



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON  
ON 12 AUGUST 2019 at 7.02 PM**

PRESENT	Cr. Michael O'Reilly (Mayor) Cr. Colin Hampton Cr. Sandra Mayer Cr. Glenn Aitken Cr. Brian Cunial Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam
APOLOGIES:	Cr. Lillian O'Connor
ABSENT:	Nil.
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Mr. Tim Frederico, Director Corporate Development Dr. Gillian Kay, Director Community Development Mr. Doug Dickins, Acting Director Community Assets Mr. Tim Bearup, Manager Community Strengthening Mr. Stuart Caldwell, Acting Manager Planning & Environment Mr. Taylor McVean, Coordinator Communications Ms. Vera Roberts, Executive Assistant to Mayor Ms. Tenille Craig, Councillor Support Officer Ms. Sharon Lozsan, Project and Business Support Officer
EXTERNAL REPRESENTATIVES:	Nil

### COUNCILLOR STATEMENT

Councillor Bolam made the following statement:

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

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

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

Chairperson's initials

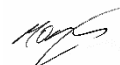
**PRAYER**

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

**ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

Councillor 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.

Chairperson’s initials



<b>1. PRESENTATION TO COMMUNITY GROUPS.....</b>	<b>3</b>
<b>2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....</b>	<b>3</b>
Ordinary Meeting No. OM9 held on 22 July 2019. ....	3
<b>3. APOLOGIES.....</b>	<b>3</b>
<b>4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST .....</b>	<b>3</b>
<b>5. PUBLIC QUESTION TIME.....</b>	<b>3</b>
<b>6. HEARING OF PUBLIC SUBMISSIONS .....</b>	<b>3</b>
<b>7. ITEMS BROUGHT FORWARD .....</b>	<b>5</b>
<b>8. PRESENTATIONS / AWARDS.....</b>	<b>5</b>
8.1 Frankston Charitable Fund Grants - Gifting Ceremony .....	5
<b>9. PRESENTATION OF PETITIONS AND JOINT LETTERS.....</b>	<b>6</b>
<b>ITEMS BROUGHT FORWARD.....</b>	<b>7</b>
11.2 Planning Permit Application 41/2019/P - 21 Barmah Court, Frankston South - To use and develop the land for a child care centre; to remove fifteen (15) substantial trees and construct and carry out works in the tree protection zone of substantial trees; and to construct and put up for display two (2) business identification signs .....	7
12.14 Response to Petition - Proposed Installation of High Voltage Power Transmission Line along Silver Avenue, Frankston North .....	15
<b>10. DELEGATES' REPORTS .....</b>	<b>16</b>
10.1 National General Assembly, Canberra - June 2019 .....	16
<b>11. CONSIDERATION OF TOWN PLANNING REPORTS .....</b>	<b>17</b>
11.1 Planning Permit Application 36/2019/P - 183 Cranbourne Road Frankston - External and internal alterations to the existing RSL building, modification of the Red Line area of the Liquor Licence and Green Line area for the Electronic Gaming Machines (EGM).....	17
11.3 Seaford Wetlands Residential Environs Study - Report on submissions made during public consultation and next steps .....	21
11.4 Town Planning Improvements Update Report.....	23
<b>12. CONSIDERATION OF REPORTS OF OFFICERS.....</b>	<b>24</b>
12.1 Notice of Motion Status Update for 12 August 2019.....	24
12.2 Record of Assemblies of Councillors .....	25
12.3 Delegate Resignation from the Audit and Risk Committee .....	26
12.4 Accountability and Transparency Reform Update .....	27

12.5	Draft Letter under Seal Policy.....	28
12.6	Proposed Public Commemorative Tribute and Memorial Application Policy and Application Form.....	29
12.7	Submission to Local Government Bill 2019 Proposed Reforms .....	30
12.8	Frankston Visitor Information Centre progress report.....	31
12.9	Playground Strategy Review .....	32
12.10	Proposed Lease of Council Managed Land - Existing Telecommunications Facility (Equipment Shelter only) - 185N Cranbourne-Frankston Road Langwarrin (Lloyd Park) .....	33
12.11	Busking in the CAA.....	34
12.12	Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions - April, May, June 2019 .....	35
12.13	ANZAC Day future support .....	37
12.15	Response to Petition - Construction of Kelvin Grove, Langwarrin .....	39
<b>13.</b>	<b>RESPONSE TO NOTICES OF MOTION .....</b>	<b>40</b>
13.1	Further response to NOM 1312 - Unemployment in Frankston .....	40
13.2	Response to 2018/NOM47 - Environmentally Sustainable Development (ESD) Rating System - Proposed Local Policy .....	41
13.3	Response to 2019/NOM23 - Evelyn Street Park .....	42
<b>14.</b>	<b>NOTICES OF MOTION .....</b>	<b>43</b>
14.1	2019/NOM25 - Recycled Water Scheme Projects.....	43
14.2	2019/NOM26 - Lawton Park Master Plan .....	44
14.3	2019/NOM27 - Sandfield Reserve Fenced-off Leash-free area.....	45
14.4	2019/NOM28 - Council Based Grants .....	46
14.5	2019/NOM29 - Public Art Murals .....	47
14.6	2019/NOM30 - Investigation of Major Projects .....	48
<b>15.</b>	<b>LATE REPORTS .....</b>	<b>49</b>
<b>16.</b>	<b>URGENT BUSINESS.....</b>	<b>49</b>
<b>17.</b>	<b>CONFIDENTIAL ITEMS .....</b>	<b>50</b>
C.1	Design Advisory Committee - Recommended Appointments .....	50
C.2	Award of Contract for the provision of Internal Audit Services.....	50
C.3	Belvedere Precinct Update .....	50
C.4	Community Grants Program 2019/2020 .....	50
C.5	2019/NOM31 - Lease Agreement of Linen House.....	50
C.6	Confidential Personnel Matter .....	50

**1. PRESENTATION TO COMMUNITY GROUPS**

Nil

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

Ordinary Meeting No. OM9 held on 22 July 2019.

