



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON  
ON 12 MARCH 2019 at 7.01PM**

PRESENT	Cr. Michael O'Reilly (Mayor) Cr. Colin Hampton Cr. Sandra Mayer Cr. Glenn Aitken Cr. Brian Cunial Cr. Steve Toms Cr. Lillian O'Connor
APOLOGIES:	Cr Kris Bolam Cr Quinn McCormack.
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 Mr. Stuart Caldwell, Coordinator Statutory Planning Mr. Taylor McVean, Coordinator Communications Ms. Michelle Tipton, Coordinator Council Business Support Ms. Tenille Craig, Councillor Support Officer
EXTERNAL REPRESENTATIVES:	Ms. Prue Digby, Municipal Monitor

### COUNCILLOR STATEMENT

Councillor Toms 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 Hampton 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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## 1. PRESENTATION TO COMMUNITY GROUPS

The Mayor acknowledged Mr Chris Crewther MP, Federal Member for Dunkley, who was in the gallery.

### 1.1 Letter Under Seal Presentation for Gerard Felipe (2018 Youth Mayor)

The Mayor invited Gerard Felipe to speak. Gerard acknowledged and thanked Council for the opportunity.

### 1.2 Formal presentation for 2019 Youth Mayor

The Mayor introduced Aaron Quarrell as the 2019 Youth Mayor and invited him to speak. Aaron thanked Council for the opportunity and looks forward to the challenges during his term.

## 2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM2 held on 18 February 2019.

### Council Decision

**Moved: Councillor Aitken**

**Seconded: Councillor Cunial**

That the minutes of the Ordinary Meeting No. OM2 held on 18 February 2019 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

**Carried Unanimously**

## 3. APOLOGIES

Apology

### Council Decision

**Moved: Councillor Aitken**

**Seconded: Councillor Cunial**

That the apologies be received and Councillors Bolam and McCormack be granted leave from the meeting.

**Carried Unanimously**

## 4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Cr Colin Hampton declared a conflict of interest in Item C.2: Golf Course Management Tender – Probity Report and will leave the Chamber during discussion and voting.

Dr Gill Kay and Mr Phil Cantillon declared an interest for Item C.2 – Golf Course Management Tender – Probity Report and noted that the CEO has been advised by email prior to the meeting. They will leave the chamber during discussion and voting.

## 5. PUBLIC QUESTION TIME

Nil.

## 6. HEARING OF PUBLIC SUBMISSIONS

Mr Graeme Dixon made a submission to Council regarding Item 11.1 Amendment to Planning Permit 614/2016/P – 197 Karingal Drive Frankston;

Ms Hilary Poad made a submission to Council regarding Item 12.1 – Public Submission and Question Time Policy;

Ms Hilary Poad made a submission to Council regarding Item 12.5 – Council Plan Performance Report – Quarter Two October-December 2018.

**7. ITEMS BROUGHT FORWARD**

Nil.

**8. PRESENTATIONS / AWARDS**

Nil.

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

**Petition**

**Council Decision**

**Moved: Councillor Mayer**

That the petition relating to the sealing of Kelvin Grove, Langwarrin containing 10 signatures be accepted.

**Carried Unanimously**

**10. DELEGATES' REPORTS****10.1 Final Review on 2018 Youth Mayor Activities**

*(VR Chief Executive Office)*

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

That Council notes the final review for the Youth Mayor's 2018 tenure.

**Carried Unanimously**

## 11. CONSIDERATION OF TOWN PLANNING REPORTS

### 11.1 Amendment to Planning Permit 614/2016/P - 197 Karingal Drive Frankston 3199 - To erect and display an internally illuminated, floodlit, major promotion sign

(MP Community Development)

#### Council Decision

**Moved: Councillor Hampton**

**Seconded: Councillor Mayer**

That Council resolves to issue an amended Planning Permit in respect to Planning Permit Application number 614/2018/P to erect and display an internally illuminated, floodlit, major promotion sign at 197 Karingal Drive Frankston, subject to the following conditions:

#### **Plans**

1. Before the commencement of any works, 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 prepared by Studio at Large, dated 7/2/17, identified as ISPT, issue 1.2 and 2.1, but modified to show:
  - (a) The base of the sign to provide some way-finding information for trail users of the pedestrian/cycle link along the freeway to the centre.

