



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD IN THE FRANKSTON ARTS CENTRE, CNR YOUNG & DAVEY STREETS,  
FRANKSTON  
ON 20 APRIL 2020 at 7.00PM**

PRESENT	Cr. Sandra Mayer (Mayor) Cr. Colin Hampton Cr Michael O'Reilly Cr. Brian Cunial Cr. Steve Toms Cr. Quinn McCormack Cr. Lillian O'Connor
APOLOGIES:	Cr. Kris Bolam Cr. Glenn Aitken
ABSENT:	Nil.
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Ms. Kim Jaensch, Chief Financial Officer Dr. Gillian Kay, Director Communities Mr. Cam Arullanantham, Acting Director Infrastructure and Operations Mr. Tim Bearup, Acting Director Business Innovation and Culture Mr. Doug Dickins, Manager Engineering Services Ms. Brianna Alcock, Manager Governance and Information Ms. Michelle Tipton, Coordinator Governance Mr. Stuart Caldwell, Acting Manager Planning & Environment Ms. Vera Roberts, Executive Assistant to Mayor Ms. Gemma O'Connor, Councillor Support Officer
EXTERNAL REPRESENTATIVES:	

### COUNCILLOR STATEMENT

Councillor Hampton made the following statement:

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

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

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

Chairperson's initials *S. Mayer*

**PRAYER**

At the request of the Mayor, Councillor O'Reilly read the Opening Prayer.

**ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

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## CHIEF EXECUTIVE OFFICER'S COMMUNITY ADDRESS ON FORESHORE RESTRICTIONS

I would like to address the gallery, and those members of the Frankston City community watching from home about the recent closure, and subsequent restricted access to Frankston City beaches.

On March 28, at the request of Victoria Police Council officers made the decision to close all Frankston City beaches to the public with the aim of preventing people congregating in groups.

Since then the message from the Victorian Government has been clear - beaches remain off limits to gatherings of any kind.

On April 8, following further advice from Victoria Police and the Municipal Emergency Coordination Centre — officers determined to allow restricted access to Frankston City beaches — to bring them in line with neighbouring municipalities.

Residents are currently able to access the beach for three limited purposes only:

- As a thoroughfare
- For exercise - including walking, and running
- And for dog walking (where and when permitted)

I want to make it very clear that Councillors have expressed deep concerns around these measures.

And while Victoria Police has indicated it will continue to enforce all restricted activities, Council will not hesitate to reinstate full beach closures if the community fails to follow restrictions around gatherings and social distancing.

These measures follow the Victorian Government bans on boating and paddle sports, camping and fishing and the closures of boat ramps, piers and jetties.

Swimming is strongly discouraged and Surf Lifesaving Victoria has advised it is not currently able to undertake beach patrols.

Those accessing the beach must do so with no more than one other person or members of their household and stay on the move.

Fines apply for anyone found flouting these restrictions.

More information on current COVID-19 restrictions can be found by visiting the Department of Health and Human Services website.

Thank you.



**1. PRESENTATION TO COMMUNITY GROUPS**

Nil

**2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Ordinary Meeting No. OM4 held on 30 March 2020.

**Council Decision**

**Moved: Councillor Toms**

**Seconded: Councillor O'Connor**

That the minutes of the Ordinary Meeting No. OM4 held on 30 March 2020 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

**Carried Unanimously**

**3. APOLOGIES****Council Decision**

**Moved: Councillor Hampton**

**Seconded: Councillor Cunial**

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

**Carried Unanimously**

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

Nil

**5. PUBLIC QUESTION TIME**

There were no questions, With or Without Notice submitted to Council.

**6. HEARING OF PUBLIC SUBMISSIONS**

Mr James Burton made a submission to Council regarding Item 11.3: Planning application 432/2019/P – 159 Nepean Highway Seaford – To construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DD06) and to create and alter access to a Road in a Road Zone Category 1;

Ms Elisabeth Milne made a submission to Council regarding Item 11.3: Planning application 432/2019/P – 159 Nepean Highway Seaford – To construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DD06) and to create and alter access to a Road in a Road Zone Category 1;

Mr Stuart Monteath made a submission to Council regarding Item 12.6: Further Community Consultation for Sweetwater Precinct Local Area Traffic Management Study;

Mr Ian Robins made a submission to Council regarding Item 12.6: Further Community Consultation for Sweetwater Precinct Local Area Traffic Management Study.

**7. ITEMS BROUGHT FORWARD****Council Decision****Moved: Councillor Cunial****Seconded: Councillor McCormack**

That Items:

- 11.3: Planning application 432/2019/P – 159 Nepean Highway Seaford – To construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DD06) and to create and alter access to a Road in a Road Zone Category 1; and
- 12.6: Further Community Consultation for Sweetwater Precinct Local Area Traffic Management Study;

be brought forward.

