



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 1 APRIL 2019 at 7.02PM**

PRESENT	Cr. Michael O'Reilly (Mayor) Cr. Colin Hampton Cr. Sandra Mayer Cr. Glenn Aitken Cr. Brian Cunial 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. Michael Papageorgiou, Manager Planning & Environment Ms. Brianna Alcock, Acting Manager Governance and Information Mr. Stuart Caldwell, Coordinator Statutory Planning Mr. Martin Poole, Manager Commercial Services Mr. Taylor McVean, Coordinator Communications Ms. Michelle Tipton, Coordinator Governance Ms. Vera Roberts, Executive Assistant to Mayor
EXTERNAL REPRESENTATIVES:	Ms. Prue Digby, Municipal Monitor

COUNCILLOR STATEMENT

Councillor Bolam made the following statement:

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

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

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

Chairperson's initials

PRAYER

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

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor Toms 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

A handwritten signature in black ink, appearing to be 'Mayer', written over a light grey grid background.

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The Mayor acknowledged former Councillor, Mrs Judy Wachendorfer, who was present in the Chamber

1. PRESENTATION TO COMMUNITY GROUPS

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM3 held on 12 March 2019.

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Aitken

That the minutes of the Ordinary Meeting No. OM3 held on 12 March 2019 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 Hampton declared a conflict of interest on Item C1: Outcomes of the Audit and Risk Committee meeting. Cr Hampton advised that he would leave the Chamber during debate and discussion.

Phil Cantillon and Dr Gillian Kay declared a conflict of interest on item C1: Outcomes of the Audit and Risk Committee meeting and advised that they would leave the chamber during debate and discussion.

5. PUBLIC QUESTION TIME

One (1) person submitted questions to Council. As the person was not present in the gallery, the questions and answers were not read and the response will be sent by mail to the person with seven (7) days. The questions and answers are contained in Appendix.

6. HEARING OF PUBLIC SUBMISSIONS

Mr Malcolm Daff made a submission to Council regarding Item 12.1: Frankston Coast Guard Facility and Boat Refuge – Outcome of Community Consultation;

Mr Johann de Bree, on behalf of the Frankston Beach Association, made a submission to Council regarding Item 12.1: Frankston Coast Guard Facility and Boat Refuge – Outcome of Community Consultation;

Mr Warwick Exton made a submission to Council regarding Item 12.1: Frankston Coast Guard Facility and Boat Refuge – Outcome of Community Consultation;

Ms Michele McKinlay made a submission to Council regarding Item 12.1: Frankston Coast Guard Facility and Boat Refuge – Outcome of Community Consultation;

Mr Bob Graham made a submission to Council regarding Item 12.1: Frankston Coast Guard Facility and Boat Refuge – Outcome of Community Consultation;

Chairperson's initials



Mr Rob Thurley made a submission to Council regarding Item 12.1: Frankston Coast Guard Facility and Boat Refuge – Outcome of Community Consultation;

Mr Kevin English, on behalf of the Australian Volunteer Coast Guard, made a submission to Council regarding Item 12.1: Frankston Coast Guard Facility and Boat Refuge – Outcome of Community Consultation;

Ms Judy Wachendorfer made a submission to Council regarding Item 12.1: Frankston Coast Guard Facility and Boat Refuge – Outcome of Community Consultation;

Mr Glenn Cooper, on behalf of 'That's the Thing about Fishing', made a submission to Council regarding Item 12.1: Frankston Coast Guard Facility and Boat Refuge – Outcome of Community Consultation;

Councillor Mayer left the chamber at 7:53 pm

Mr Mark Jackson made a submission to Council regarding Item 12.1: Frankston Coast Guard Facility and Boat Refuge – Outcome of Community Consultation;

Councillor Mayer returned to the chamber at 7:56 pm

Mr Steve Walker, on behalf of the Boating Industry Association, made a submission to Council regarding Item 12.1: Frankston Coast Guard Facility and Boat Refuge – Outcome of Community Consultation;

Ms Antonia Emerson, on behalf of the owner, made a submission to Council regarding Item 11.1: Planning Permit Application 468/2018/P – 6 Blair Avenue, Frankston South – to construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings);

Mr Michael Block made a submission to Council regarding Item 11.1: Planning Permit Application 468/2018/P – 6 Blair Avenue, Frankston South – to construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings);

Ms Lisa Block made a submission to Council regarding Item 11.1: Planning Permit Application 468/2018/P – 6 Blair Avenue, Frankston South – to construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings);

Mr Jai Block made a submission to Council regarding Item 11.1: Planning Permit Application 468/2018/P – 6 Blair Avenue, Frankston South – to construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings);

Mr Alan Kayman, acting for the applicant, made a submission to Council regarding Item 11.2: Planning Application No 632/2018/P – Shop 8, Station Street, Seaford – to use the land to sell and consume liquor in association with an existing restaurant;

Ms Hilary Poad made a submission to Council regarding Item C2: Proposed sale of Council Land.