#### **No Alterations**

2. The location and details of signs including those of the supporting structure, as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

#### **Signage Requirements**

3. The sign must be located wholly within the boundary of the land and must not exceed 25 metres in height.
4. External sign lighting must be designed, baffled and located so that no direct light is emitted beyond the boundaries of the site so as to prevent any adverse effect on adjoining land or adverse spillage of light onto the roadway, to the satisfaction of the Responsible Authority.
5. The sign and its displayed image must not:
  - a. Be animated;
  - b. Be moving or rotating;
6. The signs hereby permitted must be constructed and maintained to the satisfaction of the Responsible Authority.

#### **VicRoads Requirements**

7. The luminance of the advertising signs must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m<sup>2</sup>, throughout the driver's approach to the advertising sign.
8. The sign and advertising content must not dazzle or distract road users due to its colouring or content.



**Satisfactorily Completed**

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

**Permit Expiry**

10. This permit will expire if the sign is not erected within two years of the date of issue of the permit.
11. The permit expires 15 years from the 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.

**This permit has been amended as follows:**

Date of Amendment	Brief Description
	<b>This permit was amended pursuant to section 74 of the Planning and Environment Act 1987, by amending the permit preamble and deletion of conditions 1(b), 1(c), 4, 9-12 and 14.</b>

**Carried**

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

**11.2 Planning Application 494/2014/P/D - 560 Frankston-Dandenong Road, Carrum Downs - To use and develop the site for a Micro-brewery, sale and consumption of liquor, care (food and drink premises) and variation to the car parking requirements - section 72 amendment to reconfigure part of the car park to extend the outdoor seating area**

*(MP Community Development)*

**Council Decision**

**Moved: Councillor Mayer**

**Seconded: Councillor Aitken**

That Council resolves to issue an Amended Planning Permit in respect to Planning Permit Application number 494/2014/P/D for 'To use and develop the site for a Micro-brewery, sale and consumption of liquor, café (food and drink premises) and a variation to the car parking requirements' at 560 Frankston-Dandenong Road, Carrum Downs, subject to the following conditions:

**Plans**

1. Before the use and/or 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 (or some other specified plan) but modified to show:
  - (a) The disabled car space located in a more convenient location for easier access to the café.
  - (b) The 2 car spaces (Nos 4 and 5) and 2 bus spaces (Nos 2 and 3) remaining in the same position but moved forward towards the accessway to accommodate the outdoor seating area and red line area.
  - (c) Screen planting along the north-east side property boundary adjacent to the outdoor seating area.

**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.
3. Once the development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
4. The licensed area as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

**Liquor Licence Requirements**

5. The selling or consumption of alcohol; tasting room and café (Manufacturing sales and food and drink premises) must only take place at the premises during the following hours:

Thursday	12 noon – 10:30 pm
Friday and Saturday	12 noon – 12:00 am
Sunday	12 noon – 9 pm
6. Not more than 110 patrons may be present on the premises at any one time in association with the tasting room and café (Manufacturing sales and food and drink premises).

7. The Brewery (industry) hereby permitted may operate only between the hours of:  
Monday to Wednesday 8am - 6pm  
Thursday, Friday and Saturday 8am - 4pm (no deliveries after 12 noon)
8. Car parking spaces 1 – 5 and 6 – 14 must be kept clear for truck turning areas of deliveries during the hours of the Brewery (industry) (refer to Condition 7).
9. 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.
10. Liquor must not be consumed in the licensed area by members of the public outside the opening hours of the café.
11. Sales of packaged liquor to members of the public for consumption on or off the licensed premises must not take place on the land outside the opening hours of the café.