**Carried Unanimously****8. PRESENTATIONS / AWARDS**

Nil.

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

Nil

**10. DELEGATES' REPORTS****Council Decision****Moved: Councillor McCormack****Seconded: Councillor O'Connor**

That the verbal submission made by the Mayor, Cr Sandra Mayer on the MAV Mayoral Forum held on 2 April 2020 be accepted.

**Carried Unanimously**



**ITEMS BROUGHT FORWARD****11.3 Planning application 432/2019/P - 159 Nepean Highway Seaford - To construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DDO6) and to create and alter access to a Road in a Road Zone Category 1**

(SC Communities)

**Recommendation (Director Community Development)**

That the VCAT and parties to this application be advised that should an application for review not have been lodged under S79 of the Planning and Environment Act 1987 at the Victorian Civil and Administrative Tribunal, Council would have issued a Notice of Decision to Grant a Planning Permit to construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DDO6) and to create and alter access to a Road in a Road Zone Category 1, 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 setback of apartment 11 to the south boundary increased so that no part of the floor overhangs the balcony of apartment 6.
  - (b) Provision of a north facing window to the living room of apartments 1 and 8 and any screening if required.
  - (c) Deletion of east facing screening of balconies to apartments 4, 5 and 9.
  - (d) Screening with a maximum transparency of 25% to a height of 1.7 metres on the south side of the balconies to Dwellings 5 and 9.
  - (e) All trees growing on the site and on the adjoining properties within 3m of the boundaries must be clearly illustrated on all relevant plans and in accordance with the Arboricultural Assessment and Construction Impact Assessment Report prepared by DB Horticulture September 2019 to demonstrate canopy width, trunk location and clearly state whether the tree is to be retained or removed.
  - (f) Tree Protection Zones, Structural Root Zones and tree protection fencing for all trees to be retained on all relevant plans.
  - (g) Tree protection conditions noted on all relevant plans in accordance with Condition 5.
  - (h) Materials, finishes and colours schedule in accordance with Condition 4.
  - (i) Landscape plan in accordance with Condition 6
  - (j) A Stormwater Management Strategy detailing all proposed stormwater quality works within the development and drainage outfall from the development to existing SEP at 6 Beckwith Grove site frontage in accordance with Condition 7.
  - (k) Any changes as required by Department of Transport and Condition 20.

**No Alterations**

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

**Prior to Occupation**

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

**Materials, finishes and colour schedule**

4. Prior to the commencement of building and works, a colour and materials schedule of all external materials and finishes showing materials, colours and finishes, roof and glazing treatments including colour copies suitable for endorsing, must be submitted to the satisfaction and approval by the Responsible Authority. Increased use of lighter colours and materials that are more reflective and sympathetic of the coastal and creek environs should be utilised. When approved, the schedule will form part of the permit.

**Tree Protection**

5. Before the development starts, including vegetation removal, tree protection for Trees 1, 2, 3, G4 and 5 must be carried out in accordance with the following sections of the Arboricultural Assessment and Construction Impact Assessment Report prepared by DB Horticulture September 2019:
  - Section 10 – Construction Impact Assessment (page 12).
  - Section 11 – Tree Protection Requirements (pages 12 – 13).
  - Section 13 – Tree Protection Plan (page 16).

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

**Landscaping**

6. Before the commencement of buildings and works, a landscape plan in accordance with the submitted development plan, prepared by a suitably qualified landscape professional must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) Any modifications as a result of VicRoads requirements.
  - b) 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) A planting theme of a minimum 20% indigenous and 40% native within each plant group.
- j) All existing environmental weed species are to be removed from the site and environmental and noxious weeds found in the 'Sustainable Gardening in Frankston City' (2015) booklet are not to be planted.
- k) Canopy trees (minimum two metres tall when planted) in the following areas:
  - (i) Two (2) within the front setback with a minimum height of 9.0 metres.
  - (ii) Five (5) along each side boundary and along the rear boundary (fifteen (15) trees total) with a minimum height of 7.0 metres.
- l) 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.
- m) All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use.

### Drainage

- 7. 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.
- 8. Stormwater Drainage Outfall is to be constructed to the satisfaction of the responsible authority.
- 9. Stormwater runoff must achieve the following objectives for environmental quality, as set out in the Urban Stormwater Best Practice Environmental Guidelines (CSIRO) 1999.
  - 80% retention of the typical annual load of suspended solids;
  - 45% retention of typical annual load of total phosphorous, and;
  - 45% retention of typical annual load of total nitrogen.Water Quality works within the development must be provided to achieve compliance with the above best practice standards to the satisfaction of the Responsible Authority.
- 10. 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.
11. New vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
12. Existing vehicle crossing shall be removed and 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. Line marked to show the direction in which vehicles are to travel;
  - f. Sign marked identifying the allocation of car spaces; and
  - g. Properly lit.

