum.
3. Authorises the Chief Executive Officer to execute the documentation.
4. Releases the recommendation (without commercially sensitive information) at the first ordinary meeting following the Special Statutory Meeting of 9 November 2017.

The motion was put and Carried Unanimously

The meeting was closed to the public at 10.37 pm

CONFIRMED THIS

DAY OF

2017

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Brian Cunial, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday 16 October 2017, confirmed on Monday 20 November 2017.

.....
(Cr. Brian Cunial, Chairperson – Council Meeting)

Dated this

day of

2017

Ross Shepherd

Question 1

We met with 3 Councillors about 2.5 months ago and a written response was to be sent forth with. Points raised and since getting noticeably worse are the quantity of cars appearing down Nepean Hwy now regularly past Brodie. What's happening? Dumping wastes into the creek, what's happening? Please explain.

Response:

Numerous departments have been investigating the variety of matters raised at the meeting, including liaison with external stakeholders such as Melbourne Water and VicRoads. A response has been mailed to the address provided in the letter.