**Council Decision**

**Moved: Councillor Cunial**

**Seconded: Councillor Bolam**

That the minutes of the Ordinary Meeting No. OM9 held on 22 July 2019 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

**Carried Unanimously**

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

**Moved: Councillor Cunial**

**Seconded: Councillor Hampton**

That the apology be received and Councillor O'Connor 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. Laz Nagu made a submission to Council regarding Item 11.2: Planning Permit Application 41/2019/P – 21 Barmah Court, Frankston South to use and develop the land for a child care centre; to remove fifteen (15) substantial trees and construct and carry out works in the tree protection zone of substantial trees and to construct and put up for display two (2) business identification signs;

Mr. David Klingberg made a submission to Council regarding Item 11.2: Planning Permit Application 41/2019/P – 21 Barmah Court, Frankston South to use and develop the land for a child care centre; to remove fifteen (15) substantial trees and construct and carry out works in the tree protection zone of substantial trees and to construct and put up for display two (2) business identification signs;

Mr. Alexander Shaw made a submission to Council regarding Item 11.2: Planning Permit Application 41/2019/P – 21 Barmah Court, Frankston South to use and develop the land for a child care centre; to remove fifteen (15) substantial trees and construct and carry out works in the tree protection zone of substantial trees and to construct and put up for display two (2) business identification signs;

Ms. Jill McIntyre made a submission to Council regarding Item 11.2: Planning Permit Application 41/2019/P – 21 Barmah Court, Frankston South to use and develop the land for a child care centre; to remove fifteen (15) substantial trees and construct and carry out works in the tree protection zone of substantial trees and to construct and put up for display two (2) business identification signs;

Mr. Shaun Pederson made a submission to Council regarding Item 11.2: Planning Permit Application 41/2019/P – 21 Barmah Court, Frankston South to use and develop the land for a child care centre; to remove fifteen (15) substantial trees and construct and carry out works in the tree protection zone of substantial trees and to construct and put up for display two (2) business identification signs;

*Councillor Aitken left the chamber at 7:25 pm.*

*Councillor Aitken returned to the chamber at 7:27 pm.*

Ms. Jo Garretty made a submission to Council regarding Item 11.2: Planning Permit Application 41/2019/P – 21 Barmah Court, Frankston South to use and develop the land for a child care centre; to remove fifteen (15) substantial trees and construct and carry out works in the tree protection zone of substantial trees and to construct and put up for display two (2) business identification signs;

*Councillor Mayer left the chamber at 7:33 pm.*

Ms. Blaire Jones made a submission to Council regarding Item 11.2: Planning Permit Application 41/2019/P – 21 Barmah Court, Frankston South to use and develop the land for a child care centre; to remove fifteen (15) substantial trees and construct and carry out works in the tree protection zone of substantial trees and to construct and put up for display two (2) business identification signs;

*Councillor Mayer returned to the chamber at 7:35 pm.*

Ms. Miranda Davis made a submission to Council regarding Item 11.2: Planning Permit Application 41/2019/P – 21 Barmah Court, Frankston South to use and develop the land for a child care centre; to remove fifteen (15) substantial trees and construct and carry out works in the tree protection zone of substantial trees and to construct and put up for display two (2) business identification signs;

Mr. David Growse made a submission to Council regarding Item 11.2: Planning Permit Application 41/2019/P – 21 Barmah Court, Frankston South to use and develop the land for a child care centre; to remove fifteen (15) substantial trees and construct and carry out works in the tree protection zone of substantial trees and to construct and put up for display two (2) business identification signs;

Ms. Melissa Dib made a submission to Council regarding Item 11.2: Planning Permit Application 41/2019/P – 21 Barmah Court, Frankston South to use and develop the land for a child care centre; to remove fifteen (15) substantial trees and construct and carry out works in the tree protection zone of substantial trees and to construct and put up for display two (2) business identification signs;

Mr. Jamie Aitken made a submission to Council regarding Item 11.2: Planning Permit Application 41/2019/P – 21 Barmah Court, Frankston South to use and develop the land for a child care centre; to remove fifteen (15) substantial trees and construct and carry out works in the tree protection zone of substantial trees and to construct and put up for display two (2) business identification signs;

*At the request of the next submitter, the live streaming will cease at 7.54 pm during the verbal submission*

Ms. Elina Kostinski made a submission to Council regarding Item 12.14: Response to petition – Proposed Installation of High Voltage Power Transmission Line along Silver Avenue, Frankston North

*Live streaming recommenced at 7.59 pm*

## 7. ITEMS BROUGHT FORWARD

### Council Decision

**Moved: Councillor McCormack**

**Seconded: Councillor Cuniall**

That the following items be brought forward:

- Item 11.2: Planning Permit Application 41/2019/P – 21 Barmah Court, Frankston South – To use and develop the land for a child care centre; to remove fifteen (15) substantial trees and construct and carry out works in the tree protection zone of substantial trees; and to construct and put up for display two (2) business identification signs
- Item 12.14 : Response to Petition – Proposed Installation of High Voltage Power Transmission Line along Silver Avenue, Frankston North

**Carried Unanimously**

## 8. PRESENTATIONS / AWARDS

### 8.1 Frankston Charitable Fund Grants - Gifting Ceremony

As per Council resolution at its OM6 13 May 2019 (Item C.1: Frankston Charitable Funds Grant)

The Mayor announced and congratulated the following recipients of the 2019 Frankston Charitable Fund grants:

- Helen Sutton, Kaye Facey and Pauline McDowell from Australian Red Cross Society for the Frankston Red Cross Trauma Teddy Program. They received \$1,000.
- Trudy Poole and Trish Anderson from Frankston Churches Community Breakfast Inc for the Daily Breakfast for homeless and needy Monday to Friday. They received \$10,000.
- Marian Gandy and Robyn Tredinnick from Groomed to Go Inc for providing wigs and styling services to our Be Who You Are clients. They received \$5,000.
- Kim Kerr from Kindred Clubhouse for Kindred Clubhouse Program. Kim received \$5,820.
- Margaret Peacock and Graham Peacock from Operation Larder Incorporated for provision of food and goods to the disadvantaged Frankston Community. They received \$5,000.
- Gina Poulos from Theodora House Incorporated for their program called More with Less, meeting the demand of the clients and improving their operation. Gina received \$4,350

Acknowledgement was also given to The Trustee for the Salvation Army (Vic) Social Work for Fresh Food Friday, who were unable to attend. They received \$5,000.

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

Petition – High-Fenced area within Sandfield Reserve

**Council Decision**

**Moved: Councillor Hampton**

**Seconded: Councillor Toms**

That the petition containing 21 signatures requesting a high-fenced area within Sandfield Reserve on Sandfield Drive be accepted.

**Carried Unanimously**



**ITEMS BROUGHT FORWARD****11.2 Planning Permit Application 41/2019/P - 21 Barmah Court, Frankston South - To use and develop the land for a child care centre; to remove fifteen (15) substantial trees and construct and carry out works in the tree protection zone of substantial trees; and to construct and put up for display two (2) business identification signs**

*(MP Community Development)*

**Recommendation (Director Community Development)**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 41/2019/P for the use of land for a child care centre and to construct and carry out works in association with a Section 2 use in the General Residential Zone, Bushfire Management Overlay – Schedule 1 and Design and Development Overlay – Schedule 1; to remove fifteen (15) substantial trees and construct and carry out works in the tree protection zone of substantial trees in the Significant Landscape Overlay – Schedule 3; and to construct and put up for display two (2) business identification signs at 21 Barmah Court, Frankston South, subject to the following conditions:

**Amended Plans**

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be substantially in accordance with the plans identified as Issue C, dated 1 April 2019, but modified to show:
  - a. A pedestrian path to the front of the site to connect to the existing pedestrian path on Frankston-Flinders Road in accordance with Condition 10.
  - b. Fence type F5 to be amended to a more open and rural style and to omit the use of any masonry.
  - c. Signage details, including colour, lettering style etc. to be detailed on plans in accordance with Condition 27.
  - d. 2 metre high acoustic fencing along the extent of the rear site boundary to be detailed and prepared in consultation with a suitably qualified acoustic engineer.
  - e. All windows noted to be a minimum thickness of 6 millimetres in accordance with the Acoustic Report (prepared by JTA, dated January 2019).
  - f. The Waste Management Plan prepared by SALT (dated 8 April 2019) to be updated in accordance with Conditions 28-29.
  - g. A notation on the site plan that waste vehicles are to operate in accordance with Condition 28.
  - h. A full materials and colours schedule.
  - i. All trees growing on the site and on the adjoining properties within 3 metres of the boundaries must be clearly illustrated on the site and landscape plans to demonstrate canopy width, trunk location and clearly labelled in accordance with the Arboricultural Report prepared by PSY Inv Pty Ltd, updated 17 June 2019, and clearly state whether the tree is to be retained or removed.