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.

#### **Waste Management conditions**

15. Prior to the commencement of buildings and works, an amended Waste Management Plan in accordance with Council's Waste Management Guidelines, May 2017 must be submitted to the satisfaction of the Responsible Authority and be approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit.
16. All waste generated by the development must be collected by a Private Waste Management Agency to the satisfaction of the responsible authority.

#### **Construction Management Plan**

17. Prior to the commencement of the development a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. Any plans submitted must be consistent with all other documents approved as part of this permit. The information must be drawn to scale with dimensions and three copies must be provided. The Plan is to include details of the following:

Chairperson's initials *S. Mayer*

- a. Contact Numbers of responsible owner/contractor including emergency/24 hour mobile contact details.
- b. Identification of possible environmental risks associated with development works.
- c. Response measures and monitoring systems to minimise identified environmental risks, including but not limited to acid sulphate soils, vegetation protection, fauna protection, runoff, erosion, dust, litter, noise and light.
- d. Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.
- e. Proposed drainage lines and flow control measures.
- f. Location of all stockpiles and storage of building materials.
- g. Location of parking for site workers and any temporary buildings or facilities.
- h. Details to demonstrate compliance with relevant EPA guidelines.
- i. Target of recycling and re-using a minimum of 80% of construction and demolition waste by weight.
- j. Hours during which construction activity will take place.

#### **Urban Design**

18. 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.
19. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

#### **Department of Transport Requirements**

20. Prior to the commencement of the development, amended plans must be submitted to VicRoads for approval. Once approved, the plans may be endorsed by the responsible authority and will then become part of the permit. The amended plans shall be generally in accordance with Design Response- Ground Floor Plan Drg No.PA 16022-TP3(2) but modified to show:
  - A crossover that is at least 6.1 metres wide at the property boundary and with the edges of the crossover angled at 60 degrees to the road reserve boundary, at least for the first 3 metres from the edge of the road with 3.0 metre radial turnouts.
21. Prior to the commencement of the use or occupation of the development, all disused or redundant vehicle crossings must be removed, and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to Head, Transport for Victoria.
22. Prior to the occupation of the development a sealed crossover and accessway must be constructed to the satisfaction of the responsible authority and at no cost to Head, Transport for Victoria.
23. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 2017 and any other relevant acts or regulations created under those Acts.

**Satisfactorily Completed**

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

**Permit Expiry**

25. 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.

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 Cunial**

That the matter be deferred to the next Ordinary Council Meeting to ensure that all objectors are notified, to give them the opportunity to make a submission to Council.

**Carried Unanimously**



**12.6 Further Community Consultation for Sweetwater Precinct Local Area Traffic Management Study**

*(DD Infrastructure and Operations)*

**Recommendation (Director Infrastructure and Operations)**

That Council:

1. Notes the results and summary of further community consultation carried out between 27 February 2020 and 20 March 2020 regarding the Sweetwater Precinct Local Area Traffic Management (LATM) Plan;
2. Adopts the proposed Stage 1 treatments of the LATM Plan for the Sweetwater Precinct as detailed in Sweetwater Precinct LATM Plan Stage 1 – March 2020;
3. Notes funding of \$250,000 is currently allocated in the 2019/20 Capital Works Program to commence the LATM Plan, with \$621,000 in the draft 2020/21 Capital Works Program to implement the Stage 1 treatments;
4. Supports monitoring traffic speeds and behaviour for a period of 12 months after its implementation, and further-consulting with the residents to assess the need for further traffic treatments in the Sweetwater Precinct; and
5. Continues to promote the use of Crime Stoppers as an effective tool to reduce incidents of irresponsible and anti-social driving behaviour in the precinct.

**Council Decision**

**Moved: Councillor Cunial**

**Seconded: Councillor McCormack**

That the matter be deferred to a date to be determined, which would be no later than four Ordinary Council Meetings.

**Carried Unanimously**

**11. CONSIDERATION OF TOWN PLANNING REPORTS****11.1 Planning application 579/2018/P - 35 - 37 McMahons Road Frankston - The use and development of the land for a Medical Centre, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirements of Clause 52.06.**

(SC Communities)

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

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 579/2018/P for the use and development of the land for a Medical Centre, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirements of Clause 52.06. at 35 – 37 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 an electronic copy must be provided. The plans must be substantially in accordance with the plans submitted with the application but modified to show:
  - a. Deletion of notations referring to signage on all elevations
  - b. Vertical shading devices to windows on the western façade.
  - c. The width of the hallway adjacent to the toilets/services area increased to a minimum of 1.2 metres.
  - d. Sliding doors provided to all disabled/accessible toilets.
  - e. All paving to in the south (side) and rear (west) of the building to be permeable.
  - f. A Landscape Plan in accordance with Condition 4.
  - g. A Drainage Strategy in accordance with Conditions 8, 9 and 10.
  - h. Amendments required by VicRoads Conditions 26-27.

