



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 18 FEBRUARY 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 Mr. Phil Cantillon, Director Community Assets Mr. Byron Douglas, Acting Manager Community Strengthening Mr. Stuart Caldwell, Coordinator Statutory Planning Ms. Marnie Turner, Communications Officer Public Relations Ms. Vera Roberts, Executive Assistant to Mayor Ms. Tenille Craig, Councillor Support Officer
EXTERNAL REPRESENTATIVES:	Ms. Prue Digby, Municipal Monitor

COUNCILLOR STATEMENT

Councillor Cunial 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



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Chairperson's initials



Councillor McCormack entered the chamber at 7:04 pm.

Councillor Bolam entered the chamber at 7:04 pm.

Councillor O'Connor entered the chamber at 7:04 pm.

1. PRESENTATION TO COMMUNITY GROUPS

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM1 held on 29 January 2019.

Council Decision

Moved: Councillor Hampton

Seconded: Councillor McCormack

That the minutes of the Ordinary Meeting No. OM1 held on 29 January 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 Brian Cunial declared an interest in Item 11.1: Planning Permit Application 405/2018/P - 111 Cranbourne Road Frankston - Use of an existing building for a supermarket and shops, alterations to the existing building and a reduction in car parking requirements and noted that the CEO has been advised by email prior to the meeting. Cr Cunial will leave the chamber during discussion and voting.

Mr Tim Frederico, Director Corporate Development declared an interest in Item 12.10: Frankston Park Oval - Sports Lighting Upgrade to Broadcast Level - Outcome of Community Consultation as he is a member of the Board. Mr Frederico will leave the chamber during 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 within seven (7) days. The questions and answers are contained in the Appendix.

6. HEARING OF PUBLIC SUBMISSIONS

Councillor Cunial left the chamber at 7:08 pm.

Mr. Mark Bartley made a submission to Council regarding Item 11.1: Planning Permit 405/2018/P – 111 Cranbourne Road Frankston – Use of an existing building for a supermarket and shops, alterations to the existing building and a reduction in car parking requirements;

Mr Bernie Noy made a submission to Council regarding Item 11.1: Planning Permit 405/2018/P – 111 Cranbourne Road Frankston – Use of an existing building for a supermarket and shops, alterations to the existing building and a reduction in car parking requirements.

Councillor Cunial returned to the chamber at 7:20 pm.

7. ITEMS BROUGHT FORWARD

Nil.

8. PRESENTATIONS / AWARDS

Nil.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

General Motion

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Cunial

That the petition containing 26 signatures requesting the provision of parking bays in nature-strip areas in Homestead Road, Langwarrin be accepted.

Carried Unanimously

ITEMS BROUGHT FORWARD

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Bolam

That Item C.5: Proposed Sale of Council Land be brought forward into Open Council.

Carried Unanimously

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

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

10. DELEGATES' REPORTS

Nil

11. CONSIDERATION OF TOWN PLANNING REPORTS**11.1 Planning Permit Application 405/2018/P - 111 Cranbourne Road Frankston - Use of an existing building for a supermarket and shops, alterations to the existing building and a reduction in car parking requirements**

(SC Community Development)

Councillor Cunial left the chamber at 7:23 pm.

Recommendation (Director Community Development)

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 405/2018/P for Use of part of an existing building for a Supermarket and Shops, alterations to the existing building and a reduction in car parking requirements at 111 Cranbourne Road, Frankston, subject to the following conditions:

Plans

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application identified as Buchan, Project 715136, 13/06/18, A-DA-0000-002, A-DA-0300, A-DA-1000, A-DA-1200, A-DA-2000, A-DA-3000-1, A-DA-7000-2, Revision A, but modified to show:
 - (a) Provision of public seating internally within the building, as well as externally near the entrance points to the building;
 - (b) Provision for trolley bays and removal of the seven car spaces;
 - (c) An Audit Report in accordance with Condition 20;
 - (d) A Waste Management Plan in accordance with Condition 18.

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.

Use

3. The hours of the use of the Supermarket are restricted to 6.00 am to 10.00 pm, daily.
4. The hours of the use of the shops and restricted retail premises are restricted to 7.00 am to 9.00 pm, daily.

Floor area

5. The maximum leasable floor space of the Supermarket must not exceed 4552m².
6. The combined total maximum leasable floor space of the shops must not exceed 500m².