- j. The tree protection zone and structural root zone for all trees to be retained and the tree protection fence locations must be illustrated on the site and landscape plans.
- k. A Tree Protection Management Plan in accordance with Condition 3.
- l. A landscape plan in accordance with Condition 4.

### **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.

### **Tree Protection Management Plan**

- 3. A Tree Protection Management Plan prepared in accordance with Frankston City Council's 'Arboricultural Report Writing Guide' must be submitted by a suitably qualified and experienced Arborist in relation to the management and maintenance of Trees 1, 2, 13, 20 and 23, and must be approved by the Responsible Authority prior to the commencement of any works (including any demolition, levelling of the site, excavations, tree removal, delivery of building/construction materials and/or temporary buildings). The Tree Protection Management Plan must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following where relevant but not limited to ensuring that the trees remain healthy and viable during and following construction:
  - a. A site plan showing tree protection zones (TPZ) and structural root zones (SRZ), tree protection fence locations and any relocations required and any areas where ground protection systems will be used;
  - b. A clear photograph of each tree;
  - c. Any specific damage/faults evident within each tree prior to demolition or construction. These photographs must be supplied within the TPMP as a preliminary dilapidation report;
  - d. Restricted activities in the TPZ;
  - e. Key supervision and monitoring stages of the development including pre-demolition, pre-construction, and post construction stages;
  - f. Details of any TPZ encroachments including;
  - g. Details of exploratory root investigation;
  - h. Alternative construction techniques;
  - i. Root pruning;
  - j. Supervision;
  - k. Details of any root pruning;
  - l. Locations and methods for installation of services e.g.; sewerage, storm water, telecommunications, electricity etc.;
  - m. Remedial works as required including a detailed photographic diagram specifying what pruning will occur;
  - n. Final Certification of Tree protection template. The Final Certification Report Template as required in the Tree Protection Management Plan must be completed and submitted to the satisfaction of the Responsible Authority before the commencement of the use or at such later date as is approved by the Responsible Authority in writing.

## Landscape Plan

4. Before the commencement of buildings and works, an amended landscape plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plan must be generally in accordance with the submitted development plan and planting plan, prepared by Studio 8 Concept and Design dated 10 April 2019, but modified to show:
  - a. The tree number, T.P.Z., S.R.Z. and notations regarding protection methods during construction of retained trees;
  - b. Buildings on neighbouring properties within 3 metres of the boundary;
  - c. 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;
  - d. 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;
  - e. A range of plant types from ground covers to large shrubs and trees;
  - f. Landscaping and planting within all open areas of the site;
  - g. Adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
  - h. The provision of screen planting (minimum mature height of 1.5 metres) within the landscape buffer along the northern property boundary;
  - i. A planting theme of a minimum 40% 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' (2018) booklet are not to be planted;
  - k. The provision of suitable canopy trees (minimum 2 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. Two (2) within the northern play scape, minimum mature heights of 8 metres;
    - ii. The two (2) trees nominated within the car parking area (feature trees), minimum mature height of 8 metres;
    - iii. One (1) to the rear of the sign in the southeast corner of the site, minimum mature height of 5 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.
5. Landscaping and planting must be in accordance with the defendable space requirements within the endorsed Bushfire Management Plan.

6. The landscaping as shown on the endorsed landscape plan must be completed before the occupation of the development and maintained thereafter, to the satisfaction of the Responsible Authority.

### Engineering Requirements

7. 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.
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. Stormwater Drainage Outfall is to be constructed to the satisfaction of the Responsible Authority.
10. Water Sensitive Urban Design principles (WSUD) shall be incorporated into the drainage design to the satisfaction of the Responsible Authority, which may include but not be limited to the following components or a combination thereof:
  - Rainwater tanks for stormwater harvesting and re-use for toilet flushing, laundry use and landscape irrigation, etc.
  - On-site stormwater detention.
  - On- site stormwater soil percolation and infiltration
  - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
11. A pedestrian path connecting the existing pedestrian path on Frankston-Flinders Road to the site is to be provided along Kara Street at the cost of the developer. The path must be constructed and completed to the satisfaction of the Responsible Authority.
12. The vehicle crossing must be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
13. All disused vehicle crossings to be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.
14. Prior to occupation of the dwellings hereby permitted OR 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 or surfaced with crushed rock or gravel.
  - 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.

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.

### **Urban Design**

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

### **Number of Children**

19. Without the prior written consent of the Responsible Authority, no more than 84 children may be on the premises at any one time.

### **Number of Staff**

20. Without the prior written consent of the Responsible Authority, no more than 16 staff may be on the premises at any one time.
21. Staff shift times must be staggered between peak traffic periods of 7.00 am – 9.30 am and 4.00 pm – 6.30pm.

### **Hours of Operation**

22. Without the prior written consent of the Responsible Authority, the use hereby permitted may operate only between the hours of 6.30am–6.30pm, Monday to Friday.
23. Without the prior written consent of the Responsible Authority, the use hereby permitted may not operate on weekends or public holidays.

### **Amenity**

24. The amenity of the area must not be detrimentally affected by the development and/or use through the:
- Transport of materials, goods or commodities to or from the land.
  - Appearance of any building, works or materials.
  - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - Presence of vermin.

25. 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.

### **Signage**

26. All signs shall not be illuminated, animated, reflective, moving, intermittent or flashing.
27. The signage permitted must be limited to the business name, logo and relevant contact information, to the satisfaction of the Responsible Authority.

### **Waste Management**

28. The Waste Management Plan, prepared by SALT (Ref: 18415W), dated 8 April 2019, to be amended to include the following:
- Specify that collection vehicles operate outside the peak traffic hours of 7.00am – 9.30 am and 4.00pm – 6.30pm.
  - Specify that no rubbish is to be collected from the site or deliveries are to be made to the site before 7.00 am or after 7.00pm, Monday to Friday.
29. All waste generated by the development must be collected by a private contractor and in accordance with the endorsed Waste Management Plan, to the satisfaction of the responsible authority.

