



FRANKSTON CITY
COUNCIL

Ordinary Meeting

A G E N D A

20 February 2017



COUNCIL CHAMBERS

Dennis Hovenden Chief Executive Officer	Cr. Cunial Mayor	Tim Frederico Director Corporate Development
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Council Core
Business Support
Coordinator

Cr. McCormack

Cr. Mayer

Cr. Aitken

Cr. Hampton

Cr Bolam

Cr. O'Reilly

Media

Media

Cr. O'Connor

Cr. Toms

EMT

EMT

Guest Speaker

Gallery



THE COUNCIL MEETING

Welcome to this Meeting of the Frankston City Council

The Council appreciates residents, ratepayers and other visitors taking their places in the Public Gallery, as attendance demonstrates an interest in your Council and community affairs. Community spirit is encouraged.

This information sheet is designed to help you to understand the procedures of Council and help you to gain maximum value from your attendance.

The law regarding the conduct of Council meetings enables the public to observe the session. However, to ensure the manageability of Council meetings, opportunities for public participation are limited to Question Time and registered submissions in accordance with Council's guidelines, which are available from Council's CEO Office (call 9768 1632) and on our website, www.frankston.vic.gov.au. It is not possible for any visitor to participate in any Council debate unless specifically requested by the Chairperson to do so.

If you would like to have contact with Councillors or Officers, arrangements can be made for you to do so separately to the meeting. Call Frankston City Council on 9768 1632 and ask for the person you would like to meet with, to arrange a time of mutual convenience.

When are they held?

Generally speaking, the Council meets formally every three (3) weeks on a Monday and meetings start at 7.00 pm, unless advertised otherwise.

Council meeting dates are posted in the Davey Street and Young Street entrances to the Civic Centre (upper level) and also on our website, www.frankston.vic.gov.au.

Governance Local Law No. 1 – Meeting Procedure

34. Chair's Duty

Any motion which is determined by the Chair to be:

- (1) *defamatory of or embarrassing to any Councillor, member of Council staff or other person;*
- (2) *abusive or objectionable in language or nature;*
- (3) *a direct negative of the question before the Chair;*
- (4) *vague or unclear in intention;*
- (5) *outside the powers of Council; or*
- (6) *irrelevant to the item of business on the agenda and has not been admitted as Urgent Business, or purports to be an amendment but is not,*

must not be accepted by the Chair.

88. Chair May Remove

- (1) *The Chair may order and cause the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction, or cause the removal of any object or material that is deemed by the Chair as being objectionable or disrespectful.*
- (2) *Any person removed from the meeting under sub-clause 0 must not return to the meeting without the approval of the Chair or Council.*

It is intended that this power be exercisable by the Chair, without the need for any Council resolution. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threatens his or her authority in chairing the meeting.

The Penalty for an offence under this clause is 2 penalty units which is \$200

The Formal (Ordinary) Meeting Agenda

The Council meeting agenda is available for public inspection immediately after it is prepared, which is normally on the Thursday afternoon five days before the meeting. It is available from the Reception desk at the Civic Centre (upper level), on our website www.frankston.vic.gov.au or a copy is also available for you in the chamber before the meeting.

The following information is a summary of the agenda and what each section means:-

- **Items Brought Forward**

These are items for discussion that have been requested to be brought forward by a person, or a group of people, who have a particular item on the Agenda and who are present in the Public Gallery. Before the start of the meeting, an Officer will ask those in the Public Gallery whether they wish a matter to be considered early in the meeting.

- **Presentation of Written Questions from the Gallery**

Question Time forms are available from the Civic Centre and our website, www.frankston.vic.gov.au. Questions may also be submitted online using the Question Time web form. "Questions on notice" are to be submitted and received by Council before 12 noon on the Friday before the relevant Ordinary Meeting.

"Questions without notice" may be submitted in the designated Question Time box in the public gallery on the evening of the meeting, just prior to its commencement. Forms are available in the Council Chamber.

A maximum of 3 questions may be submitted by any one person at one meeting. There is no opportunity to enter into debate from the Gallery.

More detailed information about the procedures for Question Time is available from Council's CEO Office (call 9768 1632) and on our website, www.frankston.vic.gov.au.

- **Presentation of Petitions and Joint Letters**

These are formal requests to the Council, signed by a number of people and drawing attention to matters of concern to the petitioners and seeking remedial action from the Council. Petitions received by Councillors and presented to a Council meeting are usually noted at the meeting, then a report is prepared for consideration at the next meeting.

· **Presentation of Reports**

Matters requiring a Council decision are dealt with through officer reports brought before the Council for consideration. When dealing with each item, as with all formal meeting procedures, one Councillor will propose a motion and another Councillor will second the motion before a vote is taken.

· **Presentation of Delegate Reports**

A Councillor or member of Council staff who is a delegate may present to Council on the deliberations of the external body, association, group or working party in respect of which he or she is a delegate or an attendee at a Council approved conference / seminar.

· **Urgent Business**

These are matters that Councillors believe require attention and action by Council. Before an item can be discussed, there must be a decision, supported by the majority of Councillors present, for the matter to be admitted as "Urgent Business".

· **Closed Meetings**

Because of the sensitive nature of some matters, such as personnel issues or possible legal action, these matters are dealt with confidentially at the end of the meeting.

· **Opportunity to address Council**

Any person who wishes to address Council must pre-register their intention to speak before 4.00pm on the day of the meeting, by telephoning Council's CEO Office (call 9768 1632) or by submitting the online web form or by using the application form both available on the website, www.frankston.vic.gov.au.

The submissions process is conducted in accordance with guidelines which are available from Council's CEO Office and on our website. All submissions will be limited to 3 minutes in duration, except for Section 223 submitters, who have a maximum of 5 minutes. No more than ten (10) members of the public are to be permitted to address the Council. Further speakers will be permitted to address the meeting at the discretion of the Chair. All speakers need to advise if they are speaking on behalf of an organisation and it is deemed that they have been appropriately authorised by that said organisation.

Public submissions and any subsequent discussion will be recorded as part of the meeting, and audio recordings of Council meetings are made available to members of the public upon request. If a submitter does not wish to be recorded, they must advise the Chair at the commencement of their public submission.

Disclosure of Conflict of Interest

If a Councillor considers that they have, or might reasonably be perceived to have, a direct or indirect interest in a matter before the Council or a special committee of Council, they will declare their interest and clearly state its nature before the matter is considered. This will be done on every occasion that the matter is considered by the Council or special committee.

If a Councillor has an interest in a matter they will comply with the requirements of the Local Government Act, which may require that they do not move or second the motion and that they leave the room in which the meeting is being held during any vote on the matter and not vote on the matter.

If a Councillor does not intend to be at the meeting, he or she will disclose the nature of the interest to the Chief Executive Officer, Mayor or Chairperson prior to the meeting commencing.

Agenda Themes

The Council Agenda is divided into three (3) themes which depict the Council Plan's Strategic Objectives, as follows:

1. Planned City for Future Growth.
2. Liveable City.
3. Sustainable City.

MAYOR



NOTICE PAPER

ALL COUNCILLORS

NOTICE is hereby given that an Ordinary Meeting of the Council will be held at the Civic Centre, Davey Street, Frankston, on 20 February 2017 at 7pm.

COUNCILLOR 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 in the debate or vote on the issue.

OPENING WITH PRAYER

Almighty God, we ask for your blessing upon this Council. Direct and prosper its deliberations to the advancement of your glory and the true welfare of the people of Frankston City. Amen.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We respectfully acknowledge that we are situated on the traditional land of the Boonerwung and Bunurong in this special place now known by its European name, Frankston. We recognise the contribution of all Aboriginal and Torres Strait Islander people to our community in the past, present and into the future.

BUSINESS

- 1. PRESENTATION TO COMMUNITY GROUPS**
Frankston Fabulous 50's Swimming and Aerobics Club
- 2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
Ordinary Meeting No. OM296 held on 30 January 2017 and reconvened on 2 February 2017.
- 3. APOLOGIES**
Nil
- 4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST**
- 5. PUBLIC QUESTION TIME**
Nil
- 6. HEARING OF SUBMISSIONS**
Nil
- 7. ITEMS BROUGHT FORWARD**
- 8. PRESENTATIONS / AWARDS**
Nil
- 9. PRESENTATION OF PETITIONS AND JOINT LETTERS**
Nil
- 10. DELEGATES' REPORTS**
Nil
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Nil
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Nil

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17. CONFIDENTIAL NOTICES OF MOTION

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Dennis Hovenden

CHIEF EXECUTIVE OFFICER

16/02/2017

Executive Summary**12.1 Progress of Council Resolutions resulting from Notice of Motions**

Enquiries: (Dennis Hovenden: Chief Executive Office)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.3 Continue to build organisational capability and a customer service culture

Purpose

To brief Council on the current status of Notice of Motion Resolutions.

Recommendation (Chief Executive Office)

That Council receives the Notice of Motion Report as at 10 February 2017.

Key Points / Issues

At the Ordinary Council Meeting OM295 held on 19 December 2016, Cr Sandra Mayer moved the Notice of Motion *NOM1240 - Progress of Council Resolutions resulting from Notices of Motion*, which was subsequently carried unanimously:

“That the Chief Executive Officer is directed to provide regular updates to Council on the progress or status of Council’s resolutions resulting from Notices of Motion raised by Councillors. In order to facilitate this, a brief progress report (detailing the status of each outstanding resolution) is required to be presented to Council at each of its Ordinary Meetings in future commencing with Ordinary Meeting 296 (scheduled for the 30 January 2017).”

The Notice of Motion Report as at 10 February 2017 is attached and will continue to be updated and reported at each Ordinary Council Meeting.

Once Notice of Motion actions are reported ‘complete’ they will be archived from the document.

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council’s current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council’s financial capacity to maintain service levels and deliver key capital projects.

Consultation**1. External Stakeholders**

Nil.

12.1 Progress of Council Resolutions resulting from Notice of Motions**Executive Summary****2. Other Stakeholders**

Nil.

Analysis (Environmental / Economic / Social Implications)

Making the written records available may provide some confidence in transparency in decision making and is in keeping with best practice advice from the Office of the local Government Inspectorate.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

Under Section 76AA of the *Local Government Act 1989*, Council is required to make a written record of all Councillors who participate in;

- An Advisory Committee where at least one (1) Councillor and a member of Council staff is present; and
- A planned or scheduled meeting where at least half the Councillors and a member of staff is present.

Policy Impacts

There is no impact to Council Policies.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

There are no significant risks.

Conclusion

It is recommended that the written records as attached be received.

ATTACHMENTS

Attachment A: Notice of Motion Report as at 10 February 2017

Outstanding Actions		Division:	Date From:			
Action Sheets Report		Committee:	Date To:			
		Officer: Dennis Hovenden	Printed: Friday, 10 February 2017 12:10:53 PM			
MEETING DATE	ITEM NO	SUBJECT	MOTION	OFFICER	COMMENTS	DATE COMPLETED
19 December 2016	13.2	NOM 1241 - Centenary Park Golf Course Committee	<p>Council Decision</p> <p>Moved: Councillor Hampton Seconded: Councillor Toms</p> <p>That:</p> <ol style="list-style-type: none"> Council notes that the pro shop and golf course at Centenary Park remain as separate entities to the Centenary Park sporting complex. A Committee of interested Councillors and appropriate officers be appointed to develop a future 10 year business plan for the Centenary Park Golf Course. Regular reports be provided to Council on the development of the draft business plan including consultation undertaken with key stakeholders. The final draft business plan be presented to Council for consideration and adoption by the end of 2017 at the latest. Council notes that D&S Golf have previously been advised that their current contract will not be extended. Notwithstanding the previous advice to D&S Golf, Council now advises D&S Golf that their current contract (expiry 30 June 2017) will now be extended to the 30 June 2018. This will allow for the development of the draft business plan for Centenary Park Golf Course and guarantee no interruption to the management and viability of the golf course. <p style="text-align: right;"><u>Carried Unanimously</u></p>	Dennis Hovenden	<p>10 Feb 2017 - 11:53 AM - Andrea Gaynor Business Plan Sub Committee will meet for the first time on 27th February 2017 at 4.30pm. Terms of reference of the Committee will be presented.</p> <p>05 Jan 2017 - 4:53 PM - Andrea Gaynor</p> <ol style="list-style-type: none"> Noted Committee meeting to be established with first meeting early in 2017 to discuss what is required. Reports will be provided. Will work to presenting plan by end of 2017. Noted Letter sent advising. 	
19 December 2016	13.1	NOM 1240 - Progress of Council Resolutions resulting from Notices of Motion	<p>Council Decision</p> <p>Moved: Councillor Mayer Hampton Seconded: Councillor</p> <p>That the Chief Executive Officer is directed to provide regular updates to Council on the progress or status of Council's resolutions resulting from Notices of Motion raised by Councillors. In order to facilitate this, a brief progress report (detailing the status of each outstanding resolution) is required to be presented to Council at each of its Ordinary Meetings in future commencing with Ordinary Meeting 296 (scheduled for the 30 January 2017).</p> <p style="text-align: right;"><u>Carried Unanimously</u></p>	Dennis Hovenden	<p>10 Feb 2017 - 11:52 AM - Andrea Gaynor Complete. Report now appears in Agenda.</p> <p>05 Jan 2017 - 4:52 PM - Andrea Gaynor Report to be included in Agenda and individual Councillors advised of process.</p>	