Amenity

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

8. The approved use must not cause any nuisance or annoyance to persons beyond the land because of the emission of noise or otherwise to the satisfaction of the Responsible Authority.
9. Noise emitted from the premises must not exceed limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. SEPP N-1.
10. The amenity of the area must not be detrimentally affected by the development and/or use through the:-
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin;
 - e) In any other way.

Loading and Unloading

11. The loading and unloading of goods from vehicles must only be carried out on the land, within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.
12. The loading and unloading of goods from vehicles to the supermarket use must be undertaken within the designated loading bay to the rear of the building.
13. Access by articulated vehicles to the loading bay must ingress via Gertrude Street (west from Moorooduc Highway) and egress via the laneway to the east onto Cranbourne Road.
14. The hours for the loading and unloading of goods to the supermarket are restricted to between 6.00 am to 10.00 pm, daily.
15. The hours for the loading and unloading of goods to the shops is restricted to between 7.00 am to 9.00 pm, daily.

Drainage

16. Prior to use of the building hereby permitted, all works required for the removal of car spaces and provision of trolley bays, loading bays, access lanes and paths as shown on the endorsed plans must be completed to the satisfaction of the responsible authority.

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

17. 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

Waste Management

18. All waste generated by the supermarket and shop uses must be managed in accordance with an approved Waste Management Plan and collected by a Private Waste Contractor to the satisfaction of the responsible authority.

19. The collection of waste by the Private Waste Contractor must not take place between the hours of 10.00 pm to 6.00 am, daily.

Acoustic Audit Report

20. Prior to the commencement of the use, a full audit of the existing barrier along the eastern property boundary must be undertaken and the Audit Report submitted to the satisfaction of the responsible authority.
21. Prior to the commencement of the use, the finding of the Audit Report must be undertaken and works for the repair or replacement of the acoustic barrier along the eastern boundary must be completed to the satisfaction of the responsible authority.

Satisfactorily Completed

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

Permit Expiry

23. This permit will expire if one of the following circumstances applies:
- The development is not started within two years of the date of this permit.
 - The development is not completed within four years of the issued date of this permit.
 - The use is not commenced within two years of the issued date of this permit.

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

Notes

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

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

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

That Council, having complied with Sections 52, 53, 60, 61 and 62 of the Planning and Environment Act 1987, resolves to Refuse to Grant a Planning Permit 405/2018/P for the use of an existing building for a supermarket and shops, alterations to the existing building and a reduction in car parking requirements at 111 Cranbourne Road Frankston, on the following grounds:

1. The proposed supermarket will have a negative economic impact on the on-going viability of the supermarkets and businesses in the vicinity of the proposed development.

Leave of Council**Moved: Councillor Bolam****Seconded: Councillor Hampton**

That Mayor, Cr Michael O'Reilly be granted leave of Council to speak on the matter.

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

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

Against the Motion: Crs Aitken, Bolam and O'Reilly

Councillor Cunial returned to the chamber at 7:39 pm.

C.5 Proposed Sale of Council Land

(MP Corporate Development)

Recommendation (Director Corporate Development)

That:

1. Council authorises the Chief Executive Officer to negotiate price and terms for the sale of the 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) for the express purpose of facilitating future accommodation for the Department of Justice and Community Safety (DJCS) and the Department of Health and Human Services (DHHS), and enhanced service delivery to the Frankston community, to Castlerock Property Pty Ltd., subject to the following minimum conditions contained within a s.173 agreement:
 - a) the subject land is used only for the purpose of providing office accommodation for DJCS and DHHS;
 - b) a planning permit be gained within 12 months of a Council resolution to sell the land;
 - c) the development commence within 6 months and be completed within 3 years of receipt of planning approval;
 - d) the Office of the Victorian Government Architect (OVGA) be engaged to assist throughout the design phase; and
 - e) should the above conditions not be met the developer must sell the property back to Council at the purchase price, less costs incurred by Council, or the current market value whichever is lower.
2. Following completion of negotiations the CEO is to report back to Council on the outcome no later than the 23 April 2019 meeting.
3. That the report remain confidential until the completion of the sale of the land to Castlerock Property Pty Ltd.

Cr Bolam foreshadowed an alternate motion

Council Decision

Moved: Councillor Aitken

Seconded: Councillor McCormack

That Council:

1. Reaffirms the importance of protecting public space.
2. Resolves no further action on this matter.

Motion be put

Moved: Councillor Hampton

Seconded: Councillor Cunial

That the motion be put.