7. ITEMS BROUGHT FORWARD**Council Decision****Moved: Councillor Hampton**

That Items below be brought forward:

- Item 11.1: Planning Permit Application 468/2018/P – 6 Blair Avenue, Frankston South – to construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)
- Item 11.2: Planning Application No 632/2018/P – Shop 8, Station Street, Seaford – to use the land to sell and consume liquor in association with an existing restaurant
- Item 12.1: Frankston Coast Guard Facility and Boat Refuge – Outcome of Community Consultation

Carried Unanimously

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

That Item C.2: Proposed Sale of Council Land be brought forward into Open Council.

Carried

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

Against the Motion: Crs Cunial, O'Connor and O'Reilly

8. PRESENTATIONS / AWARDS

Nil.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS**General Motion****Council Decision****Moved: Councillor Cunial****Seconded: Councillor Hampton**

That the petition containing 1440 signatures requesting financial support from the state government for a safe boat refuge and Coast Guard facilities be accepted

Carried Unanimously

Cr Toms tabled a petition from Frankston Beach Association and the CEO deemed the petition was not compliant under Governance Local Law No. 1 (Division 9 – 67(4)(5))

10. DELEGATES' REPORTS

Nil

Chairperson's initials



ITEMS BROUGHT FORWARD**11.1 Planning Permit Application 468/2018/P – 6 Blair Avenue Frankston South – To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings).**

(MP Community Development)

Officer Recommendation

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 468/2018/P for construction of one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings).

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 sheets 1-8. Issue A, dated 01/8/2018, prepared by Phillip Harvey and Associates, but modified to show:
 - (a) Swept path assessments for vehicle turning within the site.
 - (b) Dwelling 2 setback from east boundary in accordance with the amended plans, sheet 2 and 3, issue B, prepared by Phillip Harvey and Associates.
 - (c) Relocation of the bedroom 2 window and deletion of bedroom 3 window of dwelling 2 at the east elevation in accordance with the amended plans, sheet 3 and 5 of issue B, prepared by Phillip Harvey and Associates.
 - (d) The tree protection fence locations must be illustrated on all relevant plans in accordance with condition 4.
 - (i) Tree protection conditions noted in accordance with Conditions 3 and 4.
 - (f) A Landscape Plan in accordance with Condition 5.
 - (g) Outdoor lighting along the driveway in accordance with Condition 18.

No Alterations

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

Tree Protection

3. 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.
4. 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 at the edge of the defined tree protection zone that extends within the road reserve of Trees 1 and 2 as per the Arborist report prepared by Constructive Arboriculture dated August 2018, to the satisfaction of the Responsible Authority. A fixed sign is to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from Frankston City Council".

The requirements below must be observed within this area –

- a) Coarse mulch laid to a depth of 50-100 mm (excluding street trees).

Chairperson's initials



- 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

Landscaping Plans

5. 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. 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) The tree number, T.P.Z., S.R.Z. and notations regarding protection methods during construction of retained trees;
 - c) buildings on neighbouring properties within three metres of the boundary;
 - d) 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;
 - e) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
 - f) a range of plant types from ground covers to large shrubs and trees;
 - g) landscaping and planting within all open areas of the site
 - h) adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - i) the provision of screen planting (minimum mature height of 1.5m) within a landscape strip of 60cm at the interface of the property boundary and driveway
 - j) A planting theme of a minimum 60% indigenous and 40% native within each plant group;
 - k) 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' (2018) booklet are not to be planted.

- 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 10m.
 - ii. Two (2) within the private open space of dwelling 2 minimum mature height 7m.
- 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.
- n) All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use

Completion of Landscaping

6. 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 or at such later date as is approved by the Responsible Authority in writing.
7. 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.

Drainage

8. 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.
9. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
 - On-site stormwater detention and rainwater tanks.
 - Soil percolation
 - Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc
 - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
10. Prior to commencement of development construction detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority.
11. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.