### **CFA Requirements**

30. The Bushfire Management Plan produced by BAL Assessments dated 12 April 2019, Version 3, must be endorsed by the Responsible Authority to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.
31. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

### **Satisfactorily Completed**

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

### **Permit Expiry**

33. 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.
  - The use has not commenced within two (2) years of the date of this permit.
  - The use is discontinued for a 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.

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

That Council resolves to issue a Notice of Refusal to Grant a Planning permit in respect to Planning Application Number 41/2019/P for the use and development of the land for a child care centre; to remove fifteen (15) substantial trees and construct and carry out works in the tree protection zone of substantial trees; and to construct and put up for display two (2) business identification signs at 21 Barmah Court, Frankston South, on the following grounds:

1. The proposed development is contrary to the Neighbourhood Character Policy at Clause 22.08 of the Frankston Planning Scheme, due to the removal of large established trees, the minimal setback from the rear site boundary and the solid brick fencing which fails to maintain and enhance the continuous flow of vegetation across the landscape.
2. The proposed development is contrary to the Design and Development Overlay at Clause 43.02 and Schedule 1 of the Frankston Planning Scheme, due to the lack of opportunity for tree planting and landscaping to the site boundaries and is inconsistent with the landscape setting of the area.
3. The number of car spaces proposed to be provided is not sufficient to ensure that customers will not park on adjoining streets, impacting on resident amenity and traffic movements in a quiet residential court environment.
4. The proposed development would cause a material increase in traffic movement which would impact upon residential amenity in a quiet residential court environment.
5. The proposed development results in the loss of existing vegetation with a landscaping response which does not adequately replace the contribution of that vegetation to the character of the area due to the extensive play areas associated with the use.

The proposed development would increase drainage run-off which would impact upon general residential amenity in this area.

Chairperson's initials



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

That Cr Aitken be granted an extension of time.

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

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



**12.14 Response to Petition - Proposed Installation of High Voltage Power Transmission Line along Silver Avenue, Frankston North**

(VG Community Assets)

**Recommendation (Director Community Assets)**

That Council:

1. Notes a petition with 14 signatures objecting to the proposed installation of high voltage power transmission line along Silver Avenue, Frankston North, between Tamarisk Drive and Aldercourt Primary School;
2. Notes that United Energy have advised the proposed works are necessary to meet the requirements of Electricity Distribution Code and for the continued reliability and security of electricity supply to the residents of Silver Avenue precinct;
3. Notes that proposed minor utility installation works by essential service providers such as United Energy are exempt from Council approval process; and
4. Advises the Head Petitioner accordingly.

*The Mayor adjourned the meeting at 8.26 pm.*

*The meeting resumed at 8.32 pm.*

*Cr Hampton entered the Chamber at 8.35 pm.*

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

That Council:

1. Notes a petition with 14 signatures objecting to the proposed installation of high voltage power transmission line along Silver Avenue, Frankston North, between Tamarisk Drive and Aldercourt Primary School;
2. Notes that United Energy have advised the proposed works are necessary to meet the requirements of Electricity Distribution Code and for the continued reliability and security of electricity supply to the residents of Silver Avenue precinct;
3. Notes that proposed minor utility installation works by essential service providers such as United Energy are exempt from Council approval process;
4. Writes to the Hon. Lily D'Ambrosio, Minister for Energy, Environment and Climate Change requesting a review of the health and safety matters raised as part of the petition, including the potential for undergrounding the services; and
5. Advises the Head Petitioner accordingly.

**Carried Unanimously**

**10. DELEGATES' REPORTS****10.1 National General Assembly, Canberra - June 2019**

*(PC Chief Executive Office)*

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

That Council receives this Delegates report from the Deputy Mayor, Cr Hampton and Cr Bolam on their attendance at the National General Assembly of Local Government 2019

**Carried Unanimously**

## 11. CONSIDERATION OF TOWN PLANNING REPORTS

### 11.1 Planning Permit Application 36/2019/P - 183 Cranbourne Road Frankston - External and internal alterations to the existing RSL building, modification of the Red Line area of the Liquor Licence and Green Line area for the Electronic Gaming Machines (EGM)

*(MP Community Development)*

#### **Recommendation (Director Community Development)**

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 36/2019/P for Building and works to the existing RSL building, alterations to the existing Red Line area of the Liquor Licence and Green Line area for the Electronic Gaming Machines at 183 Cranbourne Road, Frankston, 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 prepared by BSPN Architecture, 6 January 2019, Revision A, A10.01, A20.01, A00.00, A12.01, A13.01, A15.01, A22.01, A22.02, A23.01, A30.01, A31.01, A32.01, A80.01, A80.02, A80.03, A90.01, A90.02, A90.03 and A90.04, but modified to show:
  - (a) Red Line area to correlate to the external wall of the building and exclude the "play area" for children and loading bay;

#### **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. The Red Line area of the Liquor License as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
4. The number of patrons currently allowed on the site must not be increased unless with the further written consent of the Responsible Authority.

#### **Prior to Occupation**

5. On completion of the extensions to the RSL Building, all landscaping as shown on the endorsed plans, must be completed within three (3) months to the satisfaction of the Responsible Authority. Landscaping must thereafter be maintained to the satisfaction of the Responsible Authority.

#### **Amenity**

6. The amenity of the area must not be detrimentally affected by the development 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, etc.to the satisfaction of the Responsible Authority.

**Satisfactorily Completed**

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

**Permit Expiry**

8. 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 Bolam****Seconded: Councillor Toms**

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 36/2019/P for Building and works to the existing RSL building, alterations to the existing Red Line area of the Liquor Licence and Green Line area for the Electronic Gaming Machines at 183 Cranbourne Road, Frankston, 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 prepared by BSPN Architecture, 6 January 2019, Revision A, A10.01, A20.01, A00.00, A12.01, A13.01, A15.01,

A22.01, A22.02, A23.01, A30.01, A31.01, A32.01, A80.01, A80.02, A80.03, A90.01, A90.02, A90.03 and A90.04, but modified to show:

(a) Red Line area to correlate to the external wall of the building and exclude the "play area" for children and loading bay;

(b) The provision of new landscaping in the Cranbourne Road reserve area adjacent to the existing memorial garden

### Landscaping

2. Before the commencement of buildings and works, a landscape plan in accordance with the submitted development plan, prepared by a suitably qualified landscape professional must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plan must show:

- a. The provision of new landscaping in the Cranbourne Road reserve area adjacent to the existing memorial garden.
- b. 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;
- c. the provision of notes on the landscape plan regarding site preparation, removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- d. All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use

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

### No Alterations

3. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
4. The Red Line area of the Liquor License as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
5. The number of patrons currently allowed on the site must not be increased unless with the further written consent of the Responsible Authority.