**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.

**Prior to Occupation**

3. The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.



### Landscape Plans

4. Before the development starts, a landscape plan in accordance with the submitted development plan, prepared by a suitably qualified landscape professional must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
- a) A survey (including botanical names) of all existing vegetation on the site and those located within three (3) metres of the boundary of the site on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is proposed to be retained and/or removed.
  - b) 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, access ways, 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 3m) along the rear boundary.
  - j) A planting theme of a minimum 20% 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. Three (3) upright canopy trees within the front setback a minimum mature height of 7m.
    - ii. Two (2) canopy trees within the rear of the development with a minimum mature height of 8m.
  - 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.

### Number of Persons Providing Health Services

5. No more than 10 persons providing health services are permitted to practice at or conduct consultations from the premises at any one time unless with the further written consent of the Responsible Authority. This includes persons providing radiology services.

**Hours of Operation**

6. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of:
- Monday to Friday (other than public holidays): 8 am to 7 pm; and
  - Saturday: 9 am to 1 pm.

**Medical Waste Disposal**

7. The permit holder must ensure that all medical waste is disposed of by an authorised collection/disposal agency to the satisfaction of the Responsible Authority.

**Drainage**

8. 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.
9. 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.
10. 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.

**Engineering Requirements**

11. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
12. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.
13. 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.
14. Before the use allowed 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.
  - 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.

Chairperson's initials *S. Mayer*

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

15. 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 Management Plan**

16. Prior to the commencement of the use, a Car Parking Management Plan must be submitted and must be approved by the Responsible Authority. The Car Parking Management Plan must:

- a. include a requirement that the security door to the basement the open at all times that the medical centre is operational;
- b. show the allocation of spaces between staff and visitors;
- c. maximise the efficient use of the car parking spaces set aside for staff;
- d. lighting of parking areas, entries and exits;
- e. signage to direct staff and patients to their designated spaces;
- f. arrangements for the loading and unloading of goods and materials; and
- g. Measures for the management of the car park in accordance with this plan.

Once approved the Car Parking Management Plan will form part of the permit and must be complied with at all times.

17. The Car Parking Management Plan can only be modified with the written consent of the Responsible Authority.

### **Construction Management Plan**

18. Prior to the commencement of works (including vegetation removal) a Construction and Environment Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. Any plans submitted must be consistent with all other documents approved as part of this permit. The information must be drawn to scale with dimensions and three copies must be provided. The Plan is to include details of the following:

- a. Contact Numbers of responsible owner/contractor including emergency/24 hour mobile contact details
- b. Identification of possible environmental risks associated with development works
- c. Response measures and monitoring systems to minimise identified environmental risks, including but not limited to vegetation protection, fauna protection, runoff, erosion, dust, litter, noise and light.
- d. Location and specifications of sediment control devices on/off site.
- e. Location and specifications of surface water drainage controls.

- f. Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.
- g. Proposed drainage lines and flow control measures.
- h. Location of all stockpiles and storage of building materials.
- i. Location of parking for site workers and any temporary buildings or facilities.
- j. Details to demonstrate compliance with relevant EPA guidelines.
- k. Hours during which construction activity will take place.
- l. Any other relevant matters, including the requirements of VicRoads.

### Urban Design

19. 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.
20. The plant and equipment on the roof of the building must be screened in a manner to complement the appearance of the building to the satisfaction of the Responsible Authority.
21. All materials stored on the land must be stored out of view and must not be unsightly when viewed from nearby lands or roadways to the satisfaction of the Responsible Authority.
22. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by the Standards Australia International Ltd and be connected to a security service.

### Amenity

23. 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; or
  - (e) In any other way.
24. Lighting must be provided near the front entrance and within the development, and must not cause adverse impact on adjoining land, all to the satisfaction of the Responsible Authority.
25. 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. N-1.

### VicRoads Requirements

26. Plan are to be amended to show a passing area that provides a passing area at the entrance at least 6.1 metres wide and 7 metres long to the satisfaction of the Responsible Authority.
27. The redundant crossover must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.
28. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access arrangements to McMahons Road and associated works, must be provided and available for use to the satisfaction the Responsible Authority and at no cost to VicRoads and the Responsible Authority.

**Satisfactorily Completed**

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

**Permit Expiry**

30. 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 six (6) months of the completion of the development.
  - The use ceases for a continuous period of two (2) 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. This permit only relates to the use and/or development of the land and does not comprise an approval for the erection of any advertising signs. The location and details of any advertising signs to be erected on the land must be the subject of a separate application.
- E. This permit only relates to the use and development of the land and does not comprise an approval to construct or put up for display any signs. The location and details of any signs to be constructed or displayed on the land must be the subject of a separate application.