Access and Parking

12. Existing vehicle crossing to be retained, should the crossing be damaged during construction works the crossing must be reconstructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
13. Prior to occupation of the dwellings hereby permitted by this permit starts, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be:
 - a. Constructed to the satisfaction of the Responsible Authority;

- b. Properly formed to such levels that they can be used in accordance with the plans;
 - c. Surfaced with an all-weather sealcoat; and
 - d. Drained and maintained to the satisfaction of the Responsible Authority.
 - e. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
14. Where the development involves work on or access to Council controlled land including roads, reserves and right of way, the owner, operator and their agents under this permit must at all times take adequate precautions to maintain works to the highest public safety standards, to the satisfaction of the Responsible Authority.

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

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

Urban Design

15. 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.
16. Mailboxes shall be provided to the proposed dwellings to the satisfaction of the Responsible Authority and Australia Post.
17. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.
18. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

Satisfactorily Completed

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

Permit Expiry

20. This permit will expire if one of the following circumstances applies:
 - The development is not started within two (2) years of the date of this permit.
 - The development is not completed within four (4) years of the issued date of this permit.

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

Notes

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.

Chairperson's initials



- B. Prior to the commencement of construction the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Frankston City Council's Infrastructure Department.
- C. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed timeframes:
- Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
 - Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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

Council Decision

Moved: Councillor Toms

Seconded: Councillor Aitken

That Council resolves to issue a Notice of Refusal to Grant a Planning permit in respect to Planning Application Number 468/2018/P for the construction of one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings), on the following ground:

- The proposed development is contrary to the objective of the Neighbourhood Character Policy at Clause 22.08 of the Frankston Planning Scheme, in that it would not reinforce the bush character of the area and the landscape of the Sweetwater creek environs through the removal of existing vegetation, and provision of insufficient space for suitable landscaping.
- The proposed development of a double storey dwelling to the rear of the property will create unreasonable visual amenity impacts to adjoining sensitive private open space areas through the appearance of unrelieved visual bulk.
- The proposed development does not make sufficient contribution to the landscape character of the Sweetwater Creek area as sought by the objectives of Clause 22.08 (Neighbourhood Character Policy) and Clause 42.03 (Significant Landscape Overlay 4) of the Frankston Planning Scheme.
- The excessive visual bulk of the building, building scale and interface with neighbouring properties is not appropriate and in keeping with the neighbourhood precinct of Frankston South.

Extension of Time

Moved: Councillor Aitken

Seconded: Councillor O'Connor

That Cr Toms be granted an extension of time.

Carried Unanimously

Chairperson's initials



Extension of Time**Moved: Councillor Toms****Seconded: Councillor McCormack**

That Cr Aitken be granted an extension of time.

Carried Unanimously**The motion was put and
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



11.2 Planning Application No. 632/2018/P – Shop 8 Station Street, Seaford – To use the land to sell and consume liquor in association with an existing Restaurant
(MP Community Development)

Council Decision

Moved: Councillor Mayer

Seconded: Councillor McCormack

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 632/2018/P for the use of the land to sell and consume liquor at Shop 8 Station Street, Seaford 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.

Hours of Liquor Consumption

2. Unless with the prior written consent of the Responsible Authority, the proposed hours of trading under the liquor license are to be seven (7) days a week, as follows:
 - Sunday: 11.00am to 11.00pm.
 - Good Friday & Anzac Day: 12.00pm (midday) and 11.00pm.
 - Any other day: Between 11.00am and 11.00pm.

Number of Patrons

3. Unless with the prior written consent of the Responsible Authority, a maximum of forty-eight (48) patrons are permitted on the site at any one time.

Amenity

4. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence/permit relates during or immediately after trading hours authorised by the licence/permit.
5. Noise emissions from the premises must comply with the requirements of the *State Environment Protection Policies (Control of Noise from Commerce, Industry and Trade) No. N-1* (as varied).

Satisfactorily Completed

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

Permit Expiry

7. This permit will expire if one of the following circumstances applies:
 - The use is not started within two (2) years of the date of this permit.
 - The use ceases for a continuous 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.

Chairperson's initials



Notes

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. Membership to the Frankston Liquor Industry Accord is encouraged alongside the commencement of the use permitted by this permit.
- 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 allowed by the permit has not yet started;
 - b. Within 12 months after the permit expiry date, where the use allowed by the permit has lawfully started before the permit expires.