### Prior to Occupation

6. On completion of the extensions to the RSL Building, all landscaping as shown on the endorsed plans, must be completed within three (3) months to the satisfaction of the Responsible Authority. Landscaping must thereafter be maintained to the satisfaction of the Responsible Authority.

### Amenity

7. The amenity of the area must not be detrimentally affected by the development 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, etc.

to the satisfaction of the Responsible Authority.

### **Satisfactorily Completed**

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

### **Permit Expiry**

9. This permit will expire if one of the following circumstances applies:
- The 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.

**Carried Unanimously**

**11.3 Seaford Wetlands Residential Environs Study - Report on submissions made during public consultation and next steps**

*(MP Community Development)*

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

That Council:

1. Notes the submissions made to the Seaford Wetlands Residential Environs Study (Study);
2. Adopts the Seaford Wetlands Residential Environs Study;
3. Authorises officers to commence work to implement the actions recommended by the Study; and
4. Notes funding for any proposed Water Sensitive Urban Design capital works is to be considered as part of the normal annual budget process.

**Carried**

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

Against the Motion: Cr McCormack

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

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

- 11.4 Town Planning Improvements Update Report
- 12.1 Notice of Motion Status Update for 12 August 2019
- 12.2 Record of Assemblies of Councillors
- 12.3 Delegate Resignation from the Audit and Risk Committee
- 12.6 Proposed Public Commemorative Tribute and Memorial Application Policy and Application Form
- 12.7 Submission to Local Government Bill 2019 Proposed Reforms
- 12.8 Frankston Visitor Information Centre progress report
- 12.10 Proposed Lease of Council Managed Land – Existing Telecommunications Facility (Equipment Shelter only) – 185N Cranbourne-Frankston Road Langwarrin (Lloyd Park)
- 12.11 Busking in the CAA
- 12.15 Response to Petition – Construction of Kelvin Grove, Langwarrin
- 13.1 Further Response to NOM 1312 – Unemployment in Frankston
- 13.3 Response to 2019/NOM23 – Evelyn Street Park

**Carried Unanimously**



**11.4 Town Planning Improvements Update Report**

*(SC Community Development)*

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

That Council:

1. Notes that Council has had approximately 120 resolutions since 2014 relating to the Frankston Planning Scheme and Town Planning work systems that have been actioned.
2. Notes that planning application volumes have been increasing over time.
3. Notes that Council's historic timeframes for consideration of applications are comparable to neighbouring Councils and have further improved recently.
4. Notes that substantial progress has been made in improving Town Planning work systems to date.
5. Notes the current initiatives currently underway to further improve the Frankston Planning Scheme and Town Planning work systems.
6. Notes that work is being undertaken to identify future improvement options to the Frankston Planning Scheme and Town Planning work systems to improve customer service, timeframes and service efficiency, including process methodologies such as NORFI and STAR, and that the future enhancements is being facilitated with key process improvements underway.
7. Notes that a further update report on town planning improvements will be provided by the March 2020 Ordinary Meeting.

**Carried Unanimously****Note:** Refer to Page 22 of the Minutes where this item is block resolved

**12. CONSIDERATION OF REPORTS OF OFFICERS****12.1 Notice of Motion Status Update for 12 August 2019**

*(PC Chief Executive Office)*

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

That Council:

1. Receives the Notices of Motion Report as at 12 August 2019.
2. Notes and accepts that there are 7 Notices of Motion that have been reported as being complete.
  - 2019/NOM11 – Container Deposit Scheme (CDS)
  - 2018/NOM52 – Car Parking Forum August 2018 - Committee for Greater Frankston
  - 2019/NOM7 – At-call Hard Rubbish Collection
  - 2019/NOM21 – Funding for Frankie's Cafe at Frankston South Community and Recreation Centre
  - 2019/NOM10 – Boat Moorings at Kananook Creek
  - 2019/NOM24 - Small Business Friendly Councils (SBFC)
  - 2019/NOM9 – Car parking in Frankston Metropolitan Activity Centre (FMAC)
3. Notes that the reports 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:
  - Urgent Business – Evelyn Street Site
  - Response to 2018/NOM45 – Greening Our City

**Carried Unanimously**

**Note:** Refer to Page 22 of the Minutes where this item is block resolved

**12.2 Record of Assemblies of Councillors**

*(BA Corporate Development)*

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

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

- 20 May 2019 (Councillor Briefing);
- 3 June 2019 (Pre-Agenda Council Meeting)
- 5 June 2019 (Councillor Briefing);
- 11 June 2019 (Councillor Briefing including Special Council Meeting);
- 24 June 2019 April 2019 (Councillor Briefing);
- 26 June 2019 (Councillor Briefing);
- 1 July 2019 (Pre-Agenda Council Meeting)
- 8 July 2019 (Councillor Briefing);
- 15 July 2019 (Councillor Briefing).

**Carried Unanimously**

**Note:** Refer to Page 22 of the Minutes where this item is block resolved

**12.3 Delegate Resignation from the Audit and Risk Committee**

*(PC Chief Executive Office)*

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

That Council:

1. Accepts the resignation of Cr Bolam from the Audit and Risk Committee
2. Nominates Cr McCormack as Council's new representative on the Audit and Risk Committee

**Carried Unanimously****Note:** Refer to Page 22 of the Minutes where this item is block resolved

**12.4 Accountability and Transparency Reform Update**

*(BA Corporate Development)*

**Recommendation (Corporate Development)**

That Council notes:

1. The Accountability and Transparency Reform document;
2. That 12 items are completed and no further action is required;
3. That a Briefing will be scheduled to further discuss the Accountability and Transparency Reform document and the additional items that have been introduced since the last update; and
4. That a further update will be provided at its Ordinary Meeting in November 2019.

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Aitken**

That Council notes:

1. The Accountability and Transparency Reform document;
2. That 12 items are completed and no further action is required;
3. That a Briefing will be scheduled to further discuss the Accountability and Transparency Reform document and the additional items that have been introduced since the last update;
4. That a further update will be provided at its Ordinary Meeting in November 2019;
5. Zero based budgeting was one of the original items listed in the Accountability and Transparency Reform document; and
6. That zero based budgeting is being embedded into the service planning framework and this approach will be presented to Councillors towards the end of 2019.

**Carried Unanimously**

**12.5 Draft Letter under Seal Policy**

*(BA Corporate Development)*

**Recommendation (Director Corporate Development)**

That Council:

1. Notes the draft Letter under Seal Policy (Policy) and agrees for it to be publicly exhibited for a period of four (4) weeks; and
2. Seeks a report back to Council no later than the November 2019 Ordinary Meeting to endorse the Policy, taking into account any feedback received by the community.

**Deferral Motion to another Council Meeting**

**Moved: Councillor Cunial**

**Seconded: Councillor McCormack**

That the matter be deferred to the 2 September 2019 Ordinary Meeting.