Carried

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

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

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

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That:

1. Council authorises the Chief Executive Officer to negotiate price and terms for the sale of the 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) for the express purpose of facilitating future accommodation for the Department of Justice and Community Safety (DJCS) and the Department of Health and Human Services (DHHS), and enhanced service delivery to the Frankston community, to Castlerock Property Pty Ltd., subject to the following minimum conditions contained within a s.173 agreement:
 - a) the subject land is used only for the purpose of providing office accommodation for DJCS and DHHS;
 - b) a planning permit be gained within 12 months of a Council resolution to sell the land;
 - c) the development commence within 6 months and be completed within 3 years of receipt of planning approval;
 - d) the Office of the Victorian Government Architect (OVGA) be engaged to assist throughout the design phase; and
 - e) should the above conditions not be met the developer must sell the property back to Council at the purchase price, less costs incurred by Council, or the current market value whichever is lower.
2. Following completion of negotiations the CEO is to report back to Council on the outcome no later than the 23 April 2019 meeting.
3. The following is to be explored in a planning permit application:
 - a) That Council is to continue to insist upon the inclusion of a quality and living encompassing 'green wall' at the site;
 - b) That Council is to continue to insist upon the inclusion of a unique LED illuminative treatment/s at the site;
 - c) That Council is to continue to insist upon a sustainable car parking outcome at this site; and
 - d) That Council is to continue to insist upon defined open space for staff and users of the proposed venue for recreational purposes (i.e. breakout area)
4. Any proceeds received from the sale be held in Council's open space reserves for the specific purpose of acquiring a new site in the CAD.

Extension of Time

Moved: Councillor Hampton

Seconded: Councillor McCormack

That Cr Bolam be granted an extension of time.

Carried Unanimously

Chairperson's initials



The motion was then 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



11.2 Planning Application 478/2018/P - 4/42 Hartnett Drive, Seaford - To use the land to sell or consume liquor in association with a Section 1 Use (Industry (Distillery)) and reduce the car parking requirements under Clause 52.06-5 (SC Community Development)

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Aitken

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 478/2018/P to use the land at 4/42 Hartnett Drive, Seaford to sell or consume liquor in association with a Section 1 Use (Industry (Distillery)) and reduce the car parking requirements under Clause 52.06-5 subject to the following conditions:

No Alterations or Changes

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

Industrial 1 Zone (I1Z)

2. Under this permit, activities undertaken at the site must at all times satisfy the as-of-right industrial use zone provisions under the Frankston Planning Scheme.
3. All liquor is to be sold exclusively via wholesale or in a similar nature.

Hours of Liquor Consumption

4. Unless with the prior written consent of the Responsible Authority, the consumption of alcohol must only take place at the premises during the following hours:
 - 11:00am – 8:00pm (Monday to Sunday)

Number of Visitors

5. A maximum of eight (8) customers will be permitted at any one time on the premises unless with the prior written consent of the Responsible Authority.

Amenity

6. 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.
7. 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.

Satisfactorily Completed

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

Permit Expiry

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

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

Notes

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

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

Carried Unanimously

**11.3 Amendment to the approved development plan in accordance with Clause 43.04
Development Plan Overlay - Schedule 3 - Restricted Retail area between
McMahons Road and Bryan Street Frankston**

(SC Community Development)

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

- A. That Council resolves to approve the amended Development Plan in accordance with Clause 43.01 – Development Plan Overlay – Schedule 3 to allow consideration of the planning permit application 229/2018/P.
- B. That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 229/2018/P for the construction of building and works for restricted retail use at 40-46 McMahons Road 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) The building redesigned to ensure the long term protection of trees No. 12 to 17 located on the adjoining property in accordance with the recommendations provided in the approved Tree Protection Management Plan required by condition 6;
 - (b) Retention of Tree 6;
 - (c) A one-way only in the southbound direction at the entrance to the car spaces allocated to the Magic Hand car wash;
 - (d) The 6.4m aisle at the 7 car parking bays to be marked with two-way arrows;
 - (e) No-entry signs included at the interface between the transition at the one-way and two-way access way;
 - (f) Inclusion of a pedestrian footpath from the cluster of car spaces to the front premises of the convenience restaurant to the new building which should connect to the 'walkway' in the south-east corner of the site;
 - (g) All trees growing on the site and on the adjoining properties within 5m of the boundaries must be clearly illustrated on all relevant plans to demonstrate canopy width, trunk location and clearly labelled in accordance with the Tree report prepared by Glenn Knight dated June 2018 and clearly state whether the tree is to be retained or removed;
 - (h) The Tree Protection Zone and Structural Root Zone for all trees to be retained and the tree protection fence locations must be illustrated on all relevant plans;
 - (i) Tree protection conditions noted in accordance with conditions 7 and 8;
 - (j) A Tree Protection Management Plan in accordance with condition 6;
 - (k) A Landscape Plan in accordance with condition 3;
 - (l) A Stormwater Drainage Plan in accordance with condition 16;
 - (m) Waste Management Plan in accordance with condition 21.