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

Carried Unanimously

Chairperson's initials



12.1 Frankston Coast Guard Facility and Boat Refuge – Outcome of Community Consultation

(VG Community Assets)

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

That Council:

1. Notes the outcome of the community consultation for the proposed Coast Guard Facility and Boat Refuge at Olivers Hill;
2. Supports Council Officers to continue to investigate the feasibility of alternate options such as at the mouth of Kananook Creek, Frankston Pier, and potential alternative designs for Olivers Hill; and
3. Notes that a further report will be brought back to Council outlining the initial assessment on alternate options at October 2019 Ordinary Meeting.

Extension of Time**Moved: Councillor Toms****Seconded: Councillor O'Connor**

That Cr Aitken be granted an extension of time.

Carried

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

Against the Motion: Nil

Abstained: Cr Hampton

*Councillor Bolam left the chamber at 9:12 pm**Councillor Bolam returned to the chamber at 9:13 pm***The motion was put and****Carried**

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

Against the Motion: Crs Aitken, McCormack and Toms

Chairperson's initials



C.2 Proposed Sale of Council Land

(MP Corporate Development)

Recommendation (Director Corporate Development)

That Council:

1. Notes the outcome of negotiations and Offer to Purchase from Castlerock Properties Pty Ltd. (Castlerock)
2. Agrees in principle to the sale of Council land at 17R and 19-21R Evelyn Street Frankston, being Lot 1 TP854544F Volume 6915 Folio 991, Lot 7 LP16490 Volume 6915 Folio 992, Lot 1 TP854546B Volume 6915 Folio 993 and Lot 10 LP16490 Volume 7255 Folio 944, to Castlerock Property Pty Ltd, ACN 075 504 399 on the following terms and conditions:
 - for the sum of \$4.45 million plus GST if applicable,
 - with a 10% deposit payable on date of Contract and
 - the balance payable 180 days from the date of Contract, subject to:

Council complying with its obligations pursuant to s. 189 (2)(3) and s.223 of the Local Government Act 1989.
3. As a condition of the proposed sale of land, Castlerock is required to enter into a s.173 agreement with Council prior to settlement that includes the following:
 - a) the subject land is to be developed only for the purpose of providing office accommodation for Department of Justice and Community Safety (DJCS) and Department of Health and Human Services (DHHS);
 - b) the owner must obtain a planning permit for the office development within 12 months from the date of contract;
 - c) the owner must commence the development within 6 months from the date of the planning permit and complete the development within 3 years from the date of the planning permit;
 - d) the owner must engage the Office of the Victorian Government Architect (OVGA) to assist throughout the design phase of the office development; and
 - e) if the owner does not meet the above conditions, the owner must at Council's election, transfer the property back to Council at the purchase price under the contract, less costs incurred by Council, or the current market value whichever is lower.
4. Authorises the Chief Executive Officer to commence statutory procedures under sections 189 and 223 of the Local Government Act 1989 for the sale of Council land.
5. This recommendation is to be released with the publishing of the minutes of the meeting.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Toms

That Council abandons the sale of the land.

Councillor Hampton left the chamber at 9:23 pm

Councillor Hampton returned to the chamber at 9:25 pm

Chairperson's initials



The motion was then put
and Lost

For the Motion: Crs Aitken, McCormack and Toms

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

Deferral Motion

Moved: Councillor McCormack

Seconded: Councillor Aitken

That the matter be deferred pending further public consultation.

Carried

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

Against the Motion: Crs Hampton and O'Reilly

Chairperson's initials



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

That the following items be blocked resolved and that the recommendations in each item be adopted:

- 11.3 Planning Application No. 16/2019/P – To use the land as an Indoor Recreation Facility and to sell and consume liquor (extended hours of trading and an increase to the area that liquor is allowed to be consumed and supplied in an existing licensed premises) at Shop 1, First Floor, 27 Wells Street Frankston
- 11.4 Planning Application No. 24/2019/P – To construct and carry out works in the Commercial 1 Zone (B1Z) and to use land to sell and consume liquor (increase the area that liquor is allowed to be consumed or supplied under a license) at Shop 12, Ground Floor, 27 Wells Street Frankston
- 11.5 Proposed removal of Development Plan Overlay Schedules 1-6
- 11.6 Seaford Wetlands Residential Environs Study
- 11.7 February 2019 Town Planning Progress Report
- 12.2 Kerbside Food Waste Collection Service
- 12.3 Homeless Shower
- 12.5 Amendment of the Road Management Plan
- 12.7 MAV State Council Motions
- 12.8 Adoption of Governance (Amendment) Local Law 2019
- 12.9 Notice of Motion Status Update
- 12.10 Record of Assemblies of Councillors
- 12.11 Committee Minutes