Outstanding Actions		Division:		Date From:		
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MEETING DATE	ITEM NO	SUBJECT	MOTION	OFFICER	COMMENTS	DATE COMPLETED
19 December 2016	13.3	NOM 1242 - Readable Size of Print	<p>Council Decision Moved: Councillor Aitken Seconded: Councillor Bolam</p> <p>That all Agendas and all other information circulated to Councillors be in a rationally readable size print.</p> <p style="text-align: right;"><u>Carried Unanimously</u></p>	Dennis Hovenden	<p>10 Feb 2017 - 11:54 AM - Andrea Gaynor Councillors have advised of requirements and will be accommodated. Larger print for appropriate documents will be used.</p> <p>05 Jan 2017 - 4:51 PM - Andrea Gaynor All Councillors to be contacted to ascertain their requirements for Agenda/information.</p>	
19 December 2016	13.4	NOM 1243 - Pedestrian Crossing Fletcher Road	<p>Council Decision Moved: Councillor Aitken Seconded: Councillor Mayer</p> <p>That Council make representation to VicRoads to formalise a pedestrian crossing on Fletcher Road between the Police Station and Law Courts and Bayside Shopping Centre and that Council request Mr Paul Edbrooke MP, Member for Frankston to make appropriate representation on our behalf.</p> <p style="text-align: right;"><u>Carried Unanimously</u></p>	Dennis Hovenden	<p>10 Feb 2017 - 11:55 AM - Andrea Gaynor No change in status.</p> <p>05 Jan 2017 - 3:36 PM - Andrea Gaynor Letter has been forwarded to VicRoads (A3271611). Awaiting for a response.</p>	
19 December 2016	13.5	NOM 1244 - Criminal Asset Forfeitures	<p>Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken</p> <p>That Council writes to the Federal MP for Dunkley, Mr Chris Crewther, Federal Minister for Justice The Hon. Michael Keenan, State MP Mr Paul Edbrooke and State Minister for Justice The Hon. Martin Pakula, advocating that asset forfeitures for/from criminal proceeds be better channelled into the local communities (crime prevention programs, victim support programs, etc) where the proceeds of crime were claimed.</p> <p style="text-align: right;"><u>Carried Unanimously</u></p>	Dennis Hovenden	<p>10 Feb 2017 - 11:56 AM - Andrea Gaynor Member for Frankston has written to the State Justice Minister. No other response.</p> <p>05 Jan 2017 - 3:05 PM - Andrea Gaynor Letters have been written (A3271154). Waiting on a response.</p>	

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MEETING DATE	ITEM NO	SUBJECT	MOTION	OFFICER	COMMENTS	DATE COMPLETED
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19 December 2016	13.6	NOM 1245 - Frankston Volunteer Coastguard	<p>Council Decision Moved: Councillor Cunial McCormack Seconded: Councillor</p> <p>That a report be provided to Council at the May 2017 Ordinary Meeting on non-marina / non-safe boat harbour options for the Frankston Volunteer Coastguard headquarters (HQ).</p> <p>These options should include:</p> <ul style="list-style-type: none"> • Retrofitting of existing HQ; • Wholesale reconstruction of existing HQ; • Permanent and secure Mooring for the Coastguard's primary rescue vessel; • Relocation of existing HQ to an existing venue; and/or • Relocation of existing HQ to a newly constructed venue. <p>The report should consider local, state, federal and philanthropic funding routes for any of the above options plus total anticipated costs for the most viable long-term option.</p> <p>Consultation should take place with the Executive of the Frankston Volunteer Coastguard, and the "most viable long-term option" explored within the context of this report must have the support of the organisation.</p> <p>The Frankston Volunteer Coastguard organisation plays a crucial role in maritime rescues in our municipality and deserves the full ongoing support of council.</p> <p style="text-align: right;"><u>Carried Unanimously</u></p>	Dennis Hovenden	<p>10 Feb 2017 - 11:59 AM - Andrea Gaynor Meeting conducted with the Coast Guard representatives to discuss requirements to include in report for May 2017 meeting. Coast Guard preferred location at Olivers Hill. Plans and costings to be redefined on the Olivers Hill site.</p> <p>05 Jan 2017 - 4:54 PM - Andrea Gaynor Meeting being organised for early in New Year. Councillors will be invited to attend.</p>	
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19 December 2016	13.7	NOM 1246 - Ongoing Delays on the Frankston Train Line	<p>Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken</p> <p>That Council writes to State MP Mr Paul Edbrooke and State Transport Minister The Hon. Jacinta Allan calling on the State Government to provide fare reductions and/or fare credit for Frankston line commuters adversely impacted upon by ongoing scheduled works and unscheduled delays on the Frankston train line.</p> <p>Given the regularity of such works/delays, the position of Council is that Frankston line commuters deserve fare relief for what is arguably the busiest train line in Victoria. The position of Council should also be referred to the South-East Melbourne Group of Council and the Association of Bayside Municipalities for consideration.</p>	Dennis Hovenden	<p>10 Feb 2017 - 12:02 PM - Andrea Gaynor Member for Frankston has written to Minister for Transport. Cardinia Shire Council response – not relevant to this Council. No other responses.</p> <p>05 Jan 2017 - 2:51 PM - Andrea Gaynor Letters have been written (A3271681 and A3273915) to Mr Paul Edbrooke MP, The Hon Jacinta Allan, ABM group of Councils and SEM Councils.</p>	
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19 December 2016	13.8	NOM 1247 - Briefing on Staff Related Matters with Reputational/Litigious Reverberations	<p>Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken</p> <p>That the CEO is directed to conduct an urgent briefing for interested councillors in relation to internal staffing matters which have the potential for reputational and litigious damage to the city. The briefing should also cover the nature of contemporary staff redundancies / 'payouts'; and whether any redundancies / 'payouts' have been related to acrimonious work relationships (as opposed to structural changes).</p> <p style="text-align: right;"><u>Carried Unanimously</u></p>	Dennis Hovenden	<p>10 Feb 2017 - 12:03 PM - Andrea Gaynor Complete. Briefing of interested Councillors was conducted. Information provided to advise that there is no issues of concern.</p> <p>18 Jan 2017 - 11:12 AM - Andrea Gaynor A briefing was conducted on 17 January 2017.</p> <p>No issues were identified.</p> <p>09 Jan 2017 - 12:37 PM - Andrea Gaynor Briefing of interested Councillors arranged for 17 January 2017 at 6.00pm.</p>	
19 December 2016	13.9	NOM 1248 - Gretana Park Karingal	<p>Council Decision Moved: Councillor Aitken Seconded: Councillor Bolam</p> <p>That Council make a formal submission to the State Government in relation to the restoration of the hard surface playing area at Gretana Park with a view to some form of assistance in funding and that a communication to Mr Paul Edbrooke MP, Member for Frankston be sent accordingly seeking his support.</p> <p>That Council investigates the option of the sale of a portion of the site with the view of proceeds of the sale be reinvested into the Gretana Park.</p> <p style="text-align: right;"><u>Carried Unanimously</u></p>	Dennis Hovenden	<p>10 Feb 2017 - 12:04 PM - Andrea Gaynor Member for Frankston has written to appropriate Minister. Council report in March 2017 will outline valuation and options.</p> <p>05 Jan 2017 - 3:01 PM - Andrea Gaynor Letters have been written (A3271224 and A3271352). Waiting for a response. Valuation of portions of land to be obtained.</p>	
19 December 2016	13.10	NOM 1249 - Police Station in Langwarrin or Frankston North	<p>Council Decision Moved: Councillor Bolam Seconded: Councillor O'Connor</p> <p>That Council writes to the (state) Minister for Police and the Victoria Police Commissioner vigorously advocating for increased police resources in both Langwarrin and Frankston North on the basis of geographical displacement from Central Frankston and increased localised crime.</p> <p style="text-align: right;"><u>Carried Unanimously</u></p>	Dennis Hovenden	<p>10 Feb 2017 - 12:04 PM - Andrea Gaynor Member for Frankston has written letters to Minister and Police Commissioner. No other response.</p> <p>05 Jan 2017 - 2:02 PM - Andrea Gaynor Letters have been written (A3271494 and A3271361). Awaiting response.</p>	

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19 December 2016	13.11	NOM 1250 - Re-founding of City Life	<p>Council Decision</p> <p>Moved: Councillor Aitken Seconded: Councillor Bolam</p> <p>That an emergency summit be held within four weeks of today's date (19 December 2016) to help facilitate the re-founding of City Life.</p> <p>Attendees would include all interested Councillors, the City Life Executive and relevant Council officers.</p>	Dennis Hovenden	<p>10 Feb 2017 - 12:05 PM - Andrea Gaynor</p> <p>Meeting conducted, options discussed and a further meeting to discuss progress to be conducted mid March 2017.</p> <p>09 Jan 2017 - 12:38 PM - Andrea Gaynor</p> <p>Arrangements made for meeting on 16 January 2017.</p>	
30 January 2017		NOM 1253 - Pines Men's Shed	WITHDRAWN			
30 January 2017		NOM 1257 - Cameras at Belvedere Shopping Centre	<p>Moved: Aitken Seconded: Bolam</p> <p>That letters be sent by no later than Friday 3 February close of business to shop holders at the Belvedere shopping centre advising of when the camera roll out is occurring.</p>		<p>10 Feb 2017 - 12:05 PM - Andrea Gaynor</p> <p>Letter prepared and delivered 10 February 2017.</p>	
30 January 2017		NOM 1258 - Civic Reception for CFA Volunteers	<p>Foreshadowed</p> <p>Moved: Hampton Seconded: Toms</p> <p>That letters under seal be presented to all emergency services congratulating them on the wonderful work they do in our community and these letters be presented at the 2017 mayoral picnic.</p>		<p>10 Feb 2017 - 12:05 PM - Andrea Gaynor</p> <p>Letters will be available for the Mayor's Picnic in September 2017.</p>	
30 January 2017		NOM 1261 - Frankston 'Longest Lunch'	<p>Moved: O'Connor Seconded: Aitken</p> <p>That a report be provided to Council on the annual 'Longest Lunch' event conducted by Frankston-based Rotary clubs and the 'Proudly Frankston' community group. The report is to consider the following:</p> <ol style="list-style-type: none"> 1. Improved future advertising for the event; 2. Improved future funding for the event; 3. Improved cooperation and communication between the aforementioned organisers and councils marketing and events staff; 4. Reduced red tape and/or council assistance to the organisers in mitigating time spent on administrative prepping; and 5. Annual debrief between the organisers and Council on the successes/failures of the event. 6. A report be provided to the 14 March 2017 Ordinary Meeting. 		<p>10 Feb 2017 - 12:05 PM - Andrea Gaynor</p> <p>Officers have had an initial discussion and preparing a draft report.</p> <p>Proudly Frankston representatives meeting Councillors and Officers on the 27 February 2017.</p>	
30 January 2017		NOM 1262 - Assistance to generationally challenged community groups and community sporting clubs	<p>Amended</p> <p>Moved: McCormack Seconded: Hampton</p> <p>That a report be provided at the April 2017 Ordinary Meeting based on the originally worded Notice of Motion 1262 with the report considering potential resourcing and miscellaneous grants costs.</p>		<p>10 Feb 2017 - 12:05 PM - Andrea Gaynor</p> <p>Report will be prepared in accordance with the NOM.</p>	