### Amenity

12. 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.
13. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bays and must not disrupt the circulation and parking of vehicles on the land.
14. The amenity of the area must not be detrimentally affected by the development and/or use through the:-
  - a) Parking of vehicles and loading / unloading of vehicles;
  - b) Transport of materials, goods or commodities to or from the land;
  - c) Appearance of any building, works or materials;
  - d) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;\
  - e) Presence of vermin; or
  - f) In any other way.to the satisfaction of the Responsible Authority.

### Environment Protection Authority (EPA)

15. The proponent must apply for and be issued with a works approval from the Environment Protection Authority with respect to the use and development of the site for a micro-brewery prior to any works beginning.  
There must be no discharge of wastewater or contaminated stormwater to the stormwater drainage system or surface waters. Suitable drains, interceptor pits, water treatment facilities, pumps and sumps must be installed to ensure that any wastewater or contaminated stormwater generated at the premises is:
  - Connected to reticulated sewer, in accordance with the Trade Waste Agreement; or
  - Collected by an EPA permitted contractor, as appropriate.

16. A secondary containment system shall be provided for liquids and chemicals which if split are likely to cause pollution or pose an environmental hazard, in accordance with the Building Guidelines (EPA Publication No. 347, 1992).
17. Noise emissions from the premises must meet the objectives of State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) N-1.
18. Odours offensive to the senses of human beings must not be discharged beyond the boundaries of the premises.
19. All putrescible waste (including spent grains/yeast etc) must be sorted in sealed and lidded bins and removed from the premises as frequently as required to prevent the discharge of offensive odours.
20. There must be no visible discharge of dust beyond the boundary of the premises. All waste discharges to the external atmosphere must be:
  - Discharged from a stack outlet at least 3 metres above the roofline of any building or
  - Obstruction within a 15 metre radius;
  - Discharged with an efflux velocity of at least 10 metres per second; and
  - Not be obstructed at the stack outlet by a weather cap, cowl or other obstruction.

### **Drainage**

21. 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.
22. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
23. Concrete kerbs and barriers shall be provided to the satisfaction of the responsible authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.
24. 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.

### **Car Parking and Access**

25. Before the occupation of any development hereby permitted commences 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
- d) Drained and maintained to the satisfaction of the Responsible Authority.
- e) Line-marked to indicate each car space, loading bay and all access lanes and if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.

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

### **Satisfactorily Completed**

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

### **Permit Expiry**

27. 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 (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.
- D. The owner/applicant of the subject site should join and comply with the Frankston Liquor Industry Accord, which requires the member to serve liquor in a responsible manner.

**Asset Protection Permit**

E. 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..

**Carried Unanimously**

**11.3 January 2019 Town Planning Progress Report**

*(MP Community Development)*

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

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

**Carried Unanimously**

**12. CONSIDERATION OF REPORTS OF OFFICERS****12.1 Public Submission and Question Time Policy**

*(MT Chief Executive Office)*

**Recommendation (Director Chief Executive Office)**

That Council adopts the Public Submission and Question Time Policy.

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

That the public submission and question time policy be placed on public exhibition for a period of 28 days to allow for members of the public to provide comments on the policy and that a report be presented back to Council in May 2019.

**Carried**

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

Against the Motion: Cr Aitken



**12.2 Councillor Representatives to the Mornington Peninsula and Western Port  
Biosphere Reserve Foundation Board**

*(MP Community Development)*

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

That Council nominates Cr McCormack (primary) and Cr Whelan (vice) as the Councillor Representatives to the Biosphere Board.

**Carried Unanimously**

**12.3 Frankston City Council submission to the Federal Government Social Security Commission Bill 2018**

*(BD Community Development)*

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

That Council:

1. Notes the *Social Security Commission Bill 2018* (see Attachment A) proposing the establishment of an independent Social Security Commission in Australia and the current inquiry into this Bill by the Standing Committee on Social Policy and Legal Affairs;
2. Endorses the attached draft submission to the Standing Committee prepared by officers (see Attachment B) responding to its call for submissions to inform its inquiry and subsequent Advisory Report to the Australian Parliament; and
3. Notes that the Standing Committee has provided Council with an extension on the submission due date (1 March 2019) to enable Council to consider the attached draft submission at its Ordinary Meeting on 12 March.