Carried Unanimously

The Mayor adjourned the meeting at 9.39pm

The meeting resumed at 9.50pm

Cr Cunial and Cr Mayer were not present in the Chamber

Chairperson's initials



11. CONSIDERATION OF TOWN PLANNING REPORTS

- 11.3 Planning Application No. 16/2019/P – To use the land as an Indoor Recreation Facility and to sell and consume liquor (extended hours of trading and an increase to the area that liquor is allowed to be consumed and supplied in an existing licensed premises) at Shop 1, First Floor, 27 Wells Street Frankston (MP Community Development)

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Toms

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 16/2019/P for to use the land as an Indoor Recreation Facility and to sell and consume liquor (extended hours of trading and an increase to the area that liquor is allowed to be consumed and supplied in an existing licensed premises) at Shop 1, First Floor, 27 Wells Street Frankston 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.

Hours of Liquor Consumption

2. Unless with the prior written consent of the Responsible Authority, the proposed hours of trading under the liquor license are to be seven (7) days a week, as follows:
 - Monday to Thursday: 11.00am to 12.00am (midnight)
 - Friday to Saturday: 11.00am to 1.00am (the next day)
 - Sunday: 11.00am to 12.00am (midnight)
 - Good Friday and Anzac Day: 12.00pm (midday) to 11.00pm

Number of Patrons

3. Unless with the prior written consent of the Responsible Authority, a maximum of 175 patrons are permitted to the site at any one time.

Amenity

4. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the license/permit relates during or immediately after trading hours authorised by the license/permit.
5. Noise emissions from the premises must comply with the requirements of the *State Environment Protection Policies (Control of Noise from Commerce, Industry and Trade) No. N-1* (as varied).
6. All liquor sales are to be ancillary to the primary use of the site.

Satisfactorily Completed

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

Chairperson's initials



Permit Expiry

8. This permit will expire if one of the following circumstances applies:
- The use is not started within two (2) years of the date of this permit.
 - The use ceases for a continuous 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. Membership to the Frankston Liquor Industry Accord is encouraged alongside the commencement of the use permitted by this permit.
- 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 allowed by the permit has not yet started;

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

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item was block resolved

Chairperson's initials



11.4 Planning Application No. 24/2019/P – To construct and carry out works in the Commercial 1 Zone (B1Z) and to use land to sell and consume liquor (increase the area that liquor is allowed to be consumed or supplied under a license) at Shop 12, Ground Floor, 27 Wells Street Frankston

(MP Community Development)

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Toms

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 24/2019/P to construct and carry out works in the Commercial 1 Zone and to use land to sell and consume liquor (increase the area that liquor is allowed to be consumed or supplied under a license) at Shop 12, Ground Floor, 27 Wells Street Frankston subject to the following conditions:

Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application, but modified to show:
 - a) deletion of the barriers between the Nando's and Subway seating areas.

No Alterations

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

Amenity

3. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence/permit relates during or immediately after trading hours authorised by the licence/permit.
4. Noise emissions from the premises must comply with the requirements of the *State Environment Protection Policies (Control of Noise from Commerce, Industry and Trade) No. N-1* (as varied).

Maximum Capacities

5. Unless with the prior written consent of the Responsible Authority, a maximum of one hundred (100) patrons are permitted on the site at any one time.

Hours of Liquor Consumption

6. Unless with the prior written consent of the Responsible Authority, the hours of trading under the liquor license are to be seven (7) days a week, as follows:
 - Sunday: 10.00am to 11.00pm.
 - Good Friday & Anzac Day: 12.00pm (midday) and 11.00pm.
 - Any other day: Between 7.00am and 11.00pm.

Satisfactorily Completed

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

Chairperson's initials



Permit Expiry

8. This permit will expire if one of the following circumstances applies:
- The use and development is not started within two (2) years of the date of this permit.
 - The development is not completed within four years of the issued date of this permit.
 - The use ceases for a continuous 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. Membership to the Frankston Liquor Industry Accord is encouraged alongside the commencement of the use permitted by this permit.
- C. 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.
- 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.

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item was block resolved

Chairperson's initials



11.5 Proposed removal of Development Plan Overlay Schedules 1-6

(MP Community Development)

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

That Council:

1. Authorise Council officers to prepare the Amendment documents.
2. Makes an application to the Minister for Planning in accordance with Section 9(3) of the *Planning and Environment Act 1987* to obtain authorisation to prepare Amendment C131 to the Frankston Planning Scheme to remove Schedules 1-6 of the Development Plan Overlay to the Frankston Planning Scheme.
3. Once authorisation is received, exhibit Planning Scheme Amendment C131 in accordance with Sections 17-19 of the *Planning and Environment Act 1987*, notifying all owners, occupiers and prescribed authorities.

