MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 29 JANUARY 2018 at 7PM

PRESENT

Cr. Colin Hampton (Mayor)
Cr. Sandra Mayer
Cr. Glenn Aitken
Cr. Brian Cunial
Cr. Michael O’Reilly
Cr. Steve Toms
Cr. Quinn McCormack
Cr. Kris Bolam
Cr. Lillian O’Connor

APOLOGIES:

Nil.

ABSENT:

Nil.

OFFICERS:

Mr. Dennis Hovenden, Chief Executive Officer
Mr. Tim Frederico, Director Corporate Development
Dr. Gillian Kay, Director Community Development
Mr. Phil Cantillon, Director Community Assets
Mr. Stuart Caldwell, Acting Manager Planning and Environment
Ms Kim Jaensch, Manager Financial Services
Mr. Jarred Stevens, Coordinator Compliance & Safety
Mr. Stephen Powell, Senior Strategic Planner
Ms. Natalie Cincotta, Coordinator Communications
Ms. Michelle Tipton, Coordinator Council Business Support
Ms. Vera Roberts, Executive Assistant to Mayor

EXTERNAL REPRESENTATIVES:

Ms. Prue Digby, Municipal Monitor

LIVE STREAMING

The Mayor advised the Gallery that the meeting is being recorded and streamed live onto Council’s website. The recording will be archived and placed on the website generally within three business days after the meeting.

Chairperson’s initials
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.”

PRAYER

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

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor Cunial 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.
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Chairperson’s initials

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29 January 2018

2018/OM1

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1. **PRESENTATION TO COMMUNITY GROUPS**
   Nil

2. **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
   Ordinary Meeting No. OM310 held on 11 December 2017.

   **Council Decision**
   Moved: Councillor Aitken  
   Seconded: Councillor O'Connor
   That the minutes of the Ordinary Meeting No. OM310 held on 11 December 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 Bolam declared an interest on Item 12.7 Mid-Year Budget Review. Cr Bolam advised that he is a former member of Life Gate Inc.

   The Mayor declared an interest on the confidential item relating to Item C.6: Peninsula Leisure Pty Ltd Company Matters. The Mayor advised that he is a Councillor representative on the Board of PARC and will leave the chamber while discussions and voting takes place.

5. **PUBLIC QUESTION TIME**
   One (1) person submitted questions to Council without notice. 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.

   *The Mayor noted the 2018 Senior Citizen of the Year, Hilary Poad and 2017 Citizen of the Year, Angel Roldan who are in the gallery.*

6. **HEARING OF PUBLIC SUBMISSIONS**
   Ms. Sophie Kusznirczuk from Contour Consulting made a submission to Council regarding Item 11.1: Town Planning Application 442/2017/P – 27 Wells Street, Frankston – to use the land to sell and consume liquor;

   Mr. Steven Turner made a submission to Council regarding Item 11.2: Frankston Planning Scheme Amendment C124 – Report on Review of Submissions to the Amendment and Progression of a Planning Panel;

   *Councillor Bolam left the chamber at 7:29 pm.*

   *Councillor Bolam returned to the chamber at 7:31 pm.*

   Mr. Frank Perry made a submission to Council regarding Item 11.2: Frankston Planning Scheme Amendment C124 – Report on Review of Submissions to the Amendment and Progression of a Planning Panel;

   Mr. Angel Roldan made a submission to Council regarding Item 12.7: Mid-Year Budget Review;

   Mr Des Schultz, volunteer from the Visitor Information Centre, made a submission to
Council regarding Item 14.1 – 2018/NOM1 – Visitor Information Centre;

**Extension of Time**

**Council Decision**

Moved: Councillor McCormack  
Seconded: Councillor Aitken

That Des Schultz be granted an extension of time.

*Carried Unanimously*

*The Mayor acknowledged former Councillor James Dooley in the gallery.*

Mr Ry Hill made a submission to Council regarding Item 12.11: Reducing plastic pollution – submission for Victorian Government Consultation.

7. **ITEMS BROUGHT FORWARD**

**Council Decision**

Moved: Councillor Aitken  
Seconded: Councillor Cunial

That Items:

- 11.1: Town Planning Application 442/2017/P - 27 Wells Street, Frankston - To use the land to sell and consume liquor (On-Premises);
- 11.2: Frankston Planning Scheme Amendment C124 - Report on Review of Submissions to the Amendment and Progression to a Planning Panel
- 12.7: 2017-2018 Mid-Year Budget Review;
- 12.11: Reducing Plastic Pollution - Submission for Victorian Government Consultation; and
- 14.1: 2018/NOM1 - Visitor Information Centre

be brought forward.

*Carried Unanimously*

8. **PRESENTATIONS / AWARDS**

Nil

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

**Petition**

**Council Decision**

Moved: Councillor Mayer  
Seconded: Councillor Toms

That the petition regarding “Don’t move the VIC” containing 1152 signatures be accepted.

*Carried Unanimously*

10. **DELEGATES' REPORTS**

Nil
ITEMS BROUGHT FORWARD

11.1 Town Planning Application 442/2017/P - 27 Wells Street, Frankston - To use the land to sell and consume liquor (On-Premises).