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		Officer: Dennis Hovenden	Printed: Friday, 10 February 2017 12:10:53 PM			
MEETING DATE	ITEM NO	SUBJECT	MOTION	OFFICER	COMMENTS	DATE COMPLETED
30 January 2017	NOM 1263 - Hoon Driving in Frankston		Amended Motion Moved: Bolam Seconded: Aitken That a report is provided to Council at the May 2017 Ordinary Meeting to consider additional initiatives in concert with existing Council programs which could curtail the prevalence of careless driving/hoon driving in Frankston.		10 Feb 2017 - 12:05 PM - Andrea Gaynor Report will be prepared in accordance with the NOM.	
30 January 2017	NOM 1264 - Frankston History taught in Local Schools		Moved: Bolam Seconded: Aitken That a report be provided to Council at the May Ordinary Meeting in relation to the introduction of local (Frankston) history as curriculum for primary school students. The report should consider: 1. Council's capacity with local community groups and historians to put together a yearly curriculum package (including any recurrent costings such as research, subsidies and paperwork); 2. The inclusion of history in a potential curriculum package which spans from Frankston's initial indigenous inhabitants (the Boonerwung and Bunurong people) to Frankston's modern European settlement; 3. The receptiveness of the Department of Education and public, private and denominational schools within the Frankston LGA to embrace such curriculum; and 4. The introduction of a resource portal / website section on the Frankston City Council website for residents (beyond primary school students) interested in learning more about diverse Frankston's history		10 Feb 2017 - 12:05 PM - Andrea Gaynor A letter has been sent by the Mayor to the Regional Director, South East Region of the Department of Education and Training on 7 February 2017. Council is now awaiting advice.	
30 January 2017	NOM 1265 - Cleanliness of Frankston City		Moved: Bolam Seconded: Aitken To ensure the cleanliness of our streets, parks and reserves – Council resolves that the following measures occur: 1. That the CEO reviews the management of the cleaning maintenance of all council land and presents a maintenance model to Council's satisfaction in May 2017. The model must ensure Council land is maintained to an agreed service level which also includes random audits against the service levels. 2. That a letter be sent to Frankston MP, Mr Paul Edbrooke and the relevant government Ministers expressing concern about the presentation and cleanliness of land belonging to VicRoads in the Frankston LGA. The letter outline the proposal of a pilot project between Council and VicRoads to implement a cleaning maintenance program at an appropriate and similar service level to that endorsed by Council as a consequence of the maintenance service review and further, the council undertake maintenance works on their behalf on the proviso that VicRoads be invoiced for services rendered. 3. That a letter be sent to Frankston MP Paul Edbrooke and the relevant government Ministers expressing concern about the presentation and cleanliness of VicTrack land and that Council, should there be no improvements by May 2017, considers it option to pursue issuing infringement notices for unsightly land under the General Local Law No. 8.		10 Feb 2017 - 12:05 PM - Andrea Gaynor 1. Noted – a report will be prepared 2. A letter has been sent. 3. A letter has been sent. 4. Noted 5. A Rapid Response Team had been established by the time of the January OM. 6. Advice from the ATO has been sought. 7. Noted 8. Finance Dept has been requested to include a reminder in the next rates notices. 9. Officers have been requested to revise advice to customers. 10. A copy of the document has been requested.	

Outstanding Actions Action Sheets Report	Division: Committee: Officer: Dennis Hovenden	Date From: Date To: Printed: Friday, 10 February 2017 12:10:53 PM
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MEETING DATE	ITEM NO	SUBJECT	MOTION	OFFICER	COMMENTS	DATE COMPLETED
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			4. That the outcome of the responses from VicRoads, VicTrack and the State Government be included in the report to council in May 2017. If the responses are not to the satisfaction of council it considers options including a public campaign to State Government to compel VicRoads and or VicTrack to improve its cleaning regime on the land for which they are responsible.			
			5. That a 'rapid response' team be established to improve responsiveness to community requests for maintenance of a reactive nature. Such a team would be able to respond to reactive requests quickly, which in turn would ensure programmed maintenance activities remain on track. The team also report any unsightly private land to Council's Authorised Officers for follow up investigation and infringement.			
			6. It be noted that council formally impounds abandoned trolleys found on council/common land under the appropriate subject to General Local Law Number 8. Council officers are to seek formal Australian Tax Office advice to assess Council's ability to 'donate' a proportion of shopping trolley impound and or release fees to the Frankston Charitable Fund and include the advice in the May 2017 report to Council.			
			7. That state legislative provisions to curtail rubbish dumping outside private properties are included in the May 2017 report. If considered necessary recommendations regarding the need for further legislative change also be included.			
			8. That a detailed letter be prepared and included in the next rates notice to all property owners on the rates register to remind them of the council's expectations that they ensure no rubbish is placed the nature strip outside of the provisions for hard waste collections.			
			9. That officers improve and provide a supportive customer service response to public reports of dumped rubbish and abandoned shopping trolleys and this also be considered in the May 2017 report.			
			10. The document titled "Possible Initiatives to Rid the City of Trolleys and Rubbish" (Seiffert, B. 2017) also be considered in the May 2017 report to Council.			

Outstanding Actions		Division:	Date From:			
Action Sheets Report		Committee:	Date To:			
		Officer: Dennis Hovenden	Printed: Friday, 10 February 2017 12:10:53 PM			
MEETING DATE	ITEM NO	SUBJECT	MOTION	OFFICER	COMMENTS	DATE COMPLETED
30 January 2017	NOM 1266 - Homelessness Count		<u>LOST</u>			
30 January 2017	NOM 1267 - Citywide Footpaths Audit		<u>LOST</u>			
30 January 2017	NOM 1268 - Outstanding Notice of Motion's Backlog		<u>LOST</u>			
30 January 2017	NOM 1269 - Self Funded Retirees Eligibility for 'concession' discount on/for Frankston City Council Rates		<u>DEFERRED</u>			
30 January 2017	NOM 1270 - Funding for Life Saving Clubs		<u>Foreshadowed Motion</u>	Moved: Aitken Seconded: Hampton: That Council consider the best and most reasonable means to acknowledge volunteers in the city.		
30 January 2017	NOM 1271 - Access to Frankston Nature Reserve - Sweetwater Creek		<u>WITHDRAWN</u>			
30 January 2017	NOM 1272 - Acknowledgement of Traditional Owners		Moved: McCormack Seconded: Hampton That Council ensure forthwith that an acknowledgement of Traditional Owners is included in all printed itineraries advertising for events and festivals co-ordinated by Council and that Traditional Owners are invited to perform a Welcome to Country at events such as, but not limited to, the Lighting of the Tree and Waterfront Festivals.		10 Feb 2017 - 12:05 PM - Andrea Gaynor Acknowledgement of traditional owners will be incorporated into written material. Meeting with traditional owners, respected elders being arranged.	
30 January 2017	NOM 1273 - Fees for Busking Permits		Moved: McCormack Seconded: Aitken That the relevant Council Officers conduct a review of the fees charged for those seeking to obtain a busking permit and provide a report back to Council within 6 weeks. As an interim measure there be an immediate special circumstances provision instituted to enable review of fees charged to obtain a busking permit in individual cases.		10 Feb 2017 - 12:05 PM - Andrea Gaynor Fees being reviewed to determine special circumstances. Report to be brought back to 17 March Ordinary Meeting.	
30 January 2017	NOM 1274 - Procurement Policies and Contracts		Moved: McCormack Seconded: Mayer That a review be undertaken of all procurement policies and contracts for goods and service provision to Council and a report be provided to Council within 12 weeks detailing where efficiencies could be achieved and where further local investment can be promoted.		10 Feb 2017 - 12:05 PM - Andrea Gaynor Review process will be undertaken in accordance with NOM.	

Outstanding Actions	Division:	Date From:
	Committee:	Date To:
	Officer: Dennis Hovenden	
Action Sheets Report		Printed: Friday, 10 February 2017 12:10:53 PM

MEETING DATE	ITEM NO	SUBJECT	MOTION	OFFICER	COMMENTS	DATE COMPLETED
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30 January 2017	NOM 1275 - Support to Traders in CAD		<p><u>Alternate Motion</u></p> <p>Moved: Toms Seconded: Aitken</p> <p>Businesses within the city centre are currently experiencing significant impacts from the construction phase of the Young Street streetscape works. Given the impact of this and other imminent major public infrastructure projects, e.g. Frankston Interchange Project, Council seeking ongoing commitment from the State Government for:</p> <ol style="list-style-type: none"> 1. Improved communications of disruptions to the broader community. 2. The development and ongoing rollout of an "Open for Business" campaign. 3. The development and implementation of two further stages of the Business resilience program (that focus on maintaining a business through the works and leveraging the completed works). 		<p>10 Feb 2017 - 12:05 PM - Andrea Gaynor</p> <p>Officers and Councillors continue to meet to develop and implement an action plan.</p> <p>Ongoing.</p>	
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Executive Summary**12.2 Community Development Division - Resolution Progress Report**

Enquiries: (Gillian Kay: Community Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

Purpose

To brief Council on the status of Council resolutions to be implemented by Community Development Division departments that have been delayed and the reasons for their delay.

Recommendation (Director Community Development)

That Council notes the report.

Introduction

From time to time it is necessary to formally advise Council of the status of work it has resolved to be undertaken. As such this report represents a divisional view of the status update against those resolutions that are underway but not yet completed.

Key Points / Issues

- *Sport Development Plan 2013-2019*

The Sports Development Plan considers the needs of various sporting codes for facilities and recreation infrastructure. This will now become an input into the Community Infrastructure Plan which also considers early years, general community infrastructure.

This Plan is scheduled for a Councillors briefing 27 February and likely to be presented to Council by May.

- *Draft Strategic Assessment of Tennis*

The draft strategic needs of tennis are undergoing a further review to ensure a detailed understanding for locational needs is addressed in concert with the Sports Development Plan and the Community Infrastructure Plan.

- *Indigenous Tree Planting Program*

The costs of implementing an incremental indigenous tree planting program in Council's parks and reserves are based on \$125 per tree for procuring, planting and maintain semi mature plants in Council's 40 premium parks and reserves. These reserves are home to sporting facilities and neighbourhood parks.

On this basis, two trees per park per annum is estimated to cost \$10K and 5 trees per park is estimated to cost \$25K, which is over and above the current operational tree budget comprising \$50K for in fill street trees and \$35K allocated to general tree watering and maintenance. In addition, \$200K capital funding is currently allocated for bulk tree planting which is currently proposed for a boulevard project. A report on this matter will be submitted to the March Ordinary Meeting.

12.2 Community Development Division - Resolution Progress Report**Executive Summary**

- *Centenary Park Sporting Complex*

Further discussions have been undertaken to explore alternative options as per Council's resolution of 19 December. More detailed work is required to enable a report back to Council in April 2017.

- *Fees for Busking Permits*

Arts and Culture and Community Safety Department are currently reviewing the busking permits. A report will be presented to Council in March 2017. Any recommended changes to fees will be referred to the draft budget process – fees and charges.

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

Consultation**1. External Stakeholders**

N/A

2. Other Stakeholders

N/A

Analysis (Environmental / Economic / Social Implications)

N/A

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

All matters relevant to the Charter of Human Rights and Responsibilities have been considered in the preparation of this report and are consistent with the standards set by the Charter.

Legal

N/A

Policy Impacts

N/A

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

12.2 Community Development Division - Resolution Progress Report

Executive Summary

Risk Mitigation

There is no risk associated with this report.

Conclusion

Council officers are continuously working to implement a range of Council resolutions. The purpose of this report is to update Council on the implementation status of the resolutions.

ATTACHMENTS

Nil

Executive Summary**12.3 Report on Review of Submissions to the Exhibition of Council's Draft Waste Management Guidelines for new Multi-Unit Developments**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.2 Improve the municipality's safety, image and pride
Priority Action	2.2.4 Improve the cleanliness and presentation of the city and local areas

Purpose

To brief Council on submissions received during the exhibition of Council's Draft Waste Management Guidelines for new Multi-Unit Developments.

Recommendation (Director Community Development)

That Council:

1. Notes the submission to the exhibition of Council's Draft Waste Management Guidelines for new Multi-Unit Developments.
2. Adopt the Waste Management Guidelines for new Multi-Unit Developments.
3. Advises all submitters of Council's decision.

Key Points / Issues

- At the 19 September Council Meeting, Council authorised officers to place the Draft Waste Management Guidelines for new Multi-Unit Developments on exhibition.
- The draft Guidelines were placed on exhibition for a period of 6 weeks from 7 November 2016 to 21 December 2016.
- One (1) submission was received during the exhibition period. A summary of this submission is included later in this report.
- It is recommended that Council adopt the Draft Waste Management Guidelines for new Multi-Unit developments.

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

The cost of preparing the Frankston City Council Draft Waste Management Guidelines for new Multi-Unit Developments was \$12,265 (inc. GST). This has been covered by the 2016/17 Strategic Planning budget.

12.3 Report on Review of Submissions to the Exhibition of Council's Draft Waste Management Guidelines for new Multi-Unit Developments**Executive Summary**

A potential benefit of the guidelines is to encourage multi-dwelling developments to be designed so that they can be serviced by Council authorised waste collection. This will reduce the need for private waste contractor arrangements, and will thus benefit the new residents who will not have the additional regular expense of a private waste collection.

Consultation**1. Exhibition**

The Draft Waste Management Guidelines for new Multi-Unit Developments was placed on exhibition for 6 weeks from 7 November 2016 to 21 December 2016. The notice provided included:

- Advertisement on the 'Your Council – Our Community' page of the Frankston Leader on 7 November 2016 and 21 November 2016.
- Information of the Guidelines on Council's website.

2. Submissions

One (1) submission was received during the exhibition period.

Submitter 1

- Point 1 – *'The document title (Multi-Dwelling) may be misleading as it covers apartment development too'*.