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item was block resolved

Chairperson's initials



11.6 Seaford Wetlands Residential Environs Study

(MP Community Development)

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

That Council:

1. Notes the findings and recommendations of the report
2. Releases the Seaford Wetlands Residential Environs Study for public exhibition and comment for a duration of 4 weeks.
3. Reports back to Council on the outcomes of the consultation.

Carried Unanimously**Note:** Refer to Page 17 of the Minutes where this item was block resolved

Chairperson's initials



11.7 February 2019 Town Planning Progress Report

(MP Community Development)

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

That Council receives and notes the February 2019 Town Planning Progress Report.

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item was block resolved

Chairperson's initials



12. CONSIDERATION OF REPORTS OF OFFICERS**12.2 Kerbside Food Waste Collection Service**

(BH Corporate Development)

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

That Council:

1. Approves the introduction of Food Waste into the existing garden organics kerbside collection service.
2. Approves the commencement of kerbside food waste collection service to occur on 1 October 2019.

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item was block resolved

Chairperson's initials



12.3 Homeless Shower

(PC Community Assets)

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

That Council increases its funding contribution toward the project from the current approved \$10,000 to \$15,500 due to the higher costs anticipated to address personal safety considerations in relation to the fit out works.

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item was block resolved

Chairperson's initials



12.4 Station Street Road Closure

(DD Community Assets)

Cr Mayer entered the Chamber at 9.50pm

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

That:

1. Council, in accordance with Section 207 and Schedule 11, Clause 9 of the *Local Government Act 1989*, having considered a report from VicRoads and the submissions made in response to the proposed road closure, for the reasons set out in the accompanying report, hereby resolves that:
 - a. Station Street Mall in Frankston, between Shannon Mall and Clyde Street Mall, be closed to vehicular traffic; and
 - b. The short section of Station Street east of Clyde Street Mall, as shown on the plan attached to this report, be closed to vehicular traffic but with emergency service authorities retaining unrestricted access;
2. Notification of Council's decision to close the road be sent to the CFA and Ambulance Victoria, with confirmation that their initial concerns have been addressed;
3. Council notes the anonymous submission received, which is supportive of the road closure, and further notes that anonymity precludes compliance with the requirement to notify the Submitter in writing of Council's decision; and
4. Notice of the road closure be given in the Victoria Government Gazette.

Carried

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

Against the Motion: Crs Aitken and McCormack

Chairperson's initials



12.5 Amendment of the Road Management Plan

(LU Community Assets)

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

That Council notes the outcomes of the public consultation for the amended Road Management Plan and adopts the Road Management Plan 2019, effective as at 1 May 2019.

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item was block resolved

Chairperson's initials



12.6 Adoption of 2019-2020 Schedule Fees and Charges

(KJ Corporate Development)

Recommendation (Director Corporate Development)

That Council resolves to adopt the proposed schedule of fees and charges for inclusion in the 2019-2020 Annual Budget and consider the following amendments:

- Council does/does not endorse the reinstatement of the administration fee – Filming, Photography, Circus, Commercial and Community Events of \$105 per application;
- Council does/does not endorse the reinstatement of the charges for Adult learning programs of \$440 per annum;
- Council does/does not endorse the removal of the Library miscellaneous charges of \$155 per annum; and
- Council does/does not endorse the removal of the half day Sports Ground Fee of \$104 applicable to schools within the municipality of Frankston.

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

That Council resolves to adopt the proposed schedule of fees and charges for inclusion in the 2019-2020 Annual Budget and consider the following amendments:

- Council **does** endorse the reinstatement of the administration fee – Filming, Photography, Circus, Commercial and Community Events of \$105 per application;
- Council **does** endorse the reinstatement of the charges for Adult learning programs of \$440 per annum;
- Council **does** endorse the removal of the Library miscellaneous charges of \$155 per annum; and
- Council **does** endorse the removal of the half day Sports Ground Fee of \$104 applicable to schools within the municipality of Frankston .
- A report be brought back to Council at the July 2019 Ordinary Meeting on the costs/implication of waiving all administration and hire fees for filming in Frankston.

Carried Unanimously

Chairperson's initials



12.7 MAV State Council Motions

(DH Chief Executive Office)

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

That Council endorses the proposed Municipal Association of Victoria (MAV) State Council Motions and that the motions be forwarded to the MAV prior to the deadline date.