Chairperson's initials



No Alterations

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

Landscape Plan

3. Prior to the commencement of buildings and works, a landscape plan, in accordance with the submitted concept plan prepared by Bill Jacobs Pty Ltd dated May 2018 (sheet No. TP05) and the 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 and dimensioned. The plan must be drawn to scale and show:
 - a) a survey (including botanical names) of all existing vegetation on the site and those located within five (5) 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 range of plant types from ground covers to large shrubs and trees;
 - g) landscaping within all proposed landscape areas and the existing garden bed to the west of the proposed building
 - h) adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - i) A planting theme of a minimum 20% indigenous and 40% native within each plant group;
 - k) 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) to the west of the proposed building premises minimum mature height of 10m
 - ii. Two (2) within the half-moon landscape island along the western boundary
 - iii. Nine (9) as shown in the locations on the concept landscape plan provided
 - 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*

Prior to Occupation

4. The landscaping as shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the building and/or commencement of the use or at such later date as approved in writing by the Responsible Authority.
5. 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.

Tree Protection Management Plan

6. A Tree Protection Management Plan prepared in accordance with Frankston City Council's 'Arboricultural Report Writing Guide' must be submitted by a suitably qualified and experienced Arborist in relation to the management and maintenance of trees numbered 6, 12 to 17 and must be approved by the Responsible Authority prior to the commencement of any works (including any demolition, levelling of the site, excavations, tree removal, delivery of building/construction materials and/or temporary buildings). The Tree Management Plan must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following where relevant but not limited to ensuring that the trees remain healthy and viable during and following construction:
 - a) Changes to the design of the building premises to protect trees numbered 12 to 17
 - b) A site plan showing tree protection zones (TPZ) and structural root zones (SRZ), tree protection fence locations and any relocations required and any areas where ground protection systems will be used;
 - c) A clear photograph of each tree;
 - d) Any specific damage/faults evident within each tree prior to demolition or construction. These photographs must be supplied within the TPMP as a preliminary dilapidation report.
 - e) Restricted activities in the TPZ;
 - f) Key supervision and monitoring stages of the development including pre-demolition, pre-construction, and post construction stages;
 - g) Details of any TPZ encroachments including ;
 - i. Details of exploratory root investigation
 - ii. Alternative construction techniques
 - iii. Details of any root pruning
 - iv. Supervision
 - h) Methods for installation of services e.g.; sewerage, storm water, telecommunications, electricity etc;
 - i) Remedial works as required including a detailed photographic diagram specifying what pruning will occur;

Final Certification of Tree protection template. The Final Certification Report Template as required in the Tree Protection Management Plan must be completed and submitted to the satisfaction of the Responsible Authority before the occupation of the development and/or commencement of the use or at such later date as is approved by the Responsible Authority in writing

Tree Protection

7. Tree protection must be carried out in accordance with the Australian Standard AS 4970-2009 Protection of trees on development sites and the endorsed Tree Protection Management plan to the satisfaction of the Responsible Authority.

Tree Pruning

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

Use

9. The hours of the use of the restricted retail premises are restricted to 9.00 am to 9.00 pm Monday to Wednesday; 9.00 am to 9.00 pm Thursday to Friday, 9.00 am to 5.00 pm Saturday and Sunday.

Amenity

10. Without the prior written consent of the Responsible Authority any form of public address system or sound amplification equipment used on the premises must not be audible outside the premises.
11. Noise emitted from the premises must not exceed limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. SEPP N-1.
12. The amenity of the area must not be detrimentally affected by the development and/or use through the:-
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin;
 - e) In any other way.

Loading and Unloading

13. The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land.
14. Goods must not be stored within the frontage setback, landscaped area, car parking or vehicle access areas at any time.

Drainage

15. 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. Including providing over-land stormwater surcharge routes and cut-off drains for the safe and effective passage of stormwater flows arising from the subject land.
16. 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.
17. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not limited to the following:

- On-site stormwater detention and rainwater tanks;
 - Soil percolation;
 - Stormwater harvesting and re-use of stormwater for garden watering, toilet flushing, etc. and
 - On-site bio-treatment to reduce dissolved contaminants and suspended solids.
18. Prior to commencement of the use of the building hereby permitted, all works required for the re-configuration of the car park including the removal and re-instatement of car spaces, loading bays, access lanes and paths as shown on the endorsed plans must be completed:
- (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.