Officer response

As the document is proposed to be used by industry professionals (Town Planners, Architects, Draftsmen etc.) this is unlikely to be a concern: the term '*multi-dwelling*' is recognised by the industry as being any development of 2 dwellings or more, which includes an apartment building. Accordingly it is proposed to retain the existing title of the document.

- Points 2, 3 & 5 – The requirement to provide 1 metre width per bin for roadside collection is considered '*excessive*'. The waste generation on table 2 seems excessive. The requirement of all bin sizes to be moved by mechanical tug on ramps with grades in excess of 1:8 is excessive.

Officer response

These requirements are consistent with industry standards and match similar waste guideline documents that have been adopted by the City of Melbourne and the City of Moonee Valley. In relation to the comment about the movement of bins on ramps, the intent of these requirements is that they relate to access into apartment buildings rather the movement of bins along driveways as part of townhouse developments.

- Point 4 – The submission urges Council to leave the collection of green waste out of the document as the tending of landscaping within multi-unit developments is sometimes undertaken by private contractors.

Officer response

The proposed Guidelines apply to developments where Council authorised collection of waste is proposed. Therefore there will be no impact on those multi-unit developments that will be serviced by private contractors.

12.3 Report on Review of Submissions to the Exhibition of Council's Draft Waste Management Guidelines for new Multi-Unit Developments

Executive Summary

- Point 6 relates to comments about the Guideline requirement of no more than 16 bins on a nature strip per development (8 or less dwellings), and how the submission considers that on sufficiently wide nature strips (for developments of more than 8 dwellings) the one metre width requirement per bin should be used instead.

Officer response

The intent of the requirement is as Point 6 of the submission states itself *'not have the kerbside littered with bins on collection nights'*. 8 dwellings and 16 bins was chosen as the maximum size development for on-street collection as typically this style of development is spread over 2 lots and generally provides sufficient kerbside space (1 metre width per bin) to comfortably place the bins. Where clutter develops for bin collection is generally within developments of 8 or more dwellings. If a development of more than 8 dwellings did have sufficient kerb side space (in relation to the 1 metre width per bin requirement), it would result in an unsightly kerb side with a proliferation of bins.

- Point 7 – This relates to the requirement of the Guidelines that bin storage areas/rooms must not be within 10 metres of a property frontage and as the ResCode default building setback of 9 metres, the bin area could become impact the streetscape.

Officer response

This is a reasonable point, however the guidelines do allow discretion to address streetscape concerns. The guidelines require that bin storage areas/rooms are setback a minimum of 10 metres. If a development is required to have a street setback of 9 metres it is unlikely that a minimum setback of 10 metres for the bin area would be acceptable as this would appear to be very prominent from the street. In such an instance the bin area would be required to be setback further in the development so as not to be prominent to the street.

- Point 8 – *'The 1:20 grade for a transfer route is not possible in many instances'*.

Officer response

This standard grade of slope does not relate to the driveway access for a waste truck. Rather it refers to the transfer route from the waste area/room to the trucks loading point. Driveway grades are assessed as per the requirements of Clause 52.06 – Car Parking (Access way requirements).

- Point 9 – This point of the submission relates to the requirement of waste compactors within multi-unit developments that generate more than 45,000 litres of waste per week. *'Why have requirements for compactors if multiple waste pick-ups can be undertaken within a week?'*

Officer response

The requirement of waste compactors for waste generation in excess of 45,000 litres per week is an industry standard and their use helps to limit the number of waste picks ups and therefore improving the overall amenity for the development.

- Point 10 – This point of the submission relates to the disposal of 'hard waste'. Point 10 states that *'sure this is an issue when you have larger developments, but not for smaller developments'*. The submission goes on to discuss on-site grassed areas within front setbacks being used to store hard waste at the expense of *'constructed landscaping'*.

12.3 Report on Review of Submissions to the Exhibition of Council's Draft Waste Management Guidelines for new Multi-Unit Developments**Executive Summary**Officer response

The submission recognises the importance of hard waste storage areas for 'larger developments' but states they should not be required for smaller developments. However the submitter does not define what they consider a smaller development to be. The guidelines will only seek the provision of a hard waste storage area for a development of more than 8 dwellings.

The submission is also concerned that developments will be required to provide grassed areas within front setbacks, at the expense of 'constructed landscaping', for the storage of hard waste prior to its collection. The guidelines do not have any requirements for this type of storage and state *'the hard waste area is to be secure and not readily accessible by non-residents'*.

Analysis (Environmental / Economic / Social Implications)*Environment*

The Guidelines set out the proposed Council requirements in relation to bin and recycling storage areas and the required bin sizes for 1, 2 and 3 bedroom dwellings for new multi-unit developments. These requirements ensure that the disposal of waste and recyclables is made as easy as possible for residents of new multi-dwelling developments and thus resulting in the correct waste stream being disposed of in the correct manner.

Economic

Guidelines that advise applicants on producing satisfactory waste management plans for new planning applications will aid in streamlining the application process. This will assist to minimise the time and cost for such approvals.

Social

The Guidelines will ensure that new multi-unit developments minimise the amount of bins placed for kerb side collection and therefore will be assisting to improve the amenity of Council's streetscapes.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

All matters relevant to the Charter of Human Rights and Responsibilities have been considered in the preparation of this report and are consistent with the standards set by the Charter.

Legal

Procurement procedures and protocols are relevant to this matter.

Policy Impacts

The Guidelines have been prepared to provide clear policy direction for permit applicants required to provide waste management plans and for Council officers assessing waste management plans.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

12.3 Report on Review of Submissions to the Exhibition of Council's Draft Waste Management Guidelines for new Multi-Unit Developments**Executive Summary****Risk Mitigation**

Failure to adopt the Frankston City Council Waste Management Guidelines for new Multi-Unit developments will leave the existing minimal planning controls, and the out of date Sustainability Victoria Best Practice Guidelines in place, for applicants required to submit waste management plans, and for officers assessing waste management plans.

Council requires the new Guidelines to ensure best practice town planning decisions are made in relation to the waste management requirements for new multi-unit developments.

Conclusion

In response to the exhibition of the Draft Waste Management Guidelines for new Multi-Unit Developments, one (1) detailed submission has been received. The comments and suggested changes have been considered and discussed above. No changes to the draft guidelines as advertised are recommended as a result of this review.

The Guidelines will assist Council officers in reviewing submitted waste management plans and will also enable officers to address in their decision making the issue of loss of street amenity caused by traditional kerb side waste collection at multi-dwelling developments.

It is important that the Frankston City Council Waste Management Guidelines for new Multi-Unit Developments are adopted so as to minimise any loss of on-street amenity that could be caused by waste collection at new multi-unit developments.

Recommendation

That Council:

1. Notes the submission to the exhibition of Council's Draft Waste Management Guidelines for new Multi-Dwelling Developments.
2. Adopts the Waste Management Guidelines for new Multi-Unit Developments.
3. Advises the submitters of Council's decision.

ATTACHMENTS

Attachment A: Submission 1

James Smith

From: [REDACTED]
Sent: Tuesday, 29 November 2016 2:24 PM
To: info
Cc: James Smith
Subject: Attn Strategic Planning Department
Attachments: waste diagram.pdf

Draft Waste Management Plan Guidelines Feedback

Thank you for the opportunity to put forward some comment on this. Firstly I applaud Council on creating this document, as James, and Michael and several others in planning know, the end result for our project at 38 Playne St was a poor outcome in my opinion, now left with a heaps of bins on the street – so creating this document may assist in getting a better result in the future.

Back in about 2003 we took on board the City of Dandenongs waste management plan for our unit proposals, as not many Councils had a waste management plan. We have applied it to all of our unit developments since. Where we do apartment projects where there is over ten developments we always get a waste management plan that is specific to the use and layout of the site. So my response back to this document would be;

1. The document title may be misleading as it covers apartment development too.
2. The dimension of 1m per bin is a little excessive, as compared to Dandenong's 1.76m – refer diagram attached.
3. The waste generation on table 2 seem inaccurate. We have a family of 4 and fill our waste bin each week, my elderly single neighbour often doesn't put her bin out weekly, or puts a single garbage bag in it. Suggesting a single person puts out 60 litres of waste and 90 litres of recycling, and a family puts out 30% more I would suggest is wrong. I obviously cannot back that up with data, but have a look on collection night!
4. Many unit developments are privately managed in terms of green waste, I would urge Council to leave this out of the document as far as any mandated provision. One of my developers in particular adds \$20 per week to rent and covers all lawns and gardens, its stops the rental becoming a jungle!
5. The transitions by ramp should only be applicable to apartment developments. The grade 1:8 is not too steep to move a smaller bin and many bins would be via basement ramps which will exceed this. The concern would be that you will end up with bin rooms accessing through entry foyers rather than driveway ramps – so would suggest a non-intended negative outcome may result.
6. The collection on street is slightly at odds of clause 56 where they refer to travel distances exceeding 60m, where it becomes unreasonable to cart bins further than this. Eight dwellings may be development over a double site of 4 and 4 – and there may be plenty of space to put the bins out. I get the intention is to not have the kerbside littered with bins on collection night, but I would suggest your width available might be a better way of limiting bins. Say, you have a double site development, each lot 15.24m =30.48m. Take out a crossover of 5.5m, and another at 3.0m - typical, say a min offset of 1m each side of the crossovers leaves 17.9m – that's 8 units on your 1m rule. It may be even less if you apply the traffic departments crossover construction diagram. What we don't want is big bin enclosures if we can hide bins.

7. Bin storage within 10m – I would suggest if you are in an area where you want 9m setback, it may lead to dominant bin enclosures. Figure 6 clearly shows an area that is well above 10m from the front – but shows what is preferable. With smaller developments you don't need waste rooms, only waste areas.

8. The 1:20 transfer route is not possible in many situations.

9. Our waste consultant has suggested it is quite common to require emptying of bins more than once a week, so it waste volumes are larger, or the use of the development (say apartments over a restaurant), then the waste will need to be emptied more often. This is done by private contractors, so suggestion that a compactor needs to hold a weeks waste may not be needed.

10. Hard waste – sure an issue when you have the larger developments, but not for smaller developments. This hard waste collection scenario may not be permanent and even if it is, do you want a grassed pad in the front setback for once a year hard waste or constructive landscaping?

Kind Regard,

[Redacted Signature]

Director

[Redacted Contact Information]

Executive Summary

12.4 Review of Native Vegetation regulations

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.2 Build a local community culture of good stewardship of the environment
Priority Action	3.2.2 Protect and maintain key natural assets (e.g. parks and reserves) owned by Council

Purpose

To brief Council on the outcomes of the review of the native vegetation clearing regulations undertaken by the Department of Environment, Land, Water and Planning (DELWP) and gain Council support for a draft Council submission responding to the review.

Recommendation (Director Community Development)

That:

Council notes the report and endorses the draft submission to be sent to the Department of Environment Land, Water and Planning.

Key Points / Issues

- The Department of Environment, Land, Water and Planning (DELWP) has completed a review of the State regulations governing native vegetation removal.
- The outcomes of the review were released by DELWP in December 2016 (Attachment A) and stakeholders are invited to provide final comments, due 8 March 2017, prior to finalisation of the regulations and supporting policy documents.
- The purpose of this report is to gain Council support for a draft Council submission (Attachment B) responding to the review.
- The proposed improvements to the native vegetation clearing regulations will result in better regulation of native vegetation removal and improved protection of native vegetation and biodiversity values in Frankston City.
- Council's draft submission is generally supportive of the proposed improvements and provides recommendations aimed at further improvements in its draft submission.

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

12.4 Review of Native Vegetation regulations**Executive Summary**

There are no financial implications associated with the report. As the revisions to the regulations do not significantly change the assessment and approval process it is considered that the resources required by Council to process native vegetation removal applications will not change.

Consultation**1. External Stakeholders**

Council forwarded notification of the review to the community via email to the Frankston Environmental Friends Network and notice in Council's Environews.

2. Other Stakeholders

The draft Submission (Appendix B) was developed by officers of the Planning and Environment Department.

Analysis (Environmental / Economic / Social Implications)

The proposed improvements to the native vegetation clearing regulations will result in better regulation of native vegetation removal and improved protection of native vegetation and biodiversity values in Frankston City.

Greater offsets may be required in some instances resulting in higher development costs, but this should be an incentive for developers to avoid the removal of native vegetation.

The community strongly support the protection and enhancement of native vegetation and biodiversity in the municipality and the various benefits they provide.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

The proposed changes will include an amendment to the Victoria Planning Provisions (VPP).

Policy Impacts

The proposed changes will affect State Native Vegetation Management Policy and are consistent with Council's Environment Strategy 2014.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Risk Mitigation

The lack of any changes to appropriate offsets will restrict Council's ability to provide an over-the-counter Offsets Scheme resulting in offsets being lost from the municipality.

As the regulations still heavily relies of modelled biodiversity data, rather than an on-ground assessment, there is a risk that incorrect mapping could result in the loss of significant vegetation.