**Carried**

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

Chairperson's initials *S. Mayer*

**Block Motion****Council Decision****Moved: Councillor McCormack****Seconded: Councillor O'Connor**

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

- 11.2 Amendment to the approved development plan in accordance with Clause 43.04 (Development Plan Overlay Schedule 3) to allow consideration to an Amedment to Planning Permit 229/2018/P to alter the loaction of an approved convienance shop and associated works to the existing carpark at 40-46 McMahons Road, Frankston;
- 12.1 Council Resolution Satus Update for 20 April 2020;
- 12.2 Record of Assemblies of Councillors;
- 12.3 Instrument of Delegation S6 from Council to members of Council staff
- 12.5 Proposed Leasing of Council owned and managed land - Electrical Sub-Stations - United Energy
- 12.10 Review of Paths Development Plan
- 12.11 Jubilee Park Indoor Stadium Redevelopment
- 12.13 Update on Coronavarius (COV(D-19)
- 13.1 Response to 2018/NOM56 - Proposed Boulevard Tree Planting Works along Cranbourne Road and Nepean Highway

**Carried Unanimously**

**11.2 Amendment to the approved development plan in accordance with Clause 43.04 (Development Plan Overlay Schedule 3) to allow consideration to an Amendment to Planning Permit 229/2018/P to alter the location of an approved convenience shop and associated works to the existing carpark at 40-46 McMahons Road, Frankston**

*(SC Communities)*

**Council Decision**

**Moved: Councillor McCormack**

**Seconded: Councillor O'Connor**

1. That Council resolves to approve the amended development plan prepared by Bill Jabobs Pty. Ltd. dated February 2020 Job No. 191106 Sheet 01, pursuant to Schedule 3 of the Development Plan Overlay.

AND

2. That Council resolves to issue an Amended Planning Permit 229/2018/P for the Use and Development of the land for a Restricted Retail Premises and associated works to the existing car park to an existing service station, at 40-46 McMahons Road, Frankston with the following modified 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) REMOVED
  - (b) REMOVED
  - (c) REMOVED
  - (d) REMOVED
  - (e) REMOVED
  - (f) REMOVED
  - (g) REMOVED
  - (h) REMOVED
  - (i) REMOVED
  - (j) REMOVED
  - (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.

**No Alterations**

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

Chairperson's initials *S. Mayer*



**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.
6. REMOVED
7. REMOVED
8. REMOVED

**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.

### This permit has been amended as follows:

Date of Amendment	Brief Description
	This permit was amended pursuant to section 74 of the Planning and Environment Act 1987, by considering amended plans and the deletion of conditions 1(a)-(j), 3, 6, 7 and 8.

**Carried Unanimously**

**Note:** Refer to Page 19 of the Minutes where this item is block resolved

Chairperson's initials *S. Mayer*

**12. CONSIDERATION OF REPORTS OF OFFICERS****12.1 Council Resolution Status Update for 20 April 2020**

*(BA Chief Financial Office)*

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

That Council:

1. Receives the Notices of Motion Report as at 20 April 2020;
2. Receives the Urgent Business Status Update as at 20 April 2020;
3. Notes four Notice of Motions have been reported as being complete:
  - 2018/NOM66 - Peninsula Link
  - 2019/NOM45 - Karingal Bulls
  - 2018/NOM69 - White Street Mall Revitalisation
  - 2019/NOM54 - Mass Tree Planting Program
4. Notes the reports listed below will not be presented back to Council by its advised date and a detailed explanation is provided in the body of the report:
  - Response to 2019/NOM37 - Overport Park Masterplan - Preliminary Consultation Summary
  - Response to 2019/NOM39 - Lighting Frankston
  - Response to 2019/NOM62 – Hoon Driving
  - Response to 2020/NOM9 - Creation of Employment Opportunities
  - Response to 2020/NOM10 – Reforms
  - Feasibility to Relocate Council's Operations Centre:
  - Response to Urgent Business - Casey City Council Corruption allegations
  - Accountability and Transparency Reform Update
5. Notes since 2020/OM4 on 30 March 2020, 45 resolutions have been completed, as listed in the body of the report.

**Carried Unanimously****Note:** Refer to Page 19 of the Minutes where this item is block resolvedChairperson's initials *S. Mayer*

**12.2 Record of Assemblies of Councillors**

*(BA Chief Financial Office)*

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

That Council receives the following written records for the Assembly of Councillors on:

- 24 February 2020 (Councillor Briefing);
- 26 February 2020 (Major Projects Advisory Committee Meeting);
- 2 March 2020 (Councillor Briefing);
- 10 March 2020 (Pre-Agenda Council Meeting);
- 16 March 2020 (Councillor Briefing);
- 23 March 2020 (Councillor Briefing); and
- 30 March 2020 (Pre-Agenda Council Meeting).