(SC Community Development)

Recommendation (Director Community Development Community Development)

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for application number 442/2017/P to enable the Sale and consumption of liquor (On-Premises Liquor Licence) at 27 Wells 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.

Patrons Numbers

2. 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:

   - Monday to Sunday between 11:00am and 1:00am the following day

Liquor Licence Requirements

3. Liquor sold and dispensed under this licence for Lux cinemas may only be dispensed in glasses not more than 375ml in capacity or in plastic cups or an opened container of no more than 750ml capacity.

4. Liquor for consumption in a cinema, other than a Lux cinema, may only be sold to patrons in plastic drinking containers or an opened container of not more than 375 ml capacity.

5. At all times that films are being shown in a cinema auditorium where unaccompanied minors are present, at least one staff member who is over the age of 18 years and who has completed a Responsible Serving of Alcohol program approved by the Victorian Commission for Gambling and Liquor Regulation, will check the auditorium at intervals of not more than 30 minutes duration, to ensure that liquor is not supplied to or consumed by a minor.

6. No liquor may be consumed in an auditorium showing a film rated G (General Admission) or PG (Parental Guidance), prior to 6pm, where such a film could be reasonably be characterised as a children's film, targeted to a children's audience.

7. Prior to the screening of any feature film, display a notice on the screen stating that both the purchase and consumption of liquor by patrons under the age of 18 years is prohibited on the premises. Display signage that it is an offence for a minor to purchase liquor, or for liquor to be supplied to a minor, at all liquor service areas and at the entry to each cinema.

8. At all times free (tap) water must be provided to patrons at or near liquor service points, or by the same means of service that liquor is available (e.g. waiter service) on the counter or other accessible place for patrons.

9. The lobby/bar areas must only be used in conjunction with the cinemas. Only persons who have purchased tickets to the cinema, persons attending pre-booked functions and any other person associated with a person who has either purchased tickets to the cinema or is attending a pre-booked function shall be permitted to consume liquor on the premises.

Chairperson's initials
Satisfactorily Completed

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

Permit Expiry

11. 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. Council strongly encourages the operator utilising this permit to become a member of the Frankston liquor accord.

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.

Deferral Motion to another Council Meeting

Moved: Councillor Toms
Seconded: Councillor Mayer

That the matter be deferred to allow for further consideration of options and discussions with the developer.

Carried

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

Against the Motion: Crs Aitken and McCormack
11.2 Frankston Planning Scheme Amendment C124 - Report on Review of Submissions to the Amendment and Progression to a Planning Panel (SC Community Development)

**Council Decision**

**Moved:** Councillor Cunial  
**Seconded:** Councillor Bolam

That Council:

1. Notes the submissions to Frankston Planning Scheme Amendment C124.
2. Notes the updated Frankston Planning Scheme Amendment C124 has been amended in response to submissions received. The amendments also address administrative errors.
3. Writes to Planning Panels Victoria to formally request an independent Planning Panel be convened to consider the submissions to Amendment C124.
4. Advise all submitters of Council’s decision.

*Carried Unanimously*
12.7 2017-2018 Mid-Year Budget Review  
(KJ Corporate Development)

**Council Decision**

Moved: Councillor Cunial  
Seconded: Councillor O'Reilly

That Council:

1. Receives and notes the 2017-2018 Mid-Year Budget Review report including the Financial Statements (as per Attachment A) which projects a cash surplus of $3.376 million.  
   
   **Carried Unanimously**

**Council Decision**

Moved: Councillor Cunial  
Seconded: Councillor O'Reilly

That Council:

2. Approves the 2017-2018 operating adjustments (unfavourable $659,385) and Council endorsed matters (unfavourable $483,978) (Attachment B and D).  
   
   **Carried Unanimously**

**Council Decision**

Moved: Councillor Cunial  
Seconded: Councillor O'Reilly

That Council:

3. With regards to the Council matters referred to the Mid-Year Budget (Attachment B and D), considers the following additional allocations:

   • Council does endorse the approval of funding for the Faces of Frankston campaign ($12,000 one-off cost)  

   **Carried**

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

**Council Decision**

Moved: Councillor Cunial  
Seconded: Councillor O'Reilly

That Council:

3. With regards to the Council matters referred to the Mid-Year Budget (Attachment B and D), considers the following additional allocations:

   • Council does endorse the approval of funding for the My Frankston App decals ($9,000 one-off cost)  

   **Lost**

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

Moved: Councillor Cunial  Seconded: Councillor O'Reilly

That Council:

3. With regards to the Council matters referred to the Mid-Year Budget (Attachment B and D), considers the following additional allocations:
   - Council does endorse the approval of funding for the utility consumption management resource ($66,000 ongoing cost)

Carried

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

Council Decision

Moved: Councillor Cunial  Seconded: Councillor O'Reilly

That Council:

3. With regards to the Council matters referred to the Mid-Year Budget (Attachment B and D), considers the following additional allocations:
   - Council does endorse the approval of funding for the Homelessness Count ($20,000 one-off cost)