12.4 Review of Native Vegetation regulations**Executive Summary****Conclusion**

The proposed changes to the native vegetation clearing regulations as presented in the Outcomes Report released by DELWP are supported in principle by Council officers.

Generally, it is considered the proposed improvements will result in more effective regulation, however, the Outcomes Report and supporting documents lack detail on how some of these improvements will be implemented. The completion of this supporting documentation by DELWP is critical to the successful introduction of the improved regulations.

In particular it is noted that the proposed changes to the regulations still rely heavily on modelled biodiversity data which has resulted in considerable inaccuracy in the current system. While DELWP has committed to continuous improvement of this modelling, Council's submission emphasises that the Responsible Authority should have the ability to require a site - based assessment in all cases where it considers the mapping is questionable.

ATTACHMENTS

Attachment A: Outcomes report: Review of the Native Vegetation clearing regulations

Attachment B: Council Submission - Review of the Native Vegetation clearing regulations - Outcomes report

Outcomes report

Review of the native vegetation clearing regulations



November 2016



Environment,
Land, Water
and Planning

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Minister's foreword

Victoria's ecosystems provide critical habitat for our unique native plants and animals.

A healthy environment is fundamental to the wellbeing of all Victorians. It is also the foundation of many of the productive activities that underpin our economy. We need to ensure our economy can grow and prosper, while protecting and enhancing our natural environment for future generations.

The Victorian Government has committed to improving the care and protection of our environment through three interconnected initiatives:

- Development of an overarching biodiversity plan – *Protecting Victoria's Environment – Biodiversity 2036*.
- A review of the *Flora and Fauna Guarantee Act 1988*.
- A review of the native vegetation clearing regulations (the review).

This review of the native vegetation clearing regulations focuses on sensibly protecting sensitive vegetation. As part of the process the Department of Environment, Land, Water and Planning (DELWP) has engaged with the Victorian community to gather views and ideas that have helped to inform the proposed changes to the regulations.

DELWP also established an independently chaired Stakeholder Reference Group with representatives from industry, environment and local government to provide advice and input into the review. This group brought a diverse range of views and experiences to the review, providing invaluable perspectives that helped inform the outcomes.

I would like to express my thanks to the Stakeholder Reference Group representatives and Chair, for their involvement and contribution to this significant piece of work.

I would also like to thank the broader Victorian community, who have actively contributed to and provided feedback on the changes to the regulations during the recent consultation process. Together, we will ensure sensible protection of sensitive vegetation.

The regulations will provide for better consideration of important biodiversity elements in decision making. This includes key habitats for dispersed rare or threatened species, large trees, endangered Ecological Vegetation Classes, and sensitive wetlands and coastal areas.

Planning permit applicants will have the ability to provide more site-based information to supplement the mapped information.

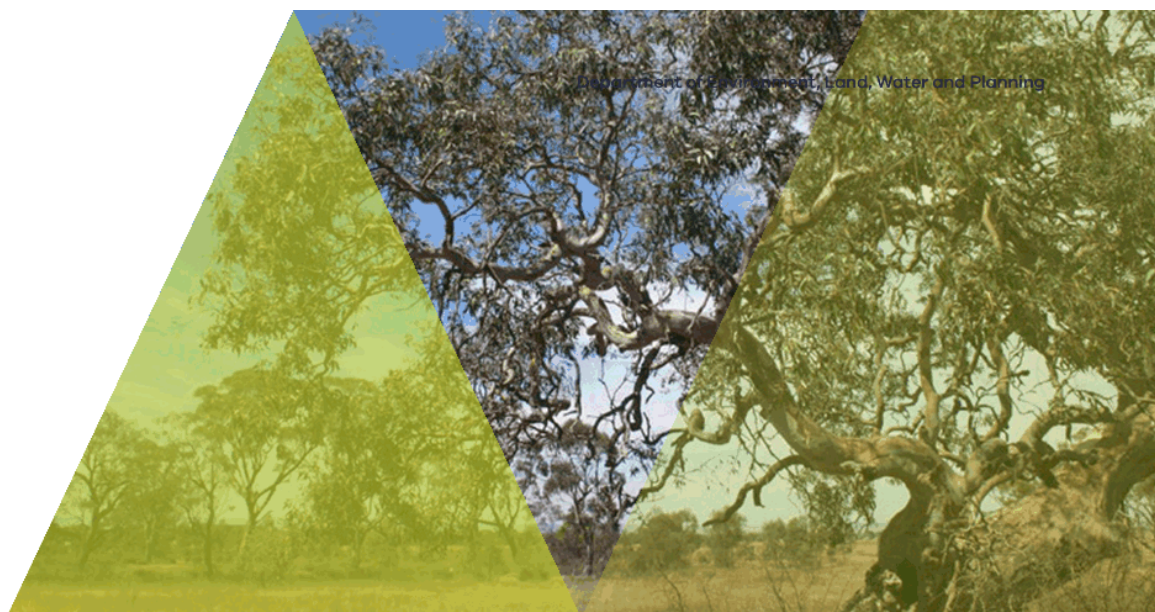
The function of the regulatory system will also be improved, to provide greater transparency. This will include improved monitoring and reporting on the implementation of the regulations, and the formation of a native vegetation regulations advisory group to support DELWP in its development of a program of ongoing improvements.

We now welcome your feedback on the proposed changes to the regulations, which includes amendments to the Victoria Planning Provisions, and the new *Native vegetation clearing – assessment guidelines*.



The Hon Lily D'Ambrosio MP

Minister for Energy, Environment and Climate Change



1. Review outcomes

The Victorian Government has concluded its review of the native vegetation clearing regulations (the review).

Extensive consultation and stakeholder engagement informed the review throughout 2015 and 2016. Key consultation activities included:

- 19 community and local government workshops held across Victoria
- individual and group stakeholder meetings
- surveys of local government and ecological consultants
- analysis of submissions received in response to the *Review of the native vegetation clearing regulations - Consultation paper* (Consultation paper) released in March 2016.

This report outlines how the improvements will be implemented in the native vegetation clearing regulations and other supporting initiatives, to ensure the sensible protection of sensitive native vegetation.

The government will consider feedback on the proposed amendments to the Victoria Planning Provisions (VPP), including various clauses and the *Native vegetation clearing - assessment guidelines* (Assessment guidelines), which will be an incorporated document in all Victorian planning schemes.

The Department of Environment, Land, Water and Planning (DELWP) will continue stakeholder consultation as part of the implementation program for those improvements not dependent on changes to the VPP.

Section four outlines a number of improvements that deliver on the objective of the review to “sensibly protect sensitive vegetation”. They are grouped into the following three areas:

- provide better protection for sensitive native vegetation
- enhance the overall function of the regulations
- increase the transparency of the system.

Section 5 includes a full list and description of the improvements. These will be implemented by changes to the regulations, or delivered as part of an ongoing program.

Please see the following publications for more information on the native vegetation regulations and review:

- *Review of the native vegetation clearing regulations – summary of proposed amendments to the Victoria Planning Provisions*
- *Native vegetation clearing - assessment guidelines* (Assessment guidelines)
- *Review of the native vegetation clearing regulations – consultation, submissions and response.*



2. Next steps

Comments are being sought on the proposed amendments to the VPP listed below:

- Clause 12.01 *Biodiversity* (State Planning Policy Framework - SPPF)
- Clause 52.16 *Native Vegetation Precinct Plan* (Particular Provision)
- Clause 52.17 *Native Vegetation* (Particular Provision)
- Clause 66.02-2 *Use and Development Referrals – Native vegetation*
- *Native vegetation clearing – Assessment guidelines.*

If you would like to review and comment on the proposed changes go to the DELWP website at <http://www.engage.vic.gov.au>

Before introducing the amendments into the VPP, DELWP will provide training and information to support local governments, consultants and DELWP staff to implement the new regulations. DELWP will also undertake targeted consultation to support the delivery of the program of ongoing improvements detailed in section 5.

Figure 1 below outlines the review process to date and the next steps to be taken.

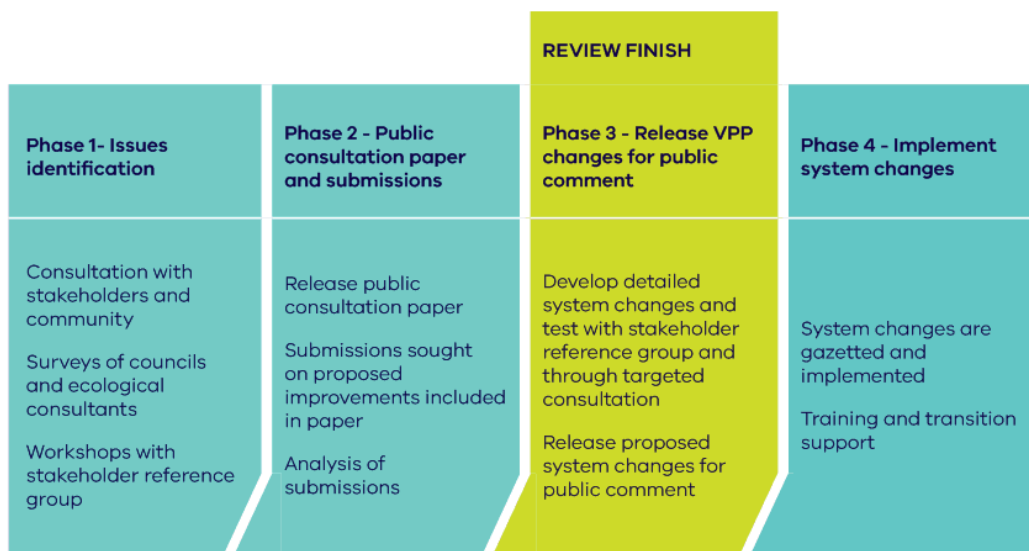


Figure 1. Review process to date and next steps

3. Background

3.1 Native vegetation clearing regulations

In May 2015, the Victorian Government announced a review of the native vegetation clearing regulations. The aim of the review was to examine the regulations to ensure that they sensibly protect sensitive native vegetation. The *terms of reference* (see Appendix 1 for the complete list) included the consideration of:

- decision making processes and tools
- accuracy of statewide mapping products and the use of site-based species information
- application of the avoid, minimise and offset hierarchy (referred to as the three step approach)
- functioning of the credit market (referred to as the offset market).

A stakeholder reference group (SRG) was established to support the review and played an important role in bringing together the views of a diverse range of stakeholders. The SRG provided a forum to share issues and consider and test ideas and proposals. A list of organisations represented on the SRG is provided in Appendix 2.

As part of the review, DELWP undertook an extensive consultation and engagement program seeking community and stakeholder views. The insights, feedback and experiences of stakeholders provided valuable information and helped to bring the key issues into focus. Consultation also highlighted the diversity of stakeholder views.

Over 600 people, across a broad range of stakeholder groups, participated in the first consultation phase of the review. In March 2016, the government released the Consultation paper, which set out 29 proposed improvements that responded to issues raised by the community through the initial consultation.

A total of 218 public submissions were received on the Consultation paper. These helped inform the proposed system changes that are now available for public comment. Further information on the consultation process and details of submissions can be found in *Review of the native vegetation clearing regulations – consultation and submissions summary*.

3.2 Biodiversity policy

The review of the native vegetation clearing regulations is part of a package of biodiversity policy reforms that the government is delivering. The two other reforms are *Protecting Victoria's Environment – Biodiversity 2036* and the review of the *Flora and Fauna Guarantee Act 1988*.

Protecting Victoria's Environment – Biodiversity 2036

Protecting Victoria's Environment – Biodiversity 2036 (the Biodiversity plan) describes a new vision, in which Victoria's biodiversity is healthy, valued and actively cared. It outlines that the objective for the regulation of native vegetation permitted clearing should lead to no net loss to biodiversity, through the application of the three step approach – avoid, minimise and offset.

It also outlines that through investment and voluntary programs separate from the regulations, the government remains committed to achieving an overall 'net gain'. This is expressed as an improvement in the overall extent and condition of native habitats across terrestrial and marine environments.

In achieving this, not all habitats or vegetation types will need to be improved or increased, but overall gains will need to outweigh losses. The most important places to achieve gains and to avoid losses are locations with higher relative contribution to biodiversity benefit.

Flora and Fauna Guarantee Act 1988

The review of the *Flora and Fauna Guarantee Act 1988* provides an opportunity to consider a number of matters that were raised by stakeholders during consultation that were outside of the scope of the review. These matters include providing:

- improved protection of habitat considered critically important for biodiversity
- maps of the most important locations for species that rely on habitats not covered by the regulations (such as caves) to facilitate their protection
- a more comprehensive compliance and enforcement legislative framework.

A discussion paper is being prepared and will be released for public comment.

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4. Review Outcomes

4.1 Provide better protection for sensitive native vegetation

One of the aims of the review was to examine how protection of sensitive native vegetation could be improved. Throughout the consultation process stakeholders highlighted areas where they felt that better protection of biodiversity was needed. These views, combined with analysis of the system undertaken by DELWP, identified areas of the regulations that could be adjusted to deliver better biodiversity outcomes. In developing these system changes, consideration was given to how this could be achieved without increasing the overall regulatory costs.