**Carried Unanimously**

**Note:** Refer to Page 19 of the Minutes where this item is block resolved

Chairperson's initials *S. Mayer*

**12.3 Instrument of Delegation S6 from Council to members of Council staff**

(BA Chief Financial Office)

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

That Council:

1. In the exercise of power conferred by Section 98(1) of the *Local Government Act 1989* and the other legislation referred to in *S6. Instrument of Delegation - Council to members of Council staff* (attached as Attachment A), resolves that these powers, duties and functions be delegated to staff. This is subject to the conditions and limitations specified in the Instrument of Delegation;
2. Notes the Instrument of Delegation referred to above:
  - (i) Be signed and sealed;
  - (ii) Come into force immediately that the Common Seal of Council is affixed to the Instrument; and
  - (iii) Remain in force until Council determines to vary or revoke the Instrument.
3. On the coming into force of the Instrument, notes the previous Instrument which was adopted by Council on 17 February 2020 is revoked; and
4. Notes the duties and functions set out in the Instrument of Delegation are performed and the powers, duties and functions be executed in accordance with any guidelines or policies that Council may from time to time adopt.

**Carried Unanimously**

**Note:** Refer to Page 19 of the Minutes where this item is block resolved

Chairperson's initials *S. Mayer*

**12.4 Public notice of the making of Short Stay Rental Accommodation Local Law 2020**  
(BA Chief Financial Office)**Recommendation (Chief Financial Office)**

That Council:

1. Notes that the Local Government Act 1989 requires public notices to be published in a hard copy newspaper;
2. Notes that at Special Meeting SP198 on 7 November 2016, Council nominated the Frankston Standard Leader as the primary newspaper to be used for public notices;
3. Notes that the Frankston Standard Leader has ceased printing hard copy newspapers;
4. Notes the resolution made on 7 November 2016 and referred to in paragraph 2 of this resolution, directs that, on this occasion, public notice of the making of the Short Stay Rental Accommodation Local Law is given by publishing a public notice in The Age;
5. Further to the resolution made on 7 November 2016 and referred to in paragraph 2 of this resolution:
  - a. nominates The Frankston Times and The Age as newspapers which may be used for the purpose of publishing public notices where the notice cannot be published in the Frankston Standard Leader, whether due to time constraints or otherwise; and
  - b. authorises the Chief Executive Officer to determine which of the two alternative newspapers (i.e. The Frankston Times or The Age) will be used in any particular circumstance.

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

That Council:

1. Notes that the Local Government Act 1989 requires public notices to be published in a hard copy newspaper;
2. Notes that at Special Meeting SP198 on 7 November 2016, Council nominated the Frankston Standard Leader as the primary newspaper to be used for public notices;
3. Notes that the Frankston Standard Leader has ceased printing hard copy newspapers;
4. Notes the resolution made on 7 November 2016 and referred to in paragraph 2 of this resolution, and directs that, on this occasion, public notice of the making of the Short Stay Rental Accommodation Local Law is given by publishing a public notice in The Herald Sun;
5. Further to the resolution made on 7 November 2016 and referred to in paragraph 2 of this resolution:
  - a. nominates The Frankston Times, The Herald Sun and The Age as newspapers which may be used for the purpose of publishing public notices where the notice cannot be published in the Frankston Standard Leader, whether due to time constraints or otherwise; and

Chairperson's initials *S. Mayer*

- b. authorises the Chief Executive Officer to determine which of the three alternative newspapers (i.e. The Frankston Times, The Herald Sun or The Age) will be used in any particular circumstance.

**Carried**

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

Against the Motion: Crs Hampton and Toms

Chairperson's initials *S. Mayer*

**12.5 Proposed Leasing of Council owned and managed land - Electrical Sub-Stations  
- United Energy**

*(MP Chief Financial Office)*

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

That Council:

1. Acting in its capacity as the registered proprietor and Public Land Manager and in accordance with s.190(3b) of the Local Government Act 1989 (the Act), having complied with the provisions of s.223 of the Act with no submissions received, resolves to enter into a lease with United Energy Distribution Pty Limited, for a term of 10 years, with a further term of 10 years, for the sum of 10 cents per annum if demanded, for the purposes of the construction and use of the land for an electrical sub-station at the following sites:
  - a) 260R Cranbourne Road Frankston, being part of Lot 5 LP21687, known as Ballam Park and,
  - b) 3N High Street Frankston, being part of Crown Allotment 3B section 19 Township of Frankston, Parish of Frankston, Permanently Reserved for the purposes of Public Recreation, known as Frankston Park;
2. Notes that due to a potential minor change in location, the proposed public notification for the lease at 30R Davey Street Frankston, being part of Crown Allotment 1 section 4, Township of Frankston, Parish of Frankston, known as the Frankston Civic Centre, has been deferred until such time as the location has been confirmed;
3. Authorises the Chief Executive Officer to finalise lease negotiations; and
4. Authorises the common seal to be affixed and the lease agreements to be signed.