Lost

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

Council Decision

Moved: Councillor Cunial  Seconded: Councillor O'Reilly

That Council:

3. With regards to the Council matters referred to the Mid-Year Budget (Attachment B and D), considers the following additional allocations:
   - Council does endorse the approval of funding for the Green Infrastructure ($7,000 ongoing cost)

Carried

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

Council Decision

Moved: Councillor Cunial  Seconded: Councillor O'Reilly

That Council:

3. With regards to the Council matters referred to the Mid-Year Budget (Attachment B and D), considers the following additional allocations:
   - Council does endorse the approval of funding for the Communications surrounding relief package for City Centre traders ($10,000 one-off cost)

Carried

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

Chairperson's initials
Council Decision
Moved: Councillor Cunial  Seconded: Councillor O'Reilly

That Council:

3. With regards to the Council matters referred to the Mid-Year Budget (Attachment B and D), considers the following additional allocations:
   - Council does endorse the approval of funding for the Student Action Grants ($5,000 ongoing cost)

Carried

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

Council Decision
Moved: Councillor Cunial  Seconded: Councillor O'Reilly

That Council:

4. Approves the 2017-2018 capital works program totalling $56,299,381 (a reduction of $11,315,927 due to the 2017-2018 Mid-Year adjustment and an increase of $15,544,936 relating to the 2016-2017 carried forward capital works projects.) (Attachment C).

Carried Unanimously

Council Decision
Moved: Councillor Cunial  Seconded: Councillor O'Reilly

That Council:

5. Approves the transfer of $2.277 million of rate funding for the basketball stadium to a financial reserve.

Carried Unanimously

Council Decision
Moved: Councillor Cunial  Seconded: Councillor O'Reilly

That Council:

6. Allocates the remaining cash surplus to reserves to contribute towards funding the 14 strategic priorities included in the adopted 2017 – 2021 Council Plan.

Carried Unanimously
12.11 Reducing Plastic Pollution - Submission for Victorian Government Consultation
(LU Community Assets)

**Council Decision**

**Moved:** Councillor Cunial  
**Seconded:** Councillor O'Reilly

**That:**

1. Council endorses the draft submission (Attachment A) to the Victorian Government’s Reducing Plastic Pollution consultation, for lodgement to the Victorian Government by **30 January 2018**, and makes a determination in respect to the below position options for questions two and three of the survey:

   **Carried**

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

   Against the Motion:  
   Cr Bolam

**Council Decision**

**Moved:** Councillor Cunial  
**Seconded:** Councillor O'Reilly

**That:**

2.  
(a) Council supports including thick plastic shopping bags in the plastic bag ban.

   **Carried**

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

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

**Council Decision**

**Moved:** Councillor Cunial  
**Seconded:** Councillor O'Reilly

**That:**

3.  
(a) Council supports a plastic bag ban that includes single-use lightweight plastic degradable, biodegradable and compostable shopping bags.

   **Carried**

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

   Against the Motion:  
   Crs Bolam, Cunial, Mayer and McCormack

**Council Decision**

**Moved:** Councillor Cunial  
**Seconded:** Councillor O'Reilly

**That:**

4. Attachment A is amended following Council’s determination to reflect Council’s position.

   **Carried**

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

   Against the Motion:  
   Cr Bolam
14.1 2018/NOM1 - Visitor Information Centre
(SJ Corporate Development)

**Council Decision**

**Moved: Councillor Cunial**  **Seconded: Councillor O'Reilly**

Notwithstanding the decision taken by Council at its meeting held on 16 October 2017 to move the Visitor Information Centre at the foreshore to a more central location in the CAA, the Chief Executive Officer is requested to provide a report on options for a continued Visitor Information Centre presence at the current location on the foreshore. In developing the report, the Chief Executive Officer shall ensure that the current volunteers and staff are consulted on the options.

Such consultation, in the first instance, is to include a meeting of interested Councillors, appropriate volunteers and staff of the Visitor Information Centre (VIC) to discuss various possibilities.

That this meeting be held in the next fortnight, preferably in the evening, to better enable Councillors, volunteers and staff to attend. If a further meeting is required, then that can be decided at the conclusion of this initial meeting.

The report is to be brought back to Council at its meeting held on 13 March 2018.

**Carried Unanimously**

_The Meeting was adjourned at 9.13 pm_

_The Meeting resumed at 9.21 pm with all Councillors present._
11. CONSIDERATION OF TOWN PLANNING REPORTS

11.3 Submission - Review of the Residential Aged Care Facility Reforms

(SC Community Development)

Council Decision

Moved: Councillor O’Reilly  Seconded: Councillor Toms

That:


2. Officers forward the submission to the Department of Environment, Land, Water and Planning noting that the submission is now an adopted Council position.

Carried Unanimously
11.4 October 2017 Town Planning Progress Report
(SC Community Development)

**Council Decision**
Moved: Councillor Aitken  Seconded: Councillor Cunial
That a Council receives and notes the October 2017 Town Planning Progress Report.