**Carried Unanimously**

**12.6 Proposed Public Commemorative Tribute and Memorial Application Policy and Application Form**

*(BA Corporate Development)*

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

That Council:

1. Notes the Public Commemorative Tribute and Memorial Policy (Policy) and Application Form and agrees for them to be publicly exhibited for a period of four (4) weeks; and
2. Seeks a report back to Council no later than the November 2019 Ordinary Meeting to endorse the Policy and Application Form, taking into account any feedback received by the community.

**Carried Unanimously****Note:** Refer to Page 22 of the Minutes where this item is block resolved

**12.7 Submission to Local Government Bill 2019 Proposed Reforms**

*(BA Corporate Development)*

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

That Council notes its submission on the Local Government Bill 2019 Proposed Reforms sent to Local Government Victoria on 12 July 2019.

**Carried Unanimously**

**Note:** Refer to Page 22 of the Minutes where this item is block resolved



**12.8 Frankston Visitor Information Centre progress report***(SJ Corporate Development)***Council Decision****Moved: Councillor Mayer****Seconded: Councillor Aitken**

That Council:

1. Notes the 2018-2019 key performance indicator results:

<b>2018-2019 Key Performance Indicators</b>	<b>Target</b>	<b>Actual</b>
Visitation (walk-in customers)	52,000	30,737
Merchandise net profit	\$35,000	\$24,041
Event commission/other	\$1,458	\$5,000
Visit Frankston Tourism Partners	100	64
Satellite visitor information displays	3	3

2. Notes that the cost per walk-in customer has increased from \$6.77 (2016-2017) to \$12.52 (2018-2019)
3. Endorses the 2019-2020 key performance and non-direct indicators recommended by the FVIC Sub-committee:

<b>2019-2020 Key Performance Indicators</b>	<b>Target</b>
Visitation (walk-in customers)	32,000
Merchandise net profit	\$30,000
Mystery shopping	95%

<b>2019-2020 Non-Direct Indicators</b>	<b>Target</b>
Tours and event commission	\$5,000
Visit Frankston Tourism Partnership	
- Base level	85
- Let's Get Social Upgrade	10
- Coverage King Upgrade	5

4. Refers for consideration:
  - a. \$20,000 to the 2020-2021 capital works program for the upgrade of lighting within the FVIC
  - b. \$20,000 to the 2020-2021 capital works program for the upgrade of the Visitor Information Centre at the intersection of Nepean Highway and Pier Promenade to incorporate variable LED messaging
  - c. \$2,500 to the 2019-2020 capital works mid-year budget review for variable LED messaging signage to go inside the Visitor Information Centre windows.
5. Endorses a further update report being provided to Council at the February 2020 Ordinary Council Meeting.

**Carried Unanimously****Note:** Refer to Page 22 of the Minutes where this item is block resolved

**12.9 Playground Strategy Review**

(DD Community Assets)

**Recommendation (Director Community Assets)**

That Council:

1. Notes that a review of the Frankston Playspace Strategy is required to guide future provision of playspaces across Frankston.
2. Notes that as part of the review of the Playspace Strategy that play for all ages, including senior adults, will be considered, prioritised and a trial site such as Whistlestop Reserve determined.

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Toms**

That Council:

1. Notes that a review of the Frankston Playspace Strategy is required to guide future provision of playspaces across Frankston.
2. Notes that as part of the review of the Playspace Strategy that play for all ages, including senior adults, will be considered, prioritised and a trial site such as Whistlestop Reserve determined.
3. Notes the budget required to undertake the Playspace Strategy review and refers \$35,000 for consideration through the 2019-2020 mid-year budget review.
4. (a) That the Whistlestop Reserve 'seniors playground' ('the trial') be referred to the 2020/2021 Budget for consideration.  
  
(b) In the event this project is funded, a report be provided back to Council on the rollout of additional 'seniors playground' based on the outcomes from the Whistlestop Reserve 'seniors playground' trial.

**Carried Unanimously**

**12.10 Proposed Lease of Council Managed Land - Existing Telecommunications Facility (Equipment Shelter only) - 185N Cranbourne-Frankston Road Langwarrin (Lloyd Park)**

*(MP Corporate Development)*

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

That:

1. Axicom, on behalf of Optus Mobile Pty Ltd, be advised that Council, acting in its capacity as the Public Land Manager, agrees in principle to the leasing of part of the Crown Land at 185N Cranbourne-Frankston Road Langwarrin, being part of the land comprising Crown Allotment 1A section B in the Parish of Langwarrin, County of Mornington and being permanently reserved for Public Recreation, for a maximum term of twelve (12) years, for the sum of \$17,500 plus GST per annum, for the purposes of the construction and use of a Telecommunications facility (equipment shelter only), subject to:
  - (i) Public notice of any proposed lease will provide an opportunity for public comment for 28 days, pursuant to s.223 of the LGA 1989.
  - (ii) The satisfactory completion of statutory procedures for the leasing of Council land pursuant to s. 190 *Local Government Act 1989*, and,
2. The Chief Executive Officer be authorised to commence the statutory procedures for the leasing of land including public notice.

**Carried Unanimously**

**Note:** Refer to Page 22 of the Minutes where this item is block resolved

**12.11 Busking in the CAA**

*(AM Community Development)*

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

That Council endorses the new Busking Code of Conduct and Street Performance Permit Conditions.

**Carried Unanimously**

**Note:** Refer to Page 22 of the Minutes where this item is block resolved

**12.12 Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions - April, May, June 2019**

*(TB Community Development)*

**Recommendation (Director Community Development)**

That Council:

1. Notes the funding allocations in relation to grants in the Miscellaneous Grants Program, and community concessions and discounts in the Frankston Arts Centre **for the period 1 April to 30 June 2019.**
  - a) Miscellaneous Grants Program \$0 (was fully expended prior to this quarter)
  - b) Community Group Membership Drive \$300
  - c) Youth Action Grants \$0 (No applications)
  - d) Urgent Grants \$1000
  - e) Environmental Sustainability Grants \$494
  - f) Neighbourhood Grants \$0 (No applications)
2. Notes the following overall total expenditure in the Miscellaneous Grants Program **for the 2018-2019 financial year:**
  - a) Miscellaneous Grants Program \$12,455.00
  - b) Community Group Membership Drive \$1,300.00
  - c) Youth Action Grants \$0
  - d) Urgent Grants \$1,000.00
  - e) Environmental Sustainability Grants \$1,494.00
  - f) Neighbourhood Grants \$800.00
3. Notes overall total community concessions and discounts in the Frankston Arts Centre for the 2018-2019 financial year was \$194,581.
4. Approve for officers to review the grant categories, criteria and promotional activities with the intent to maximise community take up.