The improvements identified within this section seek to use information that is already collected through the current application process including the habitat hectare assessment or in the maps and models provided by DELWP.

Better protection is provided through a number of key changes including:

- identification and consideration of sensitive native vegetation in the application and assessment process
- strategic approaches to planning and to compliance and enforcement
- improved decision making.

Identification and consideration of sensitive native vegetation

In order to provide better protection for sensitive native vegetation it is necessary to ensure that important biodiversity values are captured in the application so they can then be considered in the decision making process.

In determining which assessment pathway applies to an application, additional biodiversity information will be considered, including:

- large trees
- sensitive wetlands and coastal areas
- endangered Ecological Vegetation Classes (EVCs)
- more important areas of dispersed rare or threatened species habitats.

Once an application is made, this information will then be considered as part of the decision making process

for a permit. Including these values will ensure a more detailed assessment of impacts to biodiversity and also allows an applicant to focus efforts to minimise impacts in areas where the most important biodiversity values exist.

Through the consultation process, stakeholders raised the need for greater consideration of large trees in the regulations. Large trees are frequently the oldest component within an ecological system, are unique in the landscape and cannot be replaced in the short term. In addition to playing a role in determining the assessment pathway, they are included in the decision guidelines and as an additional offset attribute. The offset provided must include protection of at least one large tree for every large tree removed.

Strategic approaches

Planning

Under the regulations, clearing of native vegetation and the establishment of offset areas is generally considered on a permit by permit basis. Strategic planning processes can be more effective in protecting areas of high biodiversity value. DELWP will develop guidance to support councils to undertake strategic planning for biodiversity. This will describe how statewide biodiversity products can be used to achieve better protection of important biodiversity values.

Other strategic planning opportunities were identified during the review. These include:

- Implementing programs to identify and secure offsets in areas with limited supply, in partnership with Trust for Nature and other stakeholders.
- Working with the Victorian Farmers Federation on a demonstration project to undertake property vegetation planning and native vegetation precinct planning within agricultural landscapes. This could involve landholders working together to secure areas of native vegetation across a number of properties to compensate for clearing, enabling more efficient farming practices.

Compliance and Enforcement

Improving compliance with the regulations will help protect biodiversity. Preventing illegal clearing will see native vegetation removal assessed, opportunities to avoid and minimise its removal considered and an appropriate offset secured.

DELWP will develop a statewide risk-based compliance and enforcement strategy in collaboration with local government and the Municipal Association of Victoria. This will enable resources to be directed to address the issues that pose the greatest risk to biodiversity.

Preventing illegal clearing by promoting compliance is preferable to enforcement action, which can be costly and time consuming to undertake. The compliance and enforcement strategy will provide a co-regulatory framework to guide regulatory authorities in adopting the most appropriate approach. The co-regulatory approach is outlined further in section 4.3.

Decision making

Improvements in the decision making process include clarifying how the three step approach (avoid, minimise, offset) should be applied and consideration of the impact on large trees, endangered EVCs, important habitat for rare or threatened species, sensitive wetlands and coastal areas.

An avoid and minimisation statement will be included as a requirement for all applications (this is currently not required for low risk-based pathway). This is intended to be a short description of steps taken to avoid and minimise impacts. This will encourage applicants to consider alternative options for the proposed development or use, which may reduce the extent of native vegetation removal and reduce costs for applicants where less offsets are required. It will also introduce an opportunity for decision makers to work with applicants to achieve improved biodiversity outcomes.

Information on how to apply the three step approach is provided in the Assessment guidelines and the *Assessment handbook - native vegetation clearing* (the Assessment handbook) - see section 4.2 *Guidance materials* for further information. In the Basic Assessment Pathway, a simple statement that avoidance and minimisation of impacts to biodiversity values has not been undertaken is acceptable, as biodiversity values are low and impacts can be compensated by securing an appropriate offset.

Impacts on large trees, endangered EVCs, important habitat for rare or threatened species and sensitive wetlands and coastal areas are included in the decision guidelines. This will enable the responsible authority to consider impacts on these values as

part of the decision making process. The requirement for this information will not result in any additional costs for applicants, as it will be included in the updated mapping information provided by DELWP.

4.2 Enhance the overall function of regulations

Throughout the consultation process, many stakeholders and community members commented that the intent of the regulations could be made clearer and their operation more efficient to reduce confusion and increase their effectiveness. Improvements were designed to increase clarity while considering any additional costs or savings from the changes and the benefit to biodiversity. The function of the regulations will be enhanced through:

- revised assessment pathways
- improving information use
- updating the exemptions
- guidance materials.

Assessment pathways

The Consultation paper proposed changes to the assessment pathways including reducing clearing thresholds and the number of assessment pathways (from three to two). The proposal to change the number of pathways was in recognition that there is little to differentiate the current application requirements and decision guidelines for the moderate and high risk-based pathways.

In response to feedback about the potential for additional costs for applicants and the intent to ensure there is a risk-based approach, the three pathway approach will be retained (known as Basic, Intermediate and Detailed assessment pathways). Improved differentiation between pathways will lead to better consideration of biodiversity and improved decision making. The improvements to the *location map* ensure that the application requirements in the three assessment pathways are proportionate to the risk of impact to biodiversity from the removal of native vegetation.

The assessment pathway is determined from the amount of vegetation to be removed and the location of the vegetation. The clearing amount is set at a threshold of 0.5 hectares. More than 90% of

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permit applications propose to remove less than this amount of native vegetation. The combined impact of reducing the clearing threshold and updating the *location map* means that there is a neutral impact on cost to applicants from these changes.

The application will include a brief offset statement for all pathways. This is currently not required for the low risk-based pathway, and an applicant may go through a lengthy planning permit process unaware of their offset obligations until after the permit is issued. The inclusion of the offset statement upfront will help proponents understand their offset obligations (and costs) early in the process. Applicants can then consider adjusting their proposal to reduce their clearing footprint and resultant offset obligations before lodging an application. The requirement for this information will not result in any additional costs for applicants as specialist input is not required.

Information use

The accuracy of the DELWP mapped and modelled information at site level was raised as a key concern during consultation. In response, improved modelling techniques have been applied to ensure that this information is more accurate. Improvements were also made to base data – more than 1 million new records were included in the Victorian Biodiversity Atlas – and all records were assessed to determine suitability for modelling.

In addition, site-based information outlining habitat characteristics will be able to be used to supplement species habitat importance maps, in certain circumstances. This approach is outlined in more detail in the Assessment guidelines. The use of site-based information will help to ensure that offsets are only required for species habitats that are impacted. This approach can also be applied at offset sites and may help address the shortage of some specific credits.

Scattered trees will be considered based on two sizes (large and small) to better reflect the value of the tree. In addition, when areas of scattered trees overlap, the combined canopy boundary will be used to determine extent of clearing and offset requirements (previously each individual scattered tree boundary was used). Removal of large trees is used to determine the assessment pathway and adds a requirement that the offset secured contains at least one large tree for each large tree removed. These improvements will reduce offset amounts for applicants in some cases and ensure that the offset better matches the biodiversity value of the native vegetation being cleared.

Exemptions

Consultation highlighted that changes to the exemptions were required to make them easier to understand and to improve how they operate. The main changes include edits to existing exemptions so that their intent is clear. A new exemption for Conservation work is proposed, provided the works are in accordance with an approved conservation management plan and demonstrate no net loss to biodiversity.

Guidance will be developed once the exemptions are finalised to provide more detail and explanation on how the exemptions are intended to apply. The guidance will also include the purposes and principles of the exemptions. The development of exemption guidance will be undertaken in conjunction with local government and relevant stakeholders.

Guidance materials

One way to improve the implementation of the regulations is to ensure that all relevant parties understand how they operate and what is required to either complete or assess an application. DELWP will prepare appropriate guidance for permit applicants and assessors including:

- *Assessment handbook - native vegetation clearing* for responsible and referral authorities to guide assessment and decision making
- applicants guidance for compiling a permit application
- industry specific Property Vegetation Plans
- guidance to support strategic planning for native vegetation protection and management
- guidance for exemptions including the purposes and principles of the exemptions how the exemptions are intended to apply.



4.3 Increase transparency of the system

A common theme from consultation with stakeholders and the community was that more needs to be done to increase the transparency of the system. This includes a need to improve the understanding of the regulations, ensuring that the objective of the regulations is being met and identifying ongoing improvements. Key actions to improve transparency include:

- establishing a native vegetation regulations advisory group (advisory group)
- making more information available about the operation of the regulations
- adopting a co-regulatory approach to the implementation of the regulations.

Native vegetation regulations advisory group

A key initiative to support the ongoing engagement and functioning of the regulations is to establish an advisory group. The advisory group will include a range of stakeholders that represent groups with an interest or involvement in the regulations. Their role will include providing feedback and advice on:

- the functioning of the regulations and opportunities for improvement
- the implementation of the improvements outlined within this report
- approaches or opportunities for ongoing engagement to increase the understanding of the regulations.

The advisory group would follow a similar model to the SRG to connect DELWP and stakeholders. This will enable feedback on what is working well and identify areas that may be improved with adjustments or ongoing improvements. Periodic reviews will be undertaken of the function, need for and membership of the advisory group.

Information availability

Collecting reliable information is important to assess whether the objective of the regulations to achieve no net loss to biodiversity is being met. There are a number of areas where more information could be

collected, including the amount of native vegetation permitted to be cleared, cleared under exemption or illegally cleared. In addition, collecting information on offsetting, including the area and management of offset sites, could help determine the extent to which the objectives of the regulations are being met.

It is also recognised that gathering and reporting data should be achieved in a way that matches the need and is not onerous to organisations or individuals. There is a range of information that currently exists that could be collated, or where other cost effective approaches could be used to provide more qualitative rather than quantitative data.

The surveys of local government and ecological consultants used to support the development of the Consultation paper is an example of this more qualitative approach. DELWP will develop a process for monitoring and reporting in consultation with relevant stakeholders that, in the first instance, targets data collection with readily available information and uses existing reporting frameworks.

Co-regulation

There is a wide range of organisations that have a role to play in the regulation of native vegetation at a federal, state and local government level. This role can include responsibilities for assessment and approval of clearing, through to ensuring compliance with the regulations or other planning instruments or legislation. The adoption of a co-regulatory approach will see those agencies with regulatory responsibilities, such as local government and DELWP, establishing more formal or organised arrangements to work together. This could include arrangements to identify and implement cost effective ways to encourage compliance with the regulations.

The adoption of a co-regulatory approach can help the sharing of information between agencies, and the adoption of consistent approaches to improving compliance with the regulations. This will support a more transparent, consistent experience and outcomes for people who interact with these regulations. It will also enable approaches to be identified that focus on compliance rather than enforcement, which can be costly and time consuming and, as clearing has already occurred, result in poorer outcomes for the environment.

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5. Improvements and implementation approach

The review outcomes will be delivered through the system changes and an ongoing program of actions (ongoing improvements) that are independent of the VPP e.g. development of a compliance and enforcement strategy. The implementation program for ongoing improvements will be guided by the advisory group and by targeted stakeholder consultation, and prepared prior to gazettal of the VPP changes.

Before the introduction of the updated VPP, DELWP will lead a program for local government, consultants and DELWP staff to inform them of changes and how the preparation and process of assessment of applications should occur. In addition, DELWP will also provide information to help people understand

the updated regulations and prepare an application to remove native vegetation.

5.1 VPP amendments

The *Review of the native vegetation clearing regulations – summary of proposed amendments to the Victoria Planning Provisions* report includes the draft clauses, describes the key changes to the system, and outlines the consequence of key changes.

The proposed improvements that will be partially or wholly addressed by the VPP amendment are briefly described in Table 1.