Carried Unanimously
11.5 November 2017 Town Planning Progress Report

(SC Community Development)

Council Decision

Moved: Councillor Cunial  Seconded: Councillor Toms

That a Council receives and notes the November 2017 Town Planning Progress Report.

Carried Unanimously
11.6 December 2017 Town Planning Progress Report  
(SC Community Development)

Recommendation (Director Community Development)
That a Council receives and notes the December 2017 Town Planning Progress Report.

Council Decision
Moved: Councillor Bolam  Seconded: Councillor Aitken
That Council:
1. Receives and notes the December 2017 Town Planning Progress Report.
2. Provides a report to Council at the March Ordinary Meeting relating to the following:
   a) That a register be added within the monthly Town Planning Progress Report to advise residents and ratepayers of any council planning matters within the municipality that are being heard before Victorian Civil and Administrative Tribunal (VCAT). The register is to list upcoming hearings and also mention the outcome of hearings, and the respective legal cost to Council;
   b) That a process is created to ensure greater consultation by officers and Council’s legal representative/s with affected residents on propositions that are due to be lodged for VCAT deliberation (example: 66A Cliff Rd, Frankston South);
   c) That a benchmarking exercise – similar to the one undertaken by Council last year relating to Capital Works – be provided in the Town Planning Progress Report every quarter comparing Frankston’s performance with neighbouring municipalities. The first benchmark is to be provided in the third quarter of 2018; and
   d) To mandate that Council receives Town Planning Progress Reports no later than two months after the cessation of a given month.

Dissent Motion
Moved: Councillor Aitken  Seconded: Councillor Bolam
That the Chair’s ruling in relation to the point of order and his comments about the NOM’s that have been submitted to Council be dissented from.

The Mayor vacated the Chair.

The Deputy Mayor assumed the Chair.

In accordance with Section 65(3) of the Governance Local Law No 1, the Deputy Mayor invited Cr Aitken to state the reasons for his dissent.
Cr Aitken advised the reason for his dissent is that it is inalienable right of any member of Council anywhere in this country to be able to put forward Notices of Motion or have a reasonable expression of opinion or their view. For anyone to call that into question, blame or otherwise by politicising it by saying this is one of the reasons we have a monitor is not only unfair but it also prejudices the role of any Councillor who is forward thinking and brings fresh ideas and information before this chamber. In fact it is a sham. They are my reasons.

In accordance with Section 65, 3 of the Governance Local Law No 1, the Deputy Mayor invited the Mayor to respond.

The Mayor thanked the Deputy Mayor and informed the Chamber that it was a shame he couldn’t call a point of order because what was said was quite out of order. I didn’t in anyway make any inference on any Councillor in this Chamber. What I said, is that this Council has made 160 Notice of Motions in the time. There was no names mentioned. If Cr Aitken takes it upon himself to say that I am trying to mention someone when in fact, we will go to the tape and hear what I said. I said this Council has moved 160 Notice of Motions and I wasn’t having a go at someone making a Notice of Motion, what I was trying to say this is something that could have been worked through before a Notice of Motion came to this Council.

The Deputy Mayor asked if the Mayor was referring to a Recommendation not a Notice of Motion.

The Mayor stated the yes he was referring to a Recommendation.

**General Motion**

Moved: Councillor Aitken  
Seconded: Councillor Bolam

That the Chair’s ruling be dissented from.

Lost

For the Motion:  
Crs Aitken, Bolam, McCormack and Toms

Against the Motion:  
Crs Cunial, Hampton, Mayer, O’Connor and O’Reilly

The Motion of dissent was defeated.

The Mayor resumed the Chair and the Meeting proceeded.

Councillor Toms left the chamber at 9:51 pm.

Councillor Toms returned to the chamber at 9:53 pm.

The Alternate Motion was then Put and lost on the casting vote of the Mayor

For the Motion:  
Crs Aitken, Bolam, Mayer and McCormack

Against the Motion:  
Crs Cunial, Hampton, O’Connor and O’Reilly

Absent:  
Cr Toms
12. CONSIDERATION OF REPORTS OF OFFICERS

12.1 Committee Minutes

(DH Chief Executive Office)

**Council Decision**

**Moved:** Councillor Cunial  
**Seconded:** Councillor O’Connor

That the minutes of the following Committee be received:

- Frankston City News Editorial Committee Meeting – September 2017;
- Frankston City News Editorial Committee Meeting – November 2017 and that Cr Mayer’s attendance at this meeting be recorded;
- Frankston City News Editorial Committee Meeting – December 2017;
- Advocacy Sub Committee Meeting Minutes – November 2017; and

**Carried Unanimously**
12.2 Resolution Progress Update  
*(MC Corporate Development)*

**Council Decision**

**Moved:** Councillor Cunial  
**Seconded:** Councillor O'Connor

That Council:

1. Receives the Notices of Motion Report as at 29 January 2018.
2. Approves the archiving of the following Notices of Motion from the Notices of Motion Report:
   - NOM 1274 - Procurement Policies and Contract
   - NOM 1279 - Local Government/State Government Financial Arrangements
   - NOM 1295 - Mental Health
   - NOM 1311 - St Kilda Football Club Withdrawal
   - NOM 1367 - Homelessness in Australia
   - NOM 1373 - Funds from Trader's Assistance Package
   - NOM 1378 - Restoration of roads damaged as a result of ongoing and future Level Crossing Removal Work
   - NOM 1388 - Recognition and appreciation of services by Carol Morris
   - NOM 1393 - Centenary Park Golf Course.
3. Notes that since 22 November 2017, 55 resolutions have been completed, as detailed in the Notices of Motion Report.
4. Notes that the following reports will not be presented back to Council by its advised date:
   - Capital Works Annual Report 16/17 benchmarking
   - Beckwith Grove Bridge – checks and balances process
   - Carrum Downs Oval No 2
   - Kananook Creek entrance sediment management
   - NOM 1316 - Frankston Ambassador
   - NOM 1375 East West Wells St
5. Notes the progress made on the Urgent Business item from 20 November 2017 regarding Seaford Farmers Market, and approves the closure and archiving of this item.

*Carried Unanimously*
12.3 Appointment and Authorisation of Council Staff

(MC Corporate Development)

**Council Decision**

**Moved:** Councillor McCormack  **Seconded:** Councillor Toms

That:

1. Pursuant to section 147(4) of the Planning and Environment Act 1987 (‘Act’) Council appoints the officers listed in the confidential attachments to be authorised officers for the purposes of enforcing the Act and the regulations made under the Act.

2. The Instrument of Appointment and Authorisation in respect of each of the officers listed above be signed and sealed.

**Carried Unanimously**
12.4 Review of Council's S6 Instrument of Delegation - Council to Members of Staff

(MC Corporate Development)

**Council Decision**

Moved: Councillor Toms  
Seconded: Councillor O'Connor

That in the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (‘Act’) and the other legislation referred to in the *S6 Instrument of Delegation - Council to Members of Staff* (‘Instrument’) which is included as Attachment A:

1. Council delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the Instrument, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in the Instrument.

2. The Instrument be signed and sealed.

3. The Instrument comes into force immediately upon the affixing of Council’s common seal; and remains in force until Council determines to vary or revoke it.

4. On the coming into force of the Instrument, the previous Instrument which was adopted by Council on 4 September 2017 is revoked.

5. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be exercised, in accordance with any guidelines or policies that Council may from time to time adopt.

**Carried Unanimously**
12.5 Authorisation of Instrument of Delegation - Frankston Arts Board

*(MC Corporate Development)*

**Council Decision**

**Moved:** Councillor Bolam  
**Seconded:** Councillor Cunial

That Council:

1. Approves the revised Instrument of Delegation to the Frankston Arts Board (included as Attachment A); and

2. Authorises the signing and sealing of the attached Instrument of Delegation to the Frankston Arts Board.

*Carried Unanimously*
12.6 Proposed discontinuance of an unused government road - corner of North and Aldershot Roads, Langwarrin

(MC Corporate Development)

**Council Decision**

**Moved:** Councillor Cunial  
**Seconded:** Councillor Toms

That the statutory procedures be commenced pursuant to Schedule 10, clause 3 of the Local Government Act 1989, for discontinuance of the unused government road at the corner of North and Aldershot Roads in Langwarrin, shown on the dimensioned survey plan included as Attachment A.

**Carried Unanimously**
12.8 Commercial Foreshore Parking Permits  
(LR Community Development)

Recommendation (Director Community Development)

That Council:

1. Notes that the current Foreshore Parking Guidelines were approved to assist with easing congestion at Foreshore car parks.
2. Notes the impact of permitting additional foreshore parking permits will be a reduction of available parking and additional congestion to foreshore parking areas.
3. Notes the issuing of 2 permits to commercial properties is estimated to be $85K per annum comprising $70K loss of revenue and $15K printing and postage of permits.
4. Maintains the current status of the Foreshore Parking Permit Guidelines which are due for review in 2019.

Council Decision

Moved: Councillor Bolam  
Seconded: Councillor Aitken

That Council:

1. Notes the current Foreshore Parking Permit Guidelines which were to assist with easing congestion in foreshore car parks, are due for review in 2019.
2. Notes the issuing of additional permits to all commercial ratepayers is estimated to be $85K per annum comprising $70K loss of revenue and $15K printing and postage of permits.
3. Approves issuing up to 2 foreshore parking permits to commercial ratepayers who live outside the Frankston municipality, subject to the following conditions:
   a) That permits would be applied for online providing ABN Registration details, and
   b) The registration number of the vehicle utilising the permit must be provided with their application and displayed on the permit.

Carried

For the Motion:  Crs Aitken, Bolam, Mayer, McCormack, O'Connor and Toms
Against the Motion:  Crs Cunial, Hampton and O'Reilly
11.6 December 2017 Town Planning Progress Report
(SC Community Development)

It was brought to the Mayor’s attention that Council had not finalised Item 11.6: December 2017 Town Planning Progress Report and the Mayor asked for a mover to endorse the officer’s recommendation.

Council Decision

Moved: Councillor Mayer               Seconded: Councillor O’Connor

That a Council receives and notes the December 2017 Town Planning Progress Report.