**Carried Unanimously**

**Note:** Refer to Page 19 of the Minutes where this item is block resolved

Chairperson's initials *S. Mayer*



**12.7 Langwarrin Dog Park**

(GK Communities)

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

That Council:

1. Notes Langwarrin Community Centre (LCC) has verbally requested Council write a letter of support for a second extension of their grants (approved by external funding bodies) for a free roam dog park in Langwarrin, or alternatively Council undertake the works by June 2020;
2. Notes the site proposed by LCC for the purpose of the original grant/s has not been formally approved by Frankston City Council or Melbourne Water;
3. Approves Option 3 to apply the grants to Maleleuca Reserve, Langwarrin and seek approval from Melbourne Water for same as an alternative site of the proposed roam free dog park;
4. Notes Officers have written to Melbourne Water advising that subject to Council's endorsement of options 3 at 2020/OM5 Council seeks their approval of the works at Maleleuca Reserve;
5. Notes, Option 3 enables the Operations Centre undertaking the work who will invoice Langwarrin Community Centre for the work;
6. Authorises officers to write to the Chairman of LCC to advise him of Council's decision.

**Carried Unanimously**Chairperson's initials *S. Mayer*

**12.8 Fireworks in Frankston City***(AM Communities)***Council Decision****Moved: Councillor Toms****Seconded: Councillor O'Reilly**

That Council:

1. Notes an analysis of fireworks and their alternatives (laser lights, drones and projections) has been undertaken with a view to developing a policy;
2. Notes the public safety risks are included in the report together with the comparative costs (based on one event) are estimated at:
  - a. Fireworks \$7,000-\$10,000 (depending on the scope);
  - b. Drones \$171,428;
  - c. Laser light show \$20,000-\$100,000 (depending on the scope); and
  - d. Projections \$50,000-\$100,000 (depending on the scope).
3. Notes community consultation to date highlights the majority of survey respondents support the continuation of fireworks;
4. Notes permits for fireworks at externally run events are authorised and issued by Worksafe as per State Government regulations and illegal fireworks are enforced by Victoria Police; and
5. Endorses the continuation of fireworks at both *Frankston's Christmas Festival of Lights* and *The Waterfront Festival* with a view to developing a fireworks policy.

**Carried**

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

**12.9 Frankston Foreshore Boardwalk Lighting Project**

*(VG Infrastructure and Operations)*

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

That Council:

1. Notes the two options proposed for the illumination of the boardwalk along Frankston Foreshore and the mixed views received from the community during consultation;
2. Notes \$175,000 has been allocated in the 2019/20 Capital Works Budget to deliver the project; and
3. Withdraws the project and uses the remaining funding allocation of \$146,000 from 2019/20 Capital Works Budget to strengthen the proposed Frankston City Council's COVID-19 Relief and Recovery Package.

**Carried**

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

Against the Motion: Cr Toms

**12.10 Review of Paths Development Plan**

*(DD Infrastructure and Operations)*

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

That Council:

1. Notes the draft Paths Development Plan 2020;
2. Endorses the draft Paths Development Plan 2020 to be publicly exhibited for a period of six weeks;
3. Seeks a report back no later than August 2020, to adopt the Paths Development Plan 2020, taking into account any submissions received; and
4. Notes that the report back is subject to any potential delays and impacts associated with Council's response to the COVID-19 pandemic.

**Carried Unanimously****Note:** Refer to Page 19 of the Minutes where this item is block resolved

**12.11 Jubilee Park Indoor Stadium Redevelopment**

*(JR Infrastructure and Operations)*

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

That Council:

1. Notes the outcome of community engagement undertaken by officers during 2019 and 2020;
2. Notes the current total project cost at schematic design, sits within the allocated budget of \$34.9M;
3. Approves the current schematic design; and
4. Endorses the project to proceed with a town planning application and to progress with the detailed design phase.

**Carried Unanimously****Note:** Refer to Page 19 of the Minutes where this item is block resolved

**12.12 Sandhurst Club Asset Transfer Proposal**

*(CA Infrastructure and Operations)*

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

That Council:

1. Having considered Sandhurst Club's Asset Transfer proposal at the Ordinary Meeting on 30 March 2020, resolves to support the Asset Transfer proposal;
2. Authorises the Chief Executive Officer to execute the Sandhurst Estate Transfer Deed and Deed of Variation of the Section 173 Agreement (AB688953T) of the Planning and Environment Act (1987); and
3. Authorises the common seal to be affixed to both documents.