**Carried Unanimously**

**12.4 Notice of Motion Status Update**

*(MT Chief Executive Office)*

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

That Council:

1. Receives the Notices of Motion Report as at 12 March 2019.
2. Notes that there are no Notices of Motion that have been reported as being complete.
3. Notes that, since 5 February 2019, 24 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:
  - Response to 2018/NOM45 – Greening Our City: Urban Forest Action Plan Adoption
  - Amendment of the Road Management Plan
  - Further Response to NOM1312 – Unemployment in Frankston
  - Standing Grants Program 2018-2019
  - Kananook Community Garden and Farmers Market Shed
  - Olivers Hill Precinct – Safe Boat Refuge and Frankston Coast Guard Building – Consultation Process and Outcomes

**Carried Unanimously**

**12.5 Council Plan Performance Report - Quarter Two October - December 2018**

*(KJ Corporate Development)*

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

That Council receives and notes the Quarterly Council Plan Performance Report for quarter two, October – December 2018.

**Carried Unanimously**

**12.6 Capital Works Quarterly Report - Q2 - October - December 2018/19**

*(LU Community Assets)*

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

That Council receives and notes the quarterly progress report for the Second Quarter (October - December 2018) for the 2018/19 Capital Works Program.

**Carried Unanimously**

**12.7 2019 National General Assembly of Local Government from 16 to 19 June 2019**

*(DH Chief Executive Office)*

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

That:

1. Council endorses the suggested four motions presented and the Councillor delegates for NGA Cr Hampton and Cr Bolam to present the motions at the conference accordingly.
2. To authorise expenditure for each attending Councillor and Council officer to be approved.
3. Attending Councillors also participate in any meetings relating to Council's Advocacy Strategy and South East Melbourne's groups' Regional Plan objectives with Federal Ministers and Federal Shadow Ministers.

**Carried Unanimously**

**12.8 Artwork for PARC and Pines Pool**

*(AM Community Development)*

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

That Council notes:

1. Correspondence to and response from Peninsula Leisure Pty Ltd;
2. That a meeting was held with Peninsula Leisure Pty Ltd. to discuss the proposal;
3. Peninsula Leisure has agreed to continue discussions in the future.

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

That the matter be deferred to the next meeting.

**Lost**

For the Motion: Crs Aitken, Hampton and Toms

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

**The Officers Recommendation was moved****and Carried**

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

Against the Motion: Crs Aitken and Toms

**13. RESPONSE TO NOTICES OF MOTION**

Nil

**14. NOTICES OF MOTION**

Nil

**15. LATE REPORTS**

**16. URGENT BUSINESS**

Chairperson's initials





**17. CONFIDENTIAL ITEMS****Council Decision****Moved: Councillor Mayer****Seconded: Councillor Cunial**

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 Award of Contract 2018/19 - 58 - Langwarrin Netball Court Redevelopment**

Agenda Item C.1 Award of Contract 2018/19 - 58 - Langwarrin Netball Court Redevelopment is designated confidential as it relates to contractual matters (s89 2d)

**C.2 Golf Course Management Tender - Probity Report**

Agenda Item C.2 Golf Course Management Tender - Probity Report is designated confidential as it relates to legal advice (s89 2f)

**C.3 Minutes of the Frankston Arts Board - 19 February 2019**

Agenda Item C.3 Minutes of the Frankston Arts Board - 19 February 2019 is designated confidential as it relates to proposed developments (s89 2e)

**Carried Unanimously**

.....  
Signed by the CEO

*The meeting was closed to the public at 7.54 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 Tuesday 12 March 2019, confirmed on Monday 1 April 2019.

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

Dated this

day of

2019