Carried Unanimously

(LU Community Assets)

Cr Bolam left the Chamber at 10.24 pm

Council Decision

Moved: Councillor Cunial    Seconded: Councillor Mayer

That Council receives and notes the results for the organisation’s energy, water and greenhouse performance of Council’s facilities and sites (where Council paid the utility bills and had full operational control) for 2016/17, including progress towards its adopted targets.

Carried Unanimously

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

Against the Motion:    Nil

Absent:    Bolam
12.10 Major Projects Advisory Committee - Terms of Reference

(LU Community Assets)

Council Decision

Moved: Councillor Aitken  Seconded: Councillor Toms

That Council:

1. Adopts the revised Terms of Reference, and

2. Amends the resolution from Council’s Ordinary Meeting on 25 September 2017 (OM307) for a report on the operation and efficacy of the Major Projects Advisory Committee from May 2018 to December 2018 so that the Terms of Reference may be reviewed and refined.

Carried Unanimously

Cr Bolam returned to the chamber at 10.26 pm
13. RESPONSE TO NOTICES OF MOTION

13.1 Response to NOM 1245 - Frankston Volunteer Coast Guard

(VG Community Assets)

**Recommendation (Director Community Assets)**

That Council:

1. Notes that at the August Ordinary Meeting it supported the need for a permanent mooring for the Coast Guard and resolved that a letter be written to the State Government seeking funding for up to $10M for a new Coast Guard building and adequate breakwater facilities.

2. Supports undertaking the hydrological studies, modelling and development of concept plans for the construction of the breakwater subject to success of the current $500,000 Federal Government grant application.

3. Notes the results of further community consultation. The consultation comprised a community survey and community forum indicated support for the project.

4. Allocates $55,000 to the Capital Works budget 2018/19 for the geotechnical investigation and preparation of concept plans associated with the Coast Guard building.

**Council Decision**

_Moved: Councillor Bolam  Seconded: Councillor Aitken_  

That Council:

1. Notes that at the August Ordinary Meeting it supported the need for a permanent mooring for the Coast Guard and resolved that a letter be written to the State Government seeking funding for up to $10M for a new Coast Guard building and adequate breakwater facilities.

2. Supports undertaking the hydrological studies, modelling and development of concept plans for the construction of the breakwater subject to success of the current $500,000 Federal Government grant application.

3. Supports the public release of Council’s $500,000 grant application to the Federal Government, subject to the Chief Executive Officer’s final approval.

4. Notes the results of further community consultation. The consultation comprised a community survey and community forum indicated support for the project.

5. Allocates $55,000 to the Capital Works budget 2018/19 for the geotechnical investigation and preparation of concept plans associated with the Coast Guard building.

_Carried_

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

Against the Motion: Cr Aitken
13.2 Further Response to NOM 1336 - Green Infrastructure - Installation of Green Walls

(SJ Corporate Development)

Recommendation (Director Corporate Development)

That Council:

1. Notes the opportunity to include green walls and facades into the Neighbourhood Shopping Centres Master Plan
2. Considers the opportunity to establish a Façade Improvement Grant (incorporating Green Walls) and that a report on this be provided to Council at the March 2018 Ordinary Meeting.

Council Decision

Moved: Councillor Toms     Seconded: Councillor Aitken

That Council:

1. Notes the opportunity to include green walls and facades into the Neighbourhood Shopping Centres Master Plan
2. Considers the opportunity to establish a Façade Improvement Grant (incorporating Green Walls) and that a report on this be provided to Council at the March 2018 Ordinary Meeting.
3. Notes that the report also locate a site and required funding to conduct a trial / 'proof of concept' relating to Green Walls within Central Frankston.

Carried Unanimously
13.3 Further Response to NOM 1373 - Funds from Trader's Assistance Package and Response to Joint Letters - City Centre Market  
(SJ Corporate Development)

Recommendation (Director Corporate Development)

That Council:

1. Notes this report
2. Endorses the commencement of an expression of interest process for the establishment of a city centre market on Wells Street (central-east) and/or central Young Street (Stage 1).
3. Supports the theme of the market featuring fresh produce and/or non-mass manufactured products that could otherwise be bought in city centre retail premises.
4. The expression of interest process will enable prospective market operators to determine stall type, time of day, day of the week and frequency of the city centre market.
5. Notes that there is no need to allocate any additional funds through the Mid-Year Budget Review.
6. Requests that the joint petitioners be advised of this decision.

Council Decision

Moved: Councillor Toms Seconded: Councillor Aitken

That Council:

1. Notes this report
2. Endorses the commencement of an expression of interest process for the establishment of a city centre market on Young Street.
3. Supports the theme of the market featuring fresh produce and/or non-mass manufactured products that could otherwise be bought in city centre retail premises.
4. The expression of interest process will enable prospective market operators to determine stall type, time of day, day of the week and frequency of the city centre market and that Council indicates a preference for the timing of the market to be late afternoon into the early evening.
5. Notes that there is no need to allocate any additional funds through the Mid-Year Budget Review.
6. Requests that the joint petitioners be advised of this decision.