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

19. 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.

20. Unless otherwise agreed in writing by Frankston City Council, finished floor levels of the new building approved under this permit must be a minimum of 300mm above the applicable flood level.

Waste Management

21. All waste generated by the use must be managed in accordance with an approved Waste Management Plan and collected by a Private Waste Contractor to the satisfaction of the responsible authority.

Satisfactorily Completed

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

Permit Expiry

23. 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.
- B. Prior to the commencement of construction the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Frankston City Council's Infrastructure Department.
- C. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed timeframes:
 - a. Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
 - b. Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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

Carried

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

12. CONSIDERATION OF REPORTS OF OFFICERS**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:

- 12.1 Risk Management Policy
- 12.2 Compliance & Enforcement Policy
- 12.3 Appointment and Authorisation of Council Staff
- 12.4 Municipal Emergency Management Plan Audit 2019
- 12.5 December 2018 Quarterly Financial Report
- 12.6 Resolution Progress Update
- 12.7 Economic Scorecard – December Quarter 2018

Carried Unanimously

12.1 Risk Management Policy

(MP Corporate Development)

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

That Council:

1. Notes the Risk Management Policy first adopted in 2014 has been reviewed;
2. Notes that the policy has been reviewed by Council's Audit and Risk Committee;
3. Endorses the Risk Management Policy and notes the associated Risk Management and the Fraud and Corruption Prevention Frameworks.

Carried Unanimously

Note: Refer to Page 21 of the Minutes where this item was block resolved

12.2 Compliance & Enforcement Policy

(LR Community Development)

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

That Council:

1. Notes the Compliance & Enforcement Policy first adopted by Council May 2012 has been reviewed.
2. Notes that the Compliance & Enforcement Policy went out for 5 weeks public consultation however, no submissions were received.
3. Endorses the draft Compliance & Enforcement Policy.

Carried Unanimously**Note:** Refer to Page 21 of the Minutes where this item was block resolved

12.3 Appointment and Authorisation of Council Staff

(BA Corporate Development)

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

That:

1. Pursuant to the provisions of Section 147 (4) of the *Planning and Environment Act 1987* (Act) and section 232 of the *Local Government Act 1989* (The Act), Council appoints the officers listed in the Instrument of Appointment and Authorisations.
2. The Instrument of Appointment and Authorisation be signed and sealed.

Carried Unanimously**Note:** Refer to Page 21 of the Minutes where this item was block resolved

12.4 Municipal Emergency Management Plan Audit 2019

(LR Community Development)

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

That Council:

1. Notes the Municipal Emergency Management Plan (**MEMP**) is due to be audited on 12 March 2019 in accordance with the *Emergency Management Act 1986*, section 21A.
2. Endorses the revised Municipal Emergency Management Plan 2019 in preparation for the March audit.
3. Approves the Chief Executive Officer to sign the MEMP following Council's endorsement.

Carried Unanimously**Note:** Refer to Page 21 of the Minutes where this item was block resolved

12.5 December 2018 Quarterly Financial Report

(KJ Corporate Development)

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

That Council receives and notes the Council Financial Report for the quarter ended 31 December 2018.

Carried Unanimously

Note: Refer to Page 21 of the Minutes where this item was block resolved

12.6 Resolution Progress Update

(MT Chief Executive Office)

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

That Council:

1. Receives the Notices of Motion Report as at 18 February 2019.
2. Approves the archiving of the following Notice of Motion from the Notices of Motion Report:
 - 2019/NOM4 – Eel Race Road Rail Crossing
3. Notes that, since 15 January 2019, 10 resolutions have been completed, as detailed in the body of the report.
4. Notes that the report listed below will not be presented back to Council by its advised date and that a detailed explanation is provided in the body of the report:
 - Oliver's Hill Precinct Works – Safe Boat Refuge and Coast Guard Building
 - Kananook Community Garden and Farmers Market Shed
 - Artwork for PARC and Pines Pool

Carried Unanimously

Note: Refer to Page 21 of the Minutes where this item was block resolved

12.7 Economic Scorecard - December Quarter 2018

(SJ Corporate Development)

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

That Council:

1. Receives the quarterly Frankston City Economic Scorecard for December 2018 (Attachment A),
2. Endorses future quarterly Economic Scorecards being provided to Council as a memorandum rather than a Council Report,
3. Endorses future quarterly Economic Scorecards being published on Council's website.