Table 1: Improvements addressed by changes to the VPP

Native vegetation clearing policy	Implementation
<p>Proposed improvement 1:</p> <p>Clarify that the primary focus of the regulations is to ensure avoidance of native vegetation removal where possible.</p>	<p>Implemented by the following objectives in the SPPF:</p> <ul style="list-style-type: none"> • Ensure appropriate consideration of impacts from the removal, destruction or lopping of native vegetation. • Ensure permitted clearing of native vegetation results in no net loss to biodiversity. <p>Clarifying the three step approach in the purpose to Clauses 52.16 and 52.17:</p> <ul style="list-style-type: none"> • Avoid the removal, destruction or lopping of native vegetation. • Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided. • Provide an offset if a permit is granted to remove, destroy or lop native vegetation. <p>This includes an increased focus on avoiding and minimising in areas where the values of the native vegetation are high, and where these values can be maintained in the future.</p>
<p>Proposed improvement 2:</p> <p>Consolidate comprehensive policy guidance for native vegetation removal.</p>	<p>Implemented through the Assessment guidelines that detail which impacts on biodiversity and other values of native vegetation are to be considered in the different assessment pathways.</p>





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Permit and decision making	Implementation
<p>Proposed improvement 5: Reduce the low risk-based pathway threshold.</p>	<p>Implemented by adopting a clearing threshold of 0.5 hectares to determine assessment pathway as detailed in the Assessment guidelines.</p> <p>The assessment pathway for an application is determined based on extent, the presence of large trees, sensitive wetlands and coastal areas, rare or threatened species habitat and endangered EVCs.</p>
<p>Proposed improvement 6: Replace the <i>Native vegetation location risk map</i> with an updated map of highly localised habitats.</p>	<p>Implemented by replacing the <i>location risk map</i> with a <i>location map</i> that is described in the Assessment guidelines. It identifies areas based on their importance using mapped biodiversity values, including highly localised habitats, rare or threatened species habitat, endangered EVCs, and sensitive wetlands and coastal areas.</p>
<p>Proposed improvement 7: Require an avoid and minimisation statement for all applications and consider this in decision making.</p>	<p>Implemented by amending the application requirements in Clauses 52.16 and 52.17 to require an avoid and minimisation statement.</p> <p>The Assessment guidelines provide details on the values of native vegetation and how and when impacts on these values should be avoided and minimised to ensure proportionality. They also outline what is an acceptable avoid and minimisation statement, and specify that avoidance of biodiversity impacts is not required for applications in the Basic Assessment Pathway.</p> <p>More information on how to prepare this statement will be included in guidance material for applicants.</p>
<p>Proposed improvement 8: Require an offset strategy for all applications and consider this in decision making.</p>	<p>Implemented by amending the application requirements in Clauses 52.16 and 52.17 to include the requirement for an offset statement for all applications. The Assessment guidelines outline that this statement would briefly describe how the offset will be secured e.g. by purchasing an available credit or establishing a new offset site.</p> <p>More information on how to prepare this statement will be included in guidance material for applicants.</p>
<p>Proposed improvement 9: Change to two pathways – a “lower assessment pathway” and a “higher assessment pathway”.</p>	<p>Not implemented. Two pathways were investigated, but to ensure that the assessment effort is commensurate with impacts on the values of native vegetation, three new assessment pathways were developed (Basic, Intermediate and Detailed). These are described in the Assessment guidelines.</p>
<p>Proposed improvement 10: Provide clearer guidance on when to refuse an application to remove native vegetation.</p>	<p>Implemented by including requirements on how impacts on the values of native are to be assessed in the different assessment pathways in the Assessment guidelines.</p> <p>Further information will be provided in the Assessment handbook for responsible and referral authorities.</p>
<p>Proposed improvement 11: Include a decision guideline that allows councils to consider locally important biodiversity when assessing applications.</p>	<p>Implemented by including within the Assessment guidelines (and to be included in the Assessment handbook) that consideration must be given to the local and state planning policy frameworks.</p> <p>A new decision guideline has not been included in Clauses 52.16 and 52.17 as this requirement is already included in Clause 65 and duplication was not considered good regulatory practice.</p>



Biodiversity information tools used in decision making and offset rules	Implementation
<p>Proposed improvement 12:</p> <p>Allow habitat characteristic information collected at the site to be used to supplement the maps of a species habitat in the permit application process and for offset sites.</p>	<p>Implemented by providing for site information to be used to supplement mapped habitat assessments as detailed in the Assessment guidelines. This provision can be used to remove specific offset requirements for clearing sites and to add specific credits at offset sites under certain circumstances.</p> <p>Detail of how and when this can be done and the approval process will be included in the Assessment handbook and guidance for applicants.</p>
<p>Proposed improvement 14:</p> <p>Place greater emphasis on key areas of habitat for dispersed species in decision making and offset requirements.</p>	<p>Implemented by including more important areas of dispersed species habitat in the location map and including these areas in the specific-general offset test to determine when specific offsets are required.</p>
<p>Proposed improvement 15:</p> <p>Differentiate between the biodiversity value of scattered trees for use in decision making and offset requirement determination.</p>	<p>Implemented in Clauses 52.16 and 52.17 and Assessment guidelines. Scattered trees are divided into two size classes, small and large. A small scattered tree is assigned a standard extent defined by a circle with a 10 metre radius and a large scattered tree is assigned a standard extent defined by a circle with a 15 metre radius.</p> <p>In addition, clearing of large trees is used to determine the assessment pathway of an application. This is considered in decision making and when removal of native vegetation is permitted the secured offset must also contain at least one large tree for each large tree removed.</p>
Exemptions	Implementation
<p>Proposed improvement 22:</p> <p>Clarify wording of exemptions.</p>	<p>Implemented by updating the exemptions included in Clauses 52.16 and 52.17. Main changes include text revisions to improve clarity, amendment of the Utilities exemption and the introduction of a new Conservation work exemption.</p>

5.2 Ongoing improvements

A number of the improvements are independent of the changes to the VPP and delivery will be outlined through an implementation program. The implementation program for ongoing improvements will be guided by the advisory group and targeted stakeholder consultation, and prepared before gazettal of the VPP changes. These ongoing improvements are briefly described in Table 2. The implementation program will consider which improvements are a priority and any additional consultation that may be required to support their delivery.

Table 2: Ongoing improvements

Native vegetation clearing policy	Implementation approach
<p>Proposed improvement 2:</p> <p>Consolidate comprehensive policy guidance for native vegetation removal.</p>	<p>Implement by updating the Assessment handbook and guidance for applicants to support the implementation of the updated regulations. These documents will provide information to help applicants complete an application to remove native vegetation, and help councils and DELWP staff assess permits to remove native vegetation submitted under Clauses 52.16 and 52.17.</p> <p>Additional guidance to be developed is described in improvements 3 and 26.</p>
<p>Proposed improvement 3:</p> <p>Develop guidance to support strategic planning relating to native vegetation protection and management.</p>	<p>Implement by developing guidance e.g. a planning practice note to support strategic planning for native vegetation, in partnership with local government. This will include information on when strategic planning might be undertaken, what tools can be used, the information that is available and the roles and responsibilities of all parties involved.</p>
<p>Proposed improvement 4:</p> <p>Improve monitoring to determine if the regulations are achieving their objective and make this information publicly available.</p>	<p>Implement by developing a monitoring and reporting plan in partnership with local government, and in consultation with other relevant stakeholders. This plan will include roles and responsibilities and efficient approaches to gather and report on native vegetation clearing and offsetting.</p> <p>Initially the plan will improve monitoring and reporting on:</p> <ul style="list-style-type: none"> • permitted native vegetation clearing and offsets that are occurring (including linking clearing and offsets) • levels of known non-compliance with the regulations, including with management of offset agreements • gains in native vegetation that is occurring at offset sites.
<p>Proposed improvement 10:</p> <p>Provide clearer guidance on when to refuse an application to remove native vegetation.</p>	<p>Implement by including details in the Assessment handbook on how to assess an application, including making decisions about impacts on biodiversity. The Assessment handbook will be available before gazettal and implementation of the changes to the VPP.</p>
<p>Proposed improvement 13:</p> <p>Increase the information available about the maps used in the regulations and improve their accessibility.</p>	<p>Implement by publishing <i>Native vegetation clearing - biodiversity information products</i> that describes the method used to create the maps and how they are used in the regulations. This will also provide details on how to access the maps and how they may be updated in the future.</p>

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Offset delivery	Implementation approach
<p>Proposed improvement 16:</p> <p>Increase the use and functionality of the Credit Register.</p>	<p>Implement by clarifying the roles and responsibilities for participants, increasing the information recorded in the Credit Register and making this available to councils, offset purchasers, offset providers and government investment programs. This includes:</p> <ul style="list-style-type: none"> • increasing supply of offsets by registering potential sites before they are established so that offset providers do not incur the costs of setting up an offset site before they have a buyer • linking offset and permit information for greater transparency • recording first party offsets.
<p>Proposed improvement 17:</p> <p>Support the development of the market for low availability offsets.</p>	<p>Implement by working with conservation groups (including Trust for Nature) and other stakeholders to develop programs that identify potential offset providers, initially focused on offset types or locations with low availability.</p> <p>Improve external access to species information to support identification of potential specific offsets.</p> <p>Increase use of over the counter agreements.</p> <p>Undertake a native vegetation offset market review to identify opportunities to improve its operation. This will be done in conjunction with the Department of Treasury and Finance and the Department of Economic Development, Jobs, Transport and Resources and in consultation with relevant stakeholders.</p>
<p>Proposed improvement 18:</p> <p>Require that all third party offsets are registered on the Credit Register and meet its standards, including standards for securing the offset.</p>	<p>Implement by requiring all third party offsets to be registered on the Credit Register, in order to track the trading and use of credits and so that the payment to the offset provider will be linked to the delivery of the offset management plan.</p>
<p>Proposed improvement 19:</p> <p>Redesign the revegetation standards to ensure desirable revegetation can occur.</p>	<p>Implement by revising the revegetation standards so they encourage desirable revegetation by:</p> <ul style="list-style-type: none"> • modifying gain scoring to encourage revegetation in sites with scattered trees so these become patches • encouraging revegetation in areas well connected to remnant vegetation.
<p>Proposed improvement 20:</p> <p>Create a framework for offsetting on Crown land.</p>	<p>Implement by preparing a Crown land offsetting policy that includes:</p> <ul style="list-style-type: none"> • eligibility criteria • in-perpetuity security arrangements • 'additionally' measures that ensure the management actions are in addition to the statutory requirements for the management of the land. <p>Consideration will be given to potential impacts on the existing offset market and circumstances under which Crown land offsets may be purchased by third parties.</p>

Attachment A: Outcomes report: Review of the Native Vegetation clearing regulations



Exemptions	Implementation approach
<p>Proposed improvement 21: Formalise a set of exemption purposes and principles.</p>	<p>Implement by preparing guidance that details the purposes and principles for exemptions.</p> <p>DELWP will work with relevant stakeholders to develop cost effective approaches to record and report significant new permanent clearing, so that its impact on biodiversity is known and can be counterbalanced through native vegetation investment and management at a statewide level. This will also include how the environmental impacts resulting from exemptions on public land are minimised and counterbalanced and the accountabilities for this reporting.</p>
<p>Proposed improvement 23: Provide guidance on the intent and application of exemptions.</p>	<p>Implement by preparing guidance on exemptions that describes the intent of the exemptions and how they should be applied.</p>
<p>Proposed improvement 24: Adopt a consistent approach to agreements referenced in the exemptions.</p>	<p>Implement by developing a consistent approach for all agreements including:</p> <ul style="list-style-type: none"> • principles and content of the agreements • consistent definitions and terms • a standard level of consultation • making these agreements publicly available • recording and reporting new permanent clearing and offsetting that occurs under agreements.

Department of Environment, Land, Water and Planning



Compliance and enforcement	Implementation approach
<p>Proposed improvement 25: Develop a compliance and enforcement strategy.</p>	<p>Implement by preparing a risk-based compliance and enforcement strategy for councils to inform their compliance activities and including the development of compliance plans. The strategy will address education and behaviour change, enforcement tools, and identify roles and responsibilities. The strategy will provide guidance to allow compliance activities to be scaled depending on the resources of the regulator so that a focus is maintained on key compliance and enforcement risks.</p>
<p>Proposed improvement 26: Provide guidance and support materials for compliance and enforcement activities.</p>	<p>DELWP in collaboration with councils will identify and develop key guidance and support material to build required skills and capabilities to assist the delivery of compliance and enforcement programs. This includes how to focus efforts based on risk, select the best compliance approach, collect information to assist in monitoring and enforcement, and develop appropriate responses to illegal clearing.</p>
<p>Proposed improvement 27: Improve information gathering for compliance and enforcement.</p>	<p>DELWP will work with councils to gather and report on the level and drivers of illegal clearing and non-compliance with permit conditions (including the requirement to provide offsets).</p>
<p>Proposed improvement 28: Promote co-regulatory support.</p>	<p>DELWP to work with councils, the Commonwealth Government and other relevant agencies to develop a co-operative approach to address non-compliance with the regulations, with a focus on activities that have significant impacts on biodiversity.</p>
<p>Proposed improvement 29: Review the overarching compliance and enforcement framework.</p>	<p>DELWP will seek opportunities through existing reviews to strengthen compliance and enforcement frameworks, and provide information on the effectiveness of the existing framework to support any decision on a broader regulatory review.</p>

Appendices

Appendix 1. Review of the native vegetation clearing regulations – Terms of reference

Background

The Victorian Government has committed to review the native vegetation permitted clearing regulations. The regulations are designed to achieve a no net loss in the contribution native vegetation makes to Victoria's biodiversity.

Matters for the review

Consistent with *Our Environment, Our Future*, the objective of the review will be to test the extent to which the regulations sensibly protect sensitive vegetation. The review will benchmark the regulations against the Victorian Competition and Efficiency Commission's (VCEC) best practice regulatory principles.