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item was block resolved

Chairperson's initials



12.8 Adoption of Governance (Amendment) Local Law 2019

(BA Corporate Development)

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

That:

1. Having complied with the requirements of the *Local Government Act 1989*, no submissions to the proposed amendment were received.
2. Council resolves to make the Governance (Amendment) Local Law 2019 which amends the timeframe for submission of a notice of motion from “11 clear business days” to “11 clear days” before the meeting at which it is to be considered.
3. Governance (Amendment) Local Law 2019 be signed and sealed.
4. Public notice be given to the making of Governance (Amendment) Local Law 2019.
5. Notice be given in the Victoria Government Gazette to the making of Governance (Amendment) Local Law 2019.
6. A copy of Governance (Amendment) Local Law 2019 be sent to the Minister for Local Government.

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item was block resolved

Chairperson's initials



12.9 Notice of Motion Status Update

(DH Chief Executive Office)

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

That Council:

1. Receives the Notices of Motion Report as at 1 April 2019.
2. Notes that 2 Notices of Motion that have been reported as being complete
 - 2018/NOM31 - Improvements to the Planning Process
 - 2018/NOM66 - Peninsula Link
3. Notes that, since 25 February 2019, 21 resolutions have been completed, as detailed in the body of the report.
4. Notes that there are no reports listed as being delayed.
5. Accepts the following Confidential Items from 2019/OM3 on 12 March 2019 will remain confidential until the matters are finalised:
 - C.2 – Golf Course Management Tender – Probity Report
 - C.3 – Minutes of the Frankston Arts Board – 19 February 2019

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item was block resolved

Chairperson's initials



12.10 Record of Assemblies of Councillors

(BA Corporate Development)

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

That Council receives the following written records:

- 21 January 2019 (Councillor Briefing);
- 29 January 2019 (Council pre-Agenda Briefing);
- 4 February 2019 (Councillor Briefing);
- 11 February 2019 (Councillor Briefing);
- 18 February 2019 (Council pre-Agenda Briefing);
- 25 February 2019 (Councillor Briefing)
- 4 March 2019 (Councillor Briefing)

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item was block resolved

Chairperson's initials



12.11 Committee Minutes

(BA Corporate Development)

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

That the minutes of the following Committees be received:

- Minutes – Association of Bayside Municipalities – December 2018;
- Minutes – Soccer Liaison Committee Meeting – December 2018; and
- Minutes – Ballam Park Homestead Advisory Committee and Heritage Assets and Promotion Committee – February 2019.

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item was block resolved

Chairperson's initials



12.12 Delegate Resignation from the Frankston Arts Board of Management

(DH Chief Executive Office)

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

That Council:

1. Accepts the resignation of Cr Bolam from the Frankston Arts Board of Management
2. Nominates Cr Toms as Council's new representative on the Frankston Arts Board of Management

Carried Unanimously

Chairperson's initials



13. RESPONSE TO NOTICES OF MOTION

13.1 Further response to NOM 1312 - Unemployment in Frankston

(DA Corporate Development)

Recommendation (Director Corporate Development)

That Council

1. Notes the report
2. Notes the Frankston City Council (FCC) Work Ready Initiatives document.
3. Council endorses the following initiatives within the 2019/2020 budget at a total cost of \$182,159 (plus on costs):
 - the implementation of the Structured Workplace Placement Program in partnership with the Frankston Mornington Peninsula Local Learning Network (FMPLLN) and schools within the municipality in 2019; and
 - the establishment of two School Based Apprentice part-time roles (\$4,700 per placement - \$9400 in total)
 - the employment of one part-time Cadet Building Surveyor (\$36,989 plus on-costs, and
 - the establishment of two trainee positions (\$68,359 plus on-costs); and
 - the implementation of the Graduate Engineers Program (\$67,411 plus on costs).

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Toms

That Council

1. Notes the report.
2. Notes the Frankston City Council (FCC) Work Ready Initiatives document.
3. Council endorses the following initiatives within the 2019/2020 budget at a total cost of **\$202,518** (plus on costs):
 - the implementation of the Structured Workplace Placement Program in partnership with the Frankston Mornington Peninsula Local Learning Network (FMPLLN) and schools within the municipality in 2019; and
 - the establishment of **up to fourteen** School Based Apprentice part-time roles (\$4,700 per placement - **\$65,800** in total)
 - the establishment of **four** trainee positions (**\$136,718** plus on-costs).
4. Endorses that all applicants for the 'Work Ready Program' live locally at the time of submitting their application.
5. Notes that traineeships be awarded to candidates on merit, but that candidates are either:
 - Long term unemployed; or
 - have a disability.
6. Requests that the CEO writes to Peninsula Leisure Pty Ltd, inviting it to become an active participant in the program and reporting back to Council on progress on this matter at the July 2019 Ordinary meeting.
7. Requests the CEO to ensure officers liaise with relevant Government agencies to assist with identifying appropriate local candidates for the programs.
8. Directs the CEO to ensure sufficient resourcing is provided to support the 'Work Ready Program'.
9. Refers the proposed Graduate Engineers Program and Cadet Building Surveyor recommendations to the 2019/2020 Midyear Budget for consideration.