Carried Unanimously**Note:** Refer to Page 21 of the Minutes where this item was block resolved

12.8 Best Street Award Program*(JF Community Development)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Aitken**

That Council:

1. Supports the proposed framework and timing for the Best Street Award program.
2. Notes the annual cost of the Award program is estimated at \$15K which will be included for consideration in the draft 2019/2020 budget.

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

Against the Motion: Cr McCormack

12.9 Jamboree Information Panel to be Installed at Montague Park

(AM Community Development)

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

That Council:

1. Continues to provide a Project Manager to work with Frankston First Scouts and the Frankston Historical Society to research information and photographs of the Scout Jamboree in order to create a history trail information panel at Montague Park.
2. Receives and notes that an application for funding for the Jamboree information panel from 'Ballam Park Homestead Advisory Committee & Heritage Assets and Promotion Committee' was successful.

Motion be put**Moved: Councillor Hampton****Seconded: Councillor Cunial**

That the motion be put.

Lost

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

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

**The motion was then Put
and Carried Unanimously**

12.10 Frankston Park Oval - Sports Lighting Upgrade to Broadcast Level - Outcome of Community Consultation

(VG Community Assets)

Mr Frederico, Director Corporate Development left the chamber at 8.34 pm due to an interest in this matter, as he is a member of the board.

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

That Council:

1. Notes the outcome of the community consultation for the proposed sports lighting upgrade to broadcast level at Frankston Park Oval in Frankston;
2. Authorises Council Officers to proceed with the town planning application process for the sports lighting upgrade to broadcast level at Frankston Park Oval;
3. Notes the update of the process being undertaken with the Department of Environment, Land, Water and Planning (DELWP) for the required realignment of the Crown Land boundary between the Frankston Park Oval and Plowman Place Road Reserve;
4. Endorses tenders to be sought based on the overall supportive community feedback for the project concurrent with the town planning permit application process; and

Notes that a further report will be brought back to Council for consideration of the planning permit application and award of the tender.

Carried

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

Against the Motion: Nil

Abstained: Cr Hampton

12.11 Accountability and Transparency Reform Update

(MT Chief Executive Office)

Mr Tim Frederico, Director Corporate Development returned to the Chamber at 8.35 pm

Recommendation (Chief Executive Office)

That Council notes:

1. The Accountability and Transparency Reform document;
2. That the items shaded in orange have been actioned and no further response is required;
3. That a further report on the outstanding items to be actioned will be presented to Council at its meeting in July 2019.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Cunial

That Council notes:

1. The Accountability and Transparency Reform document;
2. That the items shaded in orange have been actioned and no further response is required;
3. That a further report on the outstanding items to be actioned will be presented to Council at its meeting in May 2019.
4. That pro-active responses / options / recommendations are to be provided in the May report for 'green' and 'red' coated items.
5. That the May report is to include options / recommendations relating to potential further changes to Council's Closed Council provisions.

Carried Unanimously

12.12 City Centre Market

(SJ Corporate Development)

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

That Council endorses a change in operating hours of the Frankston City Centre Market from 2:00pm-7:00pm to the proposed 10:00am-3:00pm, commencing March 2019.

Carried Unanimously

13. RESPONSE TO NOTICES OF MOTION**13.1 Update on the response to NOM 1340 - Homelessness Count**

(BD Community Development)

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

That Council:

1. Notes the update provided in this report on the response to NOM 1340 – Frankston Homelessness Count;
2. Notes the Victorian Government funding committed to Frankston City to establish two new rough sleeper response teams (Assertive Outreach and Housing Support) as part of the delivery of *Victoria's Homelessness and Rough Sleeping Action Plan*; and
3. Notes Council's ongoing collaboration, advocacy and coordination with the homelessness sector in the municipality, including the establishment of the Frankston City Strategic Homelessness Alliance.