**Carried Unanimously**

**12.13 Update on Coronavirus (COVID-19)**

*(PC Chief Executive Office)*

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

That Council:

1. Receives this report that outlines its response to the impacts of the Coronavirus (COVID-19).
2. Receives that an update will be provided to each Council meeting for the foreseeable future during this Pandemic.

**Carried Unanimously**

**Note:** Refer to Page 19 of the Minutes where this item is block resolved

**13. RESPONSE TO NOTICES OF MOTION****13.1 Response to 2018/NOM56 - Proposed Boulevard Tree Planting Works along Cranbourne Road and Nepean Highway**

*(VG Infrastructure and Operations)*

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

That Council:

1. Notes the positive outcome of community consultation undertaken in relation to the proposed Boulevard Tree Planting works along Cranbourne Road and Nepean Highway;
2. Notes the progress to date and the allocation of \$80,000 for Retaining Wall Works along Cranbourne Road (2019/2020) Capital Works budget;
3. Withdraws the Capital Works budget allocations of \$130,000 (2019/2020) and \$205,000 (2020/2021), for Planting Works along Nepean Highway and Cranbourne Road, in order to strengthen the proposed Frankston City Council's COVID-19 Relief and Recovery Package; and
4. Refers the Boulevard Tree Planting works along Cranbourne Road and Nepean Highway to a future Capital Works Program for consideration given the strong community support.

**Carried Unanimously**

**Note:** Refer to Page 19 of the Minutes where this item is block resolved



**14. NOTICES OF MOTION**

Nil

**15. LATE REPORTS**

Nil

**16. URGENT BUSINESS**

Nil

Chairperson's initials *S. Mayer*

## 17. CONFIDENTIAL ITEMS

### Council Decision

**Moved: Councillor Cunial**

**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 Standing Grants Program 2020/2021**

Agenda Item C.1 Standing Grants Program 2020/2021 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 Clublinks - Operation of The Social Golf Club at the Centenary Park Golf Course**

Agenda Item C.2 Clublinks - Operation of The Social Golf Club at the Centenary Park Golf Course is designated confidential as it relates to contractual matters (s89 2d)

**C.3 Further response to 2018/NOM51 - Prospective land acquisitions and update on offset opportunities**

Agenda Item C.3 Further response to 2018/NOM51 - Prospective land acquisitions and update on offset opportunities is designated confidential as it relates to contractual matters (s89 2d)

**C.4 Mid-Year Strategic Risk Management Report**

Agenda Item C.4 Mid-Year Strategic Risk Management Report 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 Award of Contract 2019/20 – 48 The Management & Operation of Pines Forest Aquatic Centre**

Agenda Item C.5 Award of Contract 2019/20 – 48 The Management & Operation of Pines Forest Aquatic Centre is designated confidential as it relates to contractual matters (s89 2d)

**C.6 Award of Fuel Contract - Procurement Australia Contract Number: 2206-0108**

Agenda Item C.6 Award of Fuel Contract - Procurement Australia Contract Number: 2206-0108 is designated confidential as it relates to contractual matters (s89 2d)

**C.7 Chief Executive Officer's Quarterly Report - April 2020**

Agenda Item C.7 Chief Executive Officer's Quarterly Report - April 2020 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.8 Debrief of Ordinary Council Meeting**

Agenda Item C.8 Debrief of Ordinary Council 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)

**Carried Unanimously**

**18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS****C.8 Debrief of Ordinary Council Meeting (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) (h) 'Contractual Matters' and 'Any other matter which the Council or special committee considers would prejudice the Council or any person'.*

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

That Council:

1. Notes an assessment of the Ordinary Council Meeting held on 20 April 2020 was made based on the following eight (8) pillars identified in the Framework for Good Governance Commission of Inquiry into Greater Geelong City Council:
  - Direction and Leadership
  - Culture and Behaviour
  - Structure, Systems and Policies
  - Decision making
  - Communication and community engagement
  - Capability
  - Risk and Compliance; and
  - Monitoring and Review
2. Notes the recommendation will be published as part of the public minutes of this meeting.

*The motion was put and Carried*

*The meeting was closed to the public at 7.59 pm*

CONFIRMED THIS

DAY OF

2020

.....  
CHAIRPERSON

**AUTHORITY TO STAMP INITIALS ON MINUTES**

I, Cr. Sandra Mayer, 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 20 April 2020 confirmed on Monday 11 May 2020.

.....  
(Cr. Sandra Mayer, Chairperson – Council Meeting)

Dated this

day of

2020