Chairperson's initials



10. Notes that should the uptake of the School based apprentice part-time roles be less than budgeted, a report is to be brought to Council with options for an earlier implementation of the proposed Graduate Engineers Program and Cadet Building Surveyor recommendations with the unused funds.

Carried Unanimously

Chairperson's initials



14. NOTICES OF MOTION

Nil

15. LATE REPORTS

Nil.

16. URGENT BUSINESS

Nil.

Chairperson's initials

A handwritten signature in black ink, appearing to be 'M. S.', written over a light grey grid background.

17. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Hampton****Seconded: Councillor McCormack**

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 Outcomes of the Audit and Risk Committee meeting

Agenda Item C.1 Outcomes of the Audit and Risk Committee meeting is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.2 Proposed Sale of Council Land

Agenda Item C.2 Proposed Sale of Council Land is designated confidential as it relates to contractual matters (s89 2d)

C.3 Peninsula Leisure - Strategic Plan

Agenda Item C.3 Peninsula Leisure - Strategic Plan 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.4 2019/NOM6 - Notice of Rescission - Minutes of the Frankston Arts Board - 19 February 2019

Agenda Item C.4 2019/NOM6 - Notice of Rescission - Minutes of the Frankston Arts Board - 19 February 2019 is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

Carried Unanimously

.....
Signed by the CEO

Chairperson's initials



18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS**C.2 Nomination of Youth Mayor (considered at 2019/OM2 on 18 February 2019)**

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 Aitken**

That Council:

1. Appoints Aaron Quarrell as the Youth Mayor for 2019;
2. Writes letters to the other applicants thanking them for submitting their application;
3. Notes that the 2019 Youth Mayor will be formally presented the Youth Mayoral Robe and drop;
4. Writes a letter under seal of appreciation and congratulations to the outgoing Youth Mayor Gerard Felipe on his Youth Mayoral term;
5. Endorse the Youth Mayor Protocol; and
6. The resolution be incorporated into the public minutes of the 2019 March meeting.

The motion was put and Carried

C.7 Authorisation of affixing common seal to various contracts (considered at 2019/OM2 on 18 February 2019)

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 O'Connor****Seconded: Councillor Aitken**

That Council:

1. Authorises the Chief Executive Officer to affix the Common Seal for the following contracts once signed:
 - Contract 2018/19 - 32 – McClelland Reserve Car Park, Frankston North;
 - Contract 2018/19 - 33 – McClelland Drive Shared Path, Langwarrin;
 - Contract 2018/19 - 43 – McClelland Drive Road Pavement Rehabilitation Works, Langwarrin;
 - Contract 2018/19 - 41 – Valley Road Reconstruction, Langwarrin; and
 - Contract 2018/19 - 26 – Design and Construct Multi-sport Synthetic Surface Sportsfield, Carrum Downs Recreation Reserve.
2. Release this recommendation (without commercially sensitive information) at the next open meeting of Council.

The motion was put and Carried



**C.1 Award of Contract 2018/19 - 58 - Langwarrin Netball Court Redevelopment
(considered at 2019/OM3 – 12 March 2019)**

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:

1. Council approves the acceptance of the tender from Landscape Two Pty Ltd (Trading Name- Smart Grass) (ACN -119 045 000) for the Contract 2018/19-58 – Langwarrin Netball Courts Redevelopment;
2. Council notes that a project contingency 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 approve the Chief Executive Officer to sign the contract and for the Council Seal to be affixed; and
4. The recommendation (without commercially sensitive information) be released by at the next open meeting of Council.

The motion was put and Carried

Chairperson's initials



The meeting was closed to the public at 10.01 pm

CONFIRMED THIS

DAY OF

2019

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Michael O'Reilly, 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 1 April 2019, confirmed on Tuesday 23 April 2019.

.....
(Cr. Michael O'Reilly, Chairperson – Council Meeting)

Dated this

day of

2019