Carried Unanimously

13.2 Response to NOM 1389 - Ballam Park Precinct Improvements - Update

(VG Community Assets)

Recommendation (Director Community Assets)

That Council:

1. Notes this progress update report in response to NOM 1389 Ballam Park Precinct Improvements;
2. Notes that a budget of \$140,000 has been included in the draft budget for FY2019/20 to undertake further works in Ballam Park including:
 - \$75,000 for Ballam Park water feature design works.
 - \$45,000 for Ballam Park overflow car park design works.
 - \$20,000 for lighting design works.
3. A further progress report will be presented on ongoing items at December 2019 meeting.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Council:

1. Notes this progress update report in response to NOM 1389 Ballam Park Precinct Improvements;
2. Notes that a budget of \$140,000 has been included in the draft budget for FY2019/20 to undertake further works in Ballam Park including:
 - \$75,000 for Ballam Park water feature design works.
 - \$45,000 for Ballam Park overflow car park design works.
 - \$20,000 for lighting design works.
3. A further progress report will be presented on ongoing items at December 2019 meeting, including future budget requirements.
4. Supports a report for Council's consideration at the April Ordinary Council meeting outlining options for the recognition of Frankston City's luminaries and noteworthy citizens.

Carried Unanimously

13.3 Response to 2018/NOM65 - Peninsula Link

(LR Community Development)

Recommendation (Director Community Development)

That Council:

1. Note that letters have been sent to Southern Way Pty Ltd and Lendlease Operations.
2. Note that Council Officers continue to work with VicPol in relation to issues with monkey bikes/motorised bikes.
3. Note that actions undertaken have seen a steady recovery of damaged conservation areas and an observable decline throughout Seaford Wetlands and Peninsula Link Trail in recent years.
4. Note that the installation of more restrictive barriers or speed traps along the shared path on Peninsula Link Trail is not recommended as it is contrary to standards and principles under the Commonwealth Disability Discrimination Act 1992 (DDA).

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Council:

1. Note that letters have been sent to Southern Way Pty Ltd and Lendlease Operations.
2. Note that Council Officers continue to work with VicPol in relation to issues with monkey bikes/motorised bikes.
3. Note that actions undertaken have seen a steady recovery of damaged conservation areas and an observable decline throughout Seaford Wetlands and Peninsula Link Trail in recent years.
4. Note that the installation of more restrictive barriers or speed traps along the shared path on Peninsula Link Trail is not recommended as it is contrary to standards and principles under the Commonwealth Disability Discrimination Act 1992 (DDA).
5. Endorse communications to the community encouraging the reporting of specific monkey bike activity via:
 - a. Social Media (allowing up to \$200 for the boosting of the message).
 - b. An article in Council's What's On page in the Frankston Leader.
 - c. An article in Council's eNewsletter.
 - d. An article in Frankston City News.

Carried Unanimously

14. NOTICES OF MOTION

Nil

15. LATE REPORTS

Nil

16. URGENT BUSINESS

Nil

17. CONFIDENTIAL ITEMS

Council Decision

Moved: Councillor Mayer

Seconded: Councillor O'Connor

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 Appointment of Chairperson to the Audit and Risk Committee

Agenda Item C.1 Appointment of Chairperson to the Audit and Risk Committee 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 Nomination of Youth Mayor for 2019

Agenda Item C.2 Nomination of Youth Mayor for 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)

C.3 Status of International Investment Opportunities and Wuxi sister city relationship

Agenda Item C.3 Status of International Investment Opportunities and Wuxi sister city relationship 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 Nominations for the MAV President and Management Board

Agenda Item C.4 Nominations for the MAV President and Management Board 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 Proposed Sale of Council Land

Agenda Item C.5 Proposed Sale of Council Land is designated confidential as it relates to proposed developments (s89 2e), and legal advice (s89 2f), and matters affecting the security of Council property (s89 2g)

C.6 Contingent Labour Managed Service Provider Contract

Agenda Item C.6 Contingent Labour Managed Service Provider Contract is designated confidential as it relates to contractual matters (s89 2d)

C.7 Authorisation of affixing common seal to various contracts

Agenda Item C.7 Authorisation of affixing common seal to various contracts is designated confidential as it relates to contractual matters (s89 2d)

C.8 Standing Grants Program 2018-2019 - Update on Alliance for Gambling Reform membership

Agenda Item C.8 Standing Grants Program 2018-2019 - Update on Alliance for Gambling Reform membership 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.9 Advanced Waste Processing Solutions - South East Business Case
Agenda Item C.9 Advanced Waste Processing Solutions - South East
Business Case is designated confidential as it relates to contractual
matters (s89 2d)

Carried Unanimously

.....
Signed by the CEO

Chairperson's initials



18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS**C.2 Major Local Community Event Grant Outcome (considered at 2018/OM13 on 22 October 2018)**

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 Bolam****Seconded: Councillor Toms**

That Council:

1. Notes the continuation of the Frankston Music Festival as part of the approved triennial grant from the 2018 grant program..
2. Endorse the Advisory Panel's recommendation that the three applications did not meet the grant criteria and as such are unsuccessful.
3. Writes to the applicants to advise them of Council's decision.
4. Where possible, the Council is to provide advertising of the three unsuccessful applications through its varying advertising media (i.e. Frankston City News, 'What's On' adverts and Social Media etc).