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Mayer**

That Council:

1. Notes the funding allocations in relation to grants in the Miscellaneous Grants Program, and community concessions and discounts in the Frankston Arts Centre **for the period 1 April to 30 June 2019.**
  - a) Miscellaneous Grants Program \$0 (was fully expended prior to this quarter)
  - b) Community Group Membership Drive \$300
  - c) Youth Action Grants \$0 (No applications)
  - d) Urgent Grants \$1000
  - e) Environmental Sustainability Grants \$494
  - f) Neighbourhood Grants \$0 (No applications)

2. Notes the following overall total expenditure in the Miscellaneous Grants Program **for the 2018-2019 financial year:**
  - a) Miscellaneous Grants Program \$12,455.00
  - b) Community Group Membership Drive \$1,300.00
  - c) Youth Action Grants \$0
  - d) Urgent Grants \$1,000.00
  - e) Environmental Sustainability Grants \$1,494.00
  - f) Neighbourhood Grants \$800.00
3. Notes overall total community concessions and discounts in the Frankston Arts Centre for the 2018-2019 financial year was \$194,581.
4. Approve for officers to review the grant categories, criteria and promotional activities with the intent to maximise community take up.
5. That the grant allotment concerning 'Neighbourhood Grants' for individuals be increased from \$100 to \$250 and groups \$100 to \$500 (this won't have any budgetary impact).
6. That the Frankston Youth Council and local primary and secondary student councils be pro-actively advised, at numerous times of each year, the availability of 'Youth Action Grants'.
7. That research relevant to sustainable practices, environment and climate change, with a local emphasis, also be allowed for 'Environmental Sustainability Grants'.
8. That grant streams are to be advertised more pro-active.

**Carried Unanimously**

**12.13 ANZAC Day future support**

(AM Community Development)

**Recommendation (Director Community Development)**

That Council:

1. Notes the Sponsorship Policy.
2. Notes that a letter has been issued to the Frankston RSL that:
  - commits funding of \$5K for the Frankston RSL at the mid-year budget review;
  - donates 80 x chairs, 2 x trestle tables and lectern to the Frankston RSL for their ongoing use;
  - requires the Frankston RSL to complete the event application process for each event in consultation with Council officers and follow Council's standard standing grant acquittal process.
3. In respect of the offer that has been made to the Frankston RSL, either:
  - Confirms support for this offer that will also require an exemption to Council's Sponsorship Policy, or:
  - Seeks a review of this offer in favour of alternate arrangements that provide a greater level of in-kind Council support to Frankston RSL.
4. In respect of the Seaford RSL, either:
  - Authorises an exemption to the Council's Sponsorship Policy and commits funding of \$5K at the mid-year budget review which will also require the Seaford RSL to complete the event application process for each event in consultation with Council officers and follow Council's standard standing grant acquittal process, or:
  - Seeks alternate arrangements that provide a greater level of in-kind Council support to the Seaford RSL

**Deferral Motion to another Council Meeting**

**Moved: Councillor Aitken**

**Seconded: Councillor Hampton**

That the matter be deferred to the next Ordinary Meeting.

**Lost**

For the Motion: Crs Aitken and Hampton

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

**Council Decision**

**Moved: Councillor McCormack**

**Seconded: Councillor Toms**

That Council:

1. Notes the Sponsorship Policy.
2. Revokes the letter issued to the Frankston RSL, which was not endorsed by Council prior to sending, and issues a letter that commits Council through a resolution of Council to:
  - a) donate 80 x chairs, 2 x trestle tables and lectern to the Frankston RSL for their ongoing use;
  - b) provide in-kind officer assistance, capped at a maximum of \$5,000 for Frankston RSL, for event management which will include:
    - i) liaise with the safety officer to develop plans
    - ii) liaise with Victoria Police and other emergency services, terrorist threat and other issues
    - iii) on behalf of the RSL, book the following contractors, at their cost:
      - security

Chairperson's initials



- traffic management
  - toilets
  - AV screens and audio
  - infrastructure
  - first aid
  - photographer
  - coffee vendor
  - BBQ vendors
- iv) create a run sheet
- v) liaise with the RSL on the logistics and run sheet for speakers, parade, band and other performers
- vi) arrange a letter box drop to neighbouring houses and other stakeholders; tennis club, schools etc.
- vii) provision of and co-ordination of all:
- event management plans
  - traffic management plans
  - notifications (emergency services and resident)
  - Street traders, Public Liability Insurances
  - run sheets
  - emergency management plans
  - risk assessments to the Council as part of the event application process
3. In respect of the Seaford RSL, will liaise with Seaford RSL to determine what assistance, if any, is sought, and a report be brought back to Council.
4. Writes to relevant state and federal ministers, with Veteran Affairs and Local Government portfolios, requesting state and federal support given the absent quantum of funding from both tiers of government.

**Carried Unanimously**



**12.15 Response to Petition - Construction of Kelvin Grove, Langwarrin**

*(DD Community Assets)*

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

That Council:

1. Supports consultation with all property owners within Kelvin Grove in the form of a survey to seek their interest in constructing Kelvin Grove through a Special Charge Scheme;
2. Notes that a report outlining the consultation and results of the survey will be presented to Council by the November 2019 Ordinary Meeting; and
3. Advises the Head Petitioner accordingly.

**Carried Unanimously****Note:** Refer to Page 22 of the Minutes where this item is block resolved

**13. RESPONSE TO NOTICES OF MOTION****13.1 Further response to NOM 1312 - Unemployment in Frankston**

*(FB Corporate Development)*

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

That Council notes the report and that a further update be provided by the March 2020 Ordinary Meeting.

**Carried Unanimously**

**Note:** Refer to Page 22 of the Minutes where this item is block resolved

**13.2 Response to 2018/NOM47 - Environmentally Sustainable Development (ESD) Rating System - Proposed Local Policy**

*(MP Community Development)*

*Councillor Cunial left the chamber at 9.05 pm.*

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

That Council:

1. Notes the Environmentally Sustainable Development (ESD) Policy Investigation: Background Information Findings report prepared by Sustainable Development Consultants.
2. Notes the findings and recommendations of the Environmentally Sustainable Development (ESD) Policy Investigation: Recommended Policy Triggers report prepared by Sustainable Development Consultants.
3. Authorises officers to write to the Minister for Planning to request authorisation to prepare and exhibit a planning scheme amendment to introduce a Local Environmentally Sustainable Development Policy in the Frankston Planning Scheme.
4. Refers \$93,000 per annum to the mid-year budget review for consideration of the creation of a Band 6 position at Council for a dedicated ESD planning officer.
5. Refers \$7,500 per annum to the mid-year budget review for consideration of a subscription to the Built Environment Sustainability Scorecard (BESS).
6. Refers \$12,000 to the mid-year budget review for consideration of ESD training for current planning staff.

**Carried Unanimously**

*Councillor Cunial returned to the chamber at 9.12 pm.*

**13.3 Response to 2019/NOM23 - Evelyn Street Park**

*(MP Community Development)*

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

That Council authorises officers to commence the preparation of a planning scheme amendment to rezone inappropriately zoned public open space areas within the suburbs of Seaford, Frankston, Frankston North and Frankston South. This will include the rezoning of the Evelyn Street Reserve to the Public Park and Recreation Zone.