Carried

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

Against the Motion: Cr O'Reilly

Extension of Time to Meeting

Moved: Councillor Cunial Seconded: Councillor Aitken

That the meeting be extended to 11.30 pm

Carried Unanimously
13.4 Response to NOM 1380 - Adding Value to Rates
(KJ Corporate Development)

Council Decision

Moved: Councillor O'Connor  Seconded: Councillor O'Reilly

That:
1. Council notes the report, and
2. Refers consideration of initiatives for discussion during the 2018/2019 budget development process.

Carried

Councillor Mayer left the chamber at 11:02 pm
Councillor Mayer returned to the chamber at 11:06 pm

For the Motion:  Crs Bolam, Cunial, Hampton, Mayer, O'Connor, O'Reilly and Toms
Against the Motion:  Crs Aitken and McCormack
13.5 Response to NOM 1384 - Citywide Summit

*(LD Community Development)*

**Recommendation (Director Community Development)**

That Council notes:

- An internal audit of the Frankston 2025 Vision showed 18 actions had a direct influence on Frankston’s image and civic pride. All of these have been addressed.
- 21 of the 23 actions in the 2013-17 Community Plan have been implemented. These actions complement Frankston’s image and civic pride.
- The implementation for the 2017-2021 Community Plan is focused on working alongside the community to achieve the Vision and showcase the immense talent and pride in Frankston. This work, to be undertaken over 4 years, has recently commenced.

**Council Decision**

**Moved: Councillor Bolam  Seconded: Councillor Toms**

That Council:

1. Notes an internal audit of the Frankston 2025 Vision showed 18 actions had a direct influence on Frankston’s image and civic pride. All of these have been addressed.

2. Notes that the remaining two actions in the 2013-2017 Community Plan be provided in greater detail at the next Ordinary Meeting in the form of a report with anticipated delivery estimation; and

3. Notes that immediate themes / projects with a focus on improving Frankston’s image and cultivating civic pride, within the 2017-2021 Community Plan, also be included in the aforementioned report with anticipated costings and delivery estimation.

*Carried*

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

Against the Motion: Cr Hampton
14. NOTICES OF MOTION

14.2 2018/NOM -2 - Election Advocacy
(SJ Corporate Development)

**Councillor Recommendation**

Moved: Councillor Bolam  Seconded: Councillor Aitken

That:

1. A detailed election advocacy update be provided to Council in the form of a report from March 2018 until the conclusion of both state and federal elections. This report is to be an ongoing agenda item that is to come before Council every two months. The report is to detail advocacy efforts, advocacy updates, status of election advocacy priorities, status of outstanding council actions relative to election advocacy, dedicated state and federal election commitments, council expenditure on election advocacy and any directions sought from Council in relation to the state and federal election advocacy efforts;

2. A report is to be provided to Council at the April Ordinary Meeting on Council pursuing a State and Federal funded regional drug and alcohol rehabilitation facility. The report is to suggest how to stage the approach and how this priority can be worded / articulated in Council’s State and Federal election advocacy campaigns (if Council determines to proceed with it as a formal priority);

3. The Council is to re-affirm its commitment for the relocation of opioid dispensaries from the ‘Frankston Central Activities Area’ (FCAA) to the Frankston Hospital precinct. In order to give this ‘health hub’ model credibility, officers are to ascertain any legislative hurdles (to having a moratorium on opioid services being provided by pharmacies in the FCAA) that are in existence and the anticipated funding required for such ‘health hub’. Findings are to be presented at the April Ordinary Meeting; and

4. a) That the Council is to write to the Federal Government, notably Mr Chris Crewther MP (Federal Member for Dunkley) and relevant ministers, clarifying Frankston’s present and future contribution/s from the $300M National Ice Taskforce funding allotment relating to substance abuse (given the Frankston LGA’s higher than average record of substance abuse); and

   b) Furthermore, the Council is to approach Peninsula Health (Frankston Hospital) about a joint funding partnership for a Local Drug Action Team (LDAT) as is advocated by the Australian Alcohol and Drug Foundation to mitigate drug and alcohol abuse. If a funding arrangement can be established, the Council is to then apply for a funding grant through the Australian Alcohol and Drug Foundation. Councillors are to be updated on the outcome of discussions at a Councillor – EMT Briefing before the Australian Alcohol and Drug Foundation funding deadline elapses. Any funding from Frankston City Council for the creation and maintenance of a LDAT is to be referred to the 2018/2019 Annual Budget for consideration.

**Deferral Motion to another Council Meeting**

Moved: Councillor Cunial  Seconded: Councillor O’Reilly

That the matter be deferred pending discussions with the Advocacy Sub-Committee.

*Carried*
For the Motion: Crs Cunial, Hampton, Mayer, O'Connor, O'Reilly and Toms
Against the Motion: Crs Aitken, Bolam and McCormack
15. LATE REPORTS
16. **URGENT BUSINESS**

**Urgent Business**

**Council Decision**

Moved: Councillor Mayer  
Seconded: Councillor Cunial

That the matter of Cr Toms Leave of Absence be accepted as urgent business.