The motion was put and Carried

C.3 Proposed Recipients for Citizen, Young Citizen, Senior Citizen and Community Event of the Year Awards for 2019 (considered at 2018/OM14 on 19 November 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 Bolam****Seconded: Councillor Cunial**

That:

1. Council awards the Citizen of the Year Award for 2019 to Ms Lauren Hornsby;
2. Council awards the Young Citizen of the Year Award for 2019 to Miss Alicia Goldsworthy;
3. Council awards the Senior Citizen of the Year Award for 2019 to Dr John Dickman;
4. Council notes that there are no award recipients for Community Event of the Year for 2019;
5. The award recipients be notified of Council's decision after the meeting, and the names of the winners be embargoed until Australia Day 2019, 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 2019 Council Meeting.

The motion was put and Carried

C.4 Minutes of the Frankston Arts Board - 20 November 2018 (considered at 2019/OM1 on 29 January 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 Bolam****Seconded: Councillor O'Connor**

That Council:

1. Receives the Minutes of the Frankston Arts Board meeting of 20 November 2018.
2. Supports the Frankston Arts Board endorsement of the Frankston Library's eastern wall as an artwork site for The Big Picture Fest 2019.
3. Supports the Frankston Arts Board endorsement of three Frankston North sites for potential sculpture locations in the future.
4. Notes that only the recommendation can be released as part of the public Minutes of this meeting.

The motion was put and Carried

C.7 Update on Big Picture Fest (considered at 2019/OM1 on 29 January 2019)

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

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

That:

1. Note that 2019 is the final year of committed State Government Funding for the Big Picture Fest, and
2. Note the sites for the 2019 Big Picture Fest artworks.
3. That the recommendation be released in the public minutes of this meeting.

The motion was put and Carried

C.1 Appointment of Chairperson to the Audit and Risk Committee (considered at this meeting)

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 Mayer**

That:

1. Council resolves to reappoint Mr. Neil Greenaway to the position of Chairperson of the Audit and Risk Committee until 31 January 2020; and
2. The resolution be incorporated in the public minutes of this Meeting.

The motion was put and Carried

C.9 Advanced Waste Processing Solutions - South East Business Case (considered at this meeting)

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 Cunial**

That Council:

1. Supports in principle a contract model that utilises a Special Purpose Vehicle (or Joint Venture) as a means of collaborating with other Councils to aggregate waste volumes necessary to make an Alternative Waste and Resource Recovery facility in the south-east Melbourne region viable;
2. Continues to work with south-east Melbourne region Councils and the Metropolitan Waste Resource Recovery Group to finalise the South-east Cluster Business Case for Alternative Waste and Resource Recovery services;
3. Notes that the business case is being developed in accordance with the State Department of Treasury and Finance guidelines and will include a detailed risk assessment;
4. Authorises the Chief Executive Officer to enter into agreements required for Council to participate in the establishment of a Special Purpose Vehicle (or Joint Venture) and commencement of the procurement process for Alternative Waste and Resource Recovery services. The final decision to commit to the supply of waste will be made by Council prior to final tender commencement. A full risk assessment will be provided to Council prior to the final decision.
5. Notes that the resolution only will be released as part of the public minutes of this meeting.

The motion was put and Carried

The meeting was closed to the public at 8.49 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 18 February 2019, confirmed on Tuesday 12 March 2019.

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

Dated this

day of

2019

Ms Abigail Dawn

Question 1

Chemist Warehouse Frankston (Wells Street) continually flout the law by stopping delivery trucks in the laneway behind the store despite having three empty loading bays specifically designed for the delivery of goods. This means:

- Traffic is blocked;
- Pedestrians are in danger as cars are awkwardly trying to skim the side;
- Staff are in danger of being injured.

Council refuses to deal with the issue by either fining the drivers or the store, or revoking their lane way trading permit. Can Council please explain why?

Response by Director Community Development

Council is unaware of a lane way trading permit – neither Community Safety or Engineering Services issue a permit of this type.

Parking Officers patrol this area on a regular basis. If there is a specific time, day etc that this is occurring it is recommended that this is shared with Council so that patrols can be arranged.

Parking signage along the laneway will be assessed by Engineering Services to ensure it is appropriately marked/signed.