**Carried Unanimously**

**Note:** Refer to Page 22 of the Minutes where this item is block resolved

**14. NOTICES OF MOTION****14.1 2019/NOM25 - Recycled Water Scheme Projects**

*(TC Chief Executive Office)*

*Cr Cunial returned to the Chamber at 9.12 pm*

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

That Council:

1. Reviews the outcomes achieved following completion of the Stage 1 Robinson Recycled Water Scheme Project that connected Baxter and Robinsons Parks;
2. Uses this analysis to complete the feasibility study of potential future projects, including a continuation of the pipeline from Robinsons Park to Lawton Reserve; and
3. Provides a report to Council by the March 2020 Ordinary Meeting.

**Carried Unanimously**

**14.2 2019/NOM26 - Lawton Park Master Plan**

*(TC Chief Executive Office)*

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

That a report on the cost of updating the master plan for Lawton Park and adjoining Council land be presented to the November 2019 Ordinary Meeting for assessment by the Council for possible funding allocation in the 2019/20 mid-year budget review.

**Carried Unanimously**

**14.3 2019/NOM27 - Sandfield Reserve Fenced-off Leash-free area**

*(TC Chief Executive Office)*

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

That Council prepare a report for the 18 November 2019 Ordinary Meeting for the feasibility and costings to establish a fenced dog leash-free area on Sandfield Reserve.

**Carried Unanimously**

**14.4 2019/NOM28 - Council Based Grants**

(VR Chief Executive Office)

**Councillor Recommendation**

1. That the grant allotment concerning 'Neighbourhood Grants' for 'individuals' be increased from \$100 to \$250 and 'groups' from \$100 to \$500 using the existing 'Neighbourhood Grants' budget allotment. Therefore, this won't require any new expenditure or reallocations. These adjustments will put the grant award in line with all other Miscellaneous Grants; and
2. That a new grant category - 'Local Heritage Retention' - is considered for creation. This grant, which will duplicate the 'Lake Macquarie City Council Local Heritage Places' grant process, seeks to encourage owners and community groups to nominate buildings or areas within the municipality with either heritage and/or historical symbolic value. The owner/s or groups, if successful in being awarded the council based grant, will then receive capped funding to conduct restorative works at the respective locations.

A report is to be provided to Council at the September Ordinary Meeting on the proposed 'Local Heritage Retention' funding pool, the capped amount per recipient and general governance in relation to the potential new grant.

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

That Cr Bolam be granted leave of Council to amend 2019/NOM28 – Council Base Grants.

**Carried Unanimously**

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

1. That a new grant category – 'Local Heritage Retention' - be considered for creation. The grant, which will duplicate facets of Lake Macquarie City Council's 'Local Heritage Places' grant process, seeks to encourage owners and community groups to nominate buildings or areas within the municipality with either symbolic and/or historical value.

The proviso for funding is that the owner or community groups must be undertaking such works at a cost that is greater than the sought contribution from Council.

The owner/s or groups, if successful in being awarded this grant, will then receive capped funding to conduct restorative works at respective locations.

It is envisaged that grant recipients will be recommended by Heritage and Assets Promotion Committee.

2. A report is to be provided at the second September Ordinary Meeting on the proposed annual funding pool for the grant (\$10k-\$15k annually), the capped amount per grant (up to, but no more than \$2k) and general governance considerations.

**Carried Unanimously**



**14.5 2019/NOM29 - Public Art Murals**

(TC Chief Executive Office)

*Councillor McCormack left the chamber at 9:22 pm.*

**Councillor Recommendation**

That Council:

1. Notes the cost to create two high quality art pieces under the Fletcher Road overpass is estimated at \$60K;
2. Requests that the Frankston Arts Board provides feedback on the best depicted artwork for these two locations; and
3. Refers the costs for undertaking this work to be considered at 2019/20 Mid-Year Review.

**Leave of Council**

**Moved: Councillor Bolam**

**Seconded: Councillor Mayer**

That Cr Bolam be granted leave of Council to amend 2019/NOM29 – Public Art Murals.

**Carried Unanimously**

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Aitken**

That Council:

1. Notes the cost to create two high quality art pieces under the Fletcher Road overpass is strictly capped at \$60K;
2. Ensures adherence to the prescribed budget with a local and regarded artist to undertake the mural works;
3. Ensures that the selected artist works with the Frankston Arts Board on the proposed imagery for the two locations; and
4. Refers the sought funding be considered at the 2019/2020 Midyear Budget for consideration.

**Carried Unanimously**

**14.6 2019/NOM30 - Investigation of Major Projects**

(TC Chief Executive Office)

*Councillor McCormack returned to the chamber at 9:24 pm.*

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

Officers are to create a register for all major projects to monitor incremental loss or impact and replacement of environmental attributes. The register must record and also enable a red flag system on any of the elements listed below:

The register must record:

1. Loss of green space
2. Loss of vegetation
3. Increase of bitumen, which actively increases the heat bank effect
4. Replacement of any vegetation loss with an increase of canopy cover trees in car parks which must also:
  - a. take into account safety risks for pedestrians and vehicles in storm events
  - b. enhance the visual appeal of an urban forest

**Carried Unanimously**

**15. LATE REPORTS**

Nil

**16. URGENT BUSINESS**

Urgent Business

**Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor Toms**

That the matter of Cr Hampton's Leave of Absence be accepted as urgent business.

**Carried Unanimously**

**Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor Toms**

That Leave of Absence be granted to Cr Hampton for the period of 10 September to 20 October 2019 (inclusive)

**Carried Unanimously**

**17. CONFIDENTIAL ITEMS****Council Decision****Moved: Councillor Bolam****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 Design Advisory Committee - Recommended Appointments**

Agenda Item C.1 Design Advisory Committee - Recommended Appointments 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 Award of Contract for the provision of Internal Audit Services**

Agenda Item C.2 Award of Contract for the provision of Internal Audit Services is designated confidential as it relates to contractual matters (s89 2d)

**C.3 Belvedere Precinct Update**

Agenda Item C.3 Belvedere Precinct Update is designated confidential as it relates to contractual matters (s89 2d)

**C.4 Community Grants Program 2019/2020**

Agenda Item C.4 Community Grants Program 2019/2020 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.5 2019/NOM31 - Lease Agreement of Linen House**

Agenda Item C.5 2019/NOM31 - Lease Agreement of Linen House is designated confidential as it relates to contractual matters (s89 2d), and legal advice (s89 2f)

**C.6 Confidential Personnel Matter**

Agenda Item C.6 Confidential Personnel Matter is designated confidential as it relates to personnel matters and contractual matters (s89 2a & S89 2d)

**Carried Unanimously**

.....  
Signed by the CEO

*The meeting was closed to the public at 9.31 pm*

CONFIRMED THIS

DAY OF

2019

.....  
**CHAIRPERSON**

**AUTHORITY TO STAMP INITIALS ON MINUTES**

I, Cr. Michael O'Reilly, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday 12 August 2019, confirmed on Monday 2 September 2019.

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

Dated this

day of

2019