*Carried Unanimously*

**Cr Toms Leave of Absence**

**Council Decision**

Moved: Councillor Mayer  
Seconded: Councillor Cunial

That leave of absence be granted to Cr Steve Toms for the period 11 March 2018 to 25 March 2018.

*Carried Unanimously*
17. CONFIDENTIAL ITEMS

Council Decision

Moved: Councillor Cunial Seconded: Councillor Toms

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 Frankston Charitable Fund Committee of Management Nominees
   Agenda Item C.1 Frankston Charitable Fund Committee of Management Nominees is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.2 Issuing Small Business Grants
   Agenda Item C.2 Issuing Small Business Grants is designated confidential as it relates to contractual matters (s89 2d)

C.3 Major Local Community Grants Outcome
   Agenda Item C.3 Major Local Community Grants Outcome is designated confidential as it relates to personnel matters (s89 2a)

C.4 Audit and Risk Management Committee – Chairperson’s Annual Report to Council
   Agenda Item C.4 Audit and Risk Management Committee – Chairperson’s Annual Report to Council is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.5 PARC Pool Closure and Rectification works update
   Agenda Item C.5 PARC Pool Closure and Rectification works update is designated confidential as it relates to contractual matters (s89 2d)

C.6 Peninsula Leisure Pty Ltd Company Matters
   Agenda Item C.6 Peninsula Leisure Pty Ltd Company Matters is designated confidential as it relates to contractual matters (s89 2d)

C.7 Temporary occupation of RF Miles Reserve Seaford
   Agenda Item C.7 Temporary occupation of RF Miles Reserve Seaford is designated confidential as it relates to contractual matters (s89 2d)

Carried Unanimously

Signed by the CEO
18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS

C.3 Queens Baton Relay - Council Selected Batonbearer Nomination (considered at OM301 – 22 May 2017)

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 Bolam  **Seconded:** Councillor Toms

That Council:

1. Nominates Matt Rizzo to be the council endorsed ‘baton bearer’.
2. Nominates Auntie Carolyn Briggs to be the ‘specialised baton bearer’ and Peter Patterson as the backup nominee, should Auntie Carolyn Briggs not be comfortable in accepting the role due to being required to transport the baton by watercraft.
3. Nominees to be kept confidential until the selected community members are informed and agree to the nomination and the GC2018 selection process.

*The motion was put and Carried*

C.1 Proposed Recipients for Citizen, Young Citizen, Senior Citizen and Community Event of the Year Awards for 2018

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 Aitken  **Seconded:** Councillor Bolam

That:

1. Council awards the Citizen of the Year Award for 2018 to Mrs Cheryl Myers;

*The motion was put and Carried*

**Council Decision**

**Moved:** Councillor Cunial  **Seconded:** Councillor Bolam

2. Council awards the Young Citizen of the Year Award for 2018 to Miss Eilis Peters;

3. Council awards the Senior Citizen of the Year Award for 2018 to Ms Hilary Poad;

*The motion was put and Carried*

2. Council awards the Community Event of the Year for 2018 to Rotary Club of Frankston’s Seaford Farmers Market;

5. The award recipients be notified of Council’s decision after the meeting, and the names of the winners be embargoed until Australia Day 2018, where the awards will be presented to the winners at the Australia Day Citizenship Ceremony; and

6. The resolution be incorporated in the public minutes of the February Meeting.

*The motion was put and Carried*

**Council Decision**

**Moved:** Councillor Cunial  **Seconded:** Councillor O'Reilly

3. Council awards the Senior Citizen of the Year Award for 2018 to Ms Hilary Poad;

*The motion was put and Carried*
C.1 Frankston Charitable Fund Committee of Management Nominees (considered at 2018/OM1 29 January 2018)

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 Cunial**  
**Seconded: Councillor Bolam**

That Council:

1. Formally writes to the retiring Committee of Management members, Tony Wells and Michelle Graham, thanking them for their dedicated service to the Frankston Charitable Fund.
2. Re-appoints Karin Hann to the Frankston Charitable Fund Committee of Management for a further two year term.
3. Appoints Shane Thomas to the Frankston Charitable Fund Committee of Management for a two year term.
4. Advises and thanks unsuccessful applicants for their interest in the Frankston Charitable Fund Committee of Management.
5. Readvertises remaining vacant Frankston Charitable Fund Committee of Management roles.
6. Resolves that the recommendation be released immediately following the meeting.

*The motion was put and Carried*

C.2 Issuing Small Business Grants (considered at 2018/OM1 29 January 2018)

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

**Deferral Motion to another Council Meeting**

**Moved: Councillor Aitken**  
**Seconded: Councillor Toms**

That the matter be deferred.

*The motion was put and Carried*
The meeting was closed to the public at 11.14 pm

CONFIRMED THIS DAY OF 2018

…………………………………………………………
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Colin Hampton, 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 29 January 2018, confirmed on Monday 19 February 2018.

…………………………………………………………
(Cr. Colin Hampton, Chairperson – Council Meeting)

Dated this day of 2018