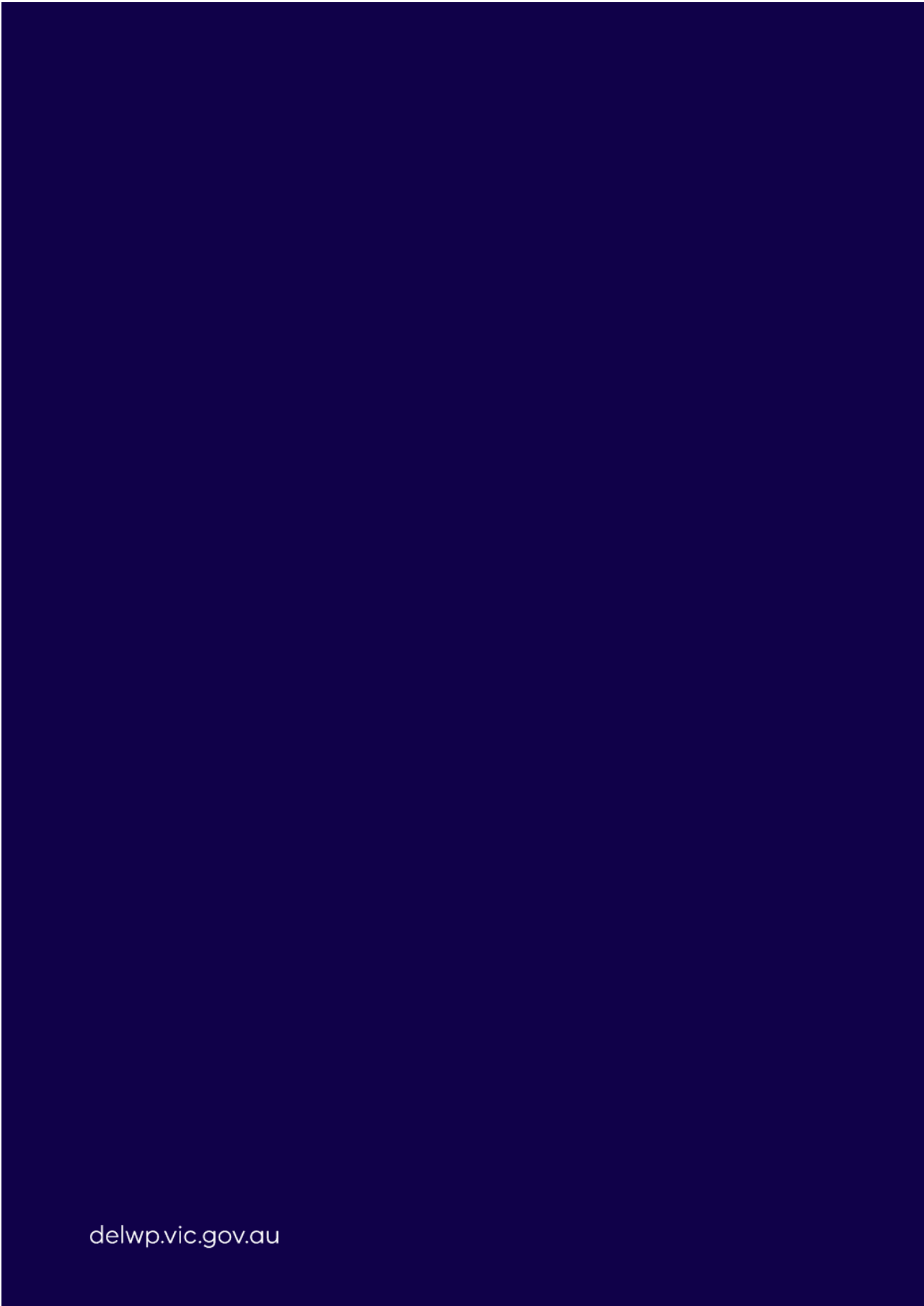
More specifically the review will examine matters raised by stakeholders, including:

- The decision making processes and the availability and appropriate use of decision making tools.
- The accuracy of statewide mapping products and the use of site based species information for consideration in the permit application.
- The application of the avoid, minimise and offset hierarchy.
- How the regulations measure and manage cumulative loss.
- The functioning and liquidity of the credit market arrangements.
- The appropriateness of costs faced by different groups of proponents.
- The range of objectives for regulating the removal of native vegetation.
- The relationship between the "no net loss" objective of the regulations and the state-wide native vegetation management objective to achieve "net gain".
- The clarity and operability of the native vegetation exemptions.
- Whether current compliance activities provide sufficient deterrence to illegal clearing.
- The appropriateness of current offset rules to provide adequate compensation for the environment.
- The process of ongoing system improvement and stewardship.

Appendix 2. Stakeholder reference group

Organisation

- Chair – Joanne Duncan
- Victorian National Parks Association
- Urban Development Institute of Australia
- Minerals Council of Australia (Victorian Division)
- Trust for Nature
- Environmental Farmers Network
- Victorian Farmers Federation
- Environmental Justice Australia
- Municipal Association of Victoria
- City of Greater Bendigo
- Hume City Council.





Frankston City Council

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28 February 2017

Review of the Native Vegetation Clearing Regulations
Regulatory Strategy and Design
Department of Environment, Land, Water and Planning
PO Box 500
EAST MELBOURNE VIC 8002

To whom it may concern

REVIEW OF THE NATIVE VEGETATION CLEARING REGULATIONS

Frankston City Council welcomes the opportunity to respond to the outcomes report, released by the Department of Environment, Land, Water and Planning (DELWP) on Thursday 15th December 2017, following the review of the native vegetation clearing regulations.

This submission has been prepared with input from Council officers whose work involves native vegetation management and the application of the permitted clearing regulations.

Please find attached our detailed response to the proposed improvements as identified in the Outcomes Report.

Yours faithfully

Michael Papageorgiou
MANAGER PLANNING AND ENVIRONMENT

Frankston City Council Submission –

Review of the Native Vegetation Clearing Regulations – Outcomes Report

General comments regarding the report:

Frankston City Council generally is supportive of the review of the Native Vegetation Clearing Regulations as presented in the outcomes report. The extent of consultation undertaken during the review has resulted in some proposed improvements that will provide a much more effective system of native vegetation clearing regulations, provided the implementation strategy is developed thoroughly, carefully and sensitively. Frankston City Council is pleased that the review has based the proposed improvements on the characteristics of a good regulatory system. Generally, Frankston City Council considers the proposed improvements will result in more effective regulation and awaits more detail of the implementation strategy.

It is critical that the native vegetation clearing regulations interact with key legislation and policies including *Protecting Victoria's Environment –Biodiversity 2036* (Biodiversity Strategy), the *Flora and Fauna Guarantee Act 1988* (FFG Act) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Without such interaction, it will be a difficult challenge to achieve the net gain objective for native habitats across the State. It is important that each of these regulatory tools work in an integrated and cohesive way.

Assessment of Proposed Improvements:

The following specific comments are provided for each of the proposed improvements.

Proposed improvement	Council response
IMMEDIATE CHANGES TO THE VICTORIAN PLANNING POLICY	
NATIVE VEGETATION CLEARING POLICY	
<p>Proposed improvement 1: Clarify that the primary focus of the regulations is to ensure avoidance of native vegetation removal where possible.</p>	<p>This is a positive change, re-instating the requirement to address the ‘avoidance hierarchy’ (i.e. avoid, minimise, offset) in all applications with an increased focus on avoiding and minimising native vegetation removal in areas where native vegetation values are high. While this change is welcomed, further guidance from DELWP is required regarding the circumstances in which councils can refuse applications to clear native vegetation.</p>
<p>Proposed improvement 2: Consolidate comprehensive policy guidance for native vegetation removal.</p>	<p>This guidance has been provided to some degree but comprehensive guidance is yet to be provided. Council emphasises that comprehensive and clear guidance from DELWP is critical to the efficient functioning of the native vegetation regulations. Consolidated policy guidance should be within a policy section of the State Planning Policy Framework, not just in a guidance document. Council would like to emphasise the need for a review of the exemptions of Clause 52.48: Bushfire Protection due to the huge losses this is having on native vegetation and tree canopy coverage, while acknowledging that it was not part of this review.</p>
PERMIT AND DECISION MAKING	
<p>Proposed improvement 5: Reduce the low risk-based pathway threshold</p>	<p>While this threshold reduction is supported in principle, a removal threshold of 0.5 still appears to be too high, particularly for urban fringe councils, like Frankston City, where relatively small patches of native vegetation have high local significance. For example, removal of 0.4 ha of locally significant vegetation could still be assessed under a ‘basic assessment pathway’ which is more likely to result in reduced control on clearing. Council’s submission recommends that the threshold for higher level application requirements be reduced further to 0.2 hectares.</p>
<p>Proposed improvement 6: Replace the <i>Native vegetation location risk map</i> with an updated map of highly localised habitats.</p>	<p>Council is pleased that this has been implemented by replacing the original risk location map with a new ‘location map’ as it should result in more areas in Frankston falling into what is known as ‘the intermediate assessment pathway’ (thus requiring more rigorous assessment and decision guidelines). Including endangered Ecological Vegetation Classes (EVCs) is likely to result in more vegetation in Frankston City falling into a higher level assessment category. This is an improvement on the current situation where the majority of the vegetation in Frankston falls into the lowest level assessment category, where approval of removal and requiring offsets is the default</p>

Attachment B: Council Submission - Review of the Native Vegetation clearing regulations - Outcomes report

	<p>response.</p> <p>The revision of the state – wide ‘location map’ is supported in principle however it should be noted that that DELWP’s mapping is not always accurate at a property - level scale and it is likely that patches of endangered vegetation may not be mapped.</p> <p>Reliance on mapped or modelled data in the assessment of applications to clear native vegetation has been a source of serious errors in the past. There should always be a facility for Council to require a site-based assessment to over-ride the mapped data, regardless of the assessment pathway. While the proposed changes include options for site-based assessments, the circumstances where this can be used are somewhat unclear in the documents released by DELWP.</p> <p>Council strongly recommends that the new regulations and supporting documents clearly set out that the Responsible Authority can require a site - based assessment in all cases where it considers the mapping is inaccurate.</p>
<p>Proposed improvement 7: Require an avoid and minimisation statement for all applications and consider this in decision making.</p>	<p>Council is supportive of the requirement for detailed assessments, however feels that the accreditation process should be formalised further.</p> <p>Further clarification is required on whether all pathways require avoid and minimise steps.</p> <p>We would prefer to see avoid and minimise steps in all pathways</p>
<p>Proposed improvement 8: Require an offset strategy for all applications and consider this in decision making.</p>	<p>Council is supportive of an offset strategy being included in application and being considered in decision for all pathways. However, this improvement is not clearly articulated in The Guidelines, there should be more information about what a suitable offset strategy is.</p>
<p>Proposed improvement 9: Change to two pathways – a “lower assessment pathway” and a “higher assessment pathway”.</p>	<p>As it was not clear how the pathways would be determined, council is comfortable with the development of 3 new pathways.</p>
<p>Proposed improvement 10: Provide clearer guidance on when to refuse an application to remove native vegetation.</p>	<p>There is very little detail provided for when Councils can object.</p>
<p>Proposed improvement 11: Include a decision guideline that allows councils to consider locally important biodiversity when assessing applications.</p>	<p>While this mechanism provides a way for the Responsible Authority to consider locally significant biodiversity, it is somewhat indirect. It is preferable that an explicit decision guideline be included within the Clauses 52.16 and 52.17.</p>

Attachment B: Council Submission - Review of the Native Vegetation clearing regulations - Outcomes report

BIODIVERSITY INFORMATION TOOLS USED IN DECISION MAKING AND OFFSET RULES	
<p>Proposed improvement 12: Allow habitat characteristic information collected at the site to be used to supplement the maps of a species habitat in the permit application process and for offset sites.</p>	<p>Council is very supportive overall however, modelling transparency is required, including what data is being used to prepare new models. There needs to be a clear process to request amendments to the biodiversity information tools if they are inaccurate Planners should be able to supplement information about habitat and species at the site with accurate and up to date records, regardless of their presence in state databases; need clarity on what sources of information will be accepted and will withstand challenges such as VCAT.</p>
<p>Proposed improvement 14: Place greater emphasis on key areas of habitat for dispersed species in decision making and offset requirements.</p>	<p>Supportive</p>
<p>Proposed improvement 15: Differentiate between the biodiversity value of scattered trees for use in decision making and offset requirement determination.</p>	<p>This is a positive change and is likely to assist in the retention and protection of mature indigenous trees in Frankston, where under the current regulations, there are many such applications that can't be refused. It would be desirable to have a third category for Very Large Old Trees, to capture some of Frankston's old red gums which have much higher values than a large old tree.</p>
EXEMPTIONS	
<p>Proposed improvement 22: Clarify wording of exemptions</p>	<p>Council Officers generally support the proposed changes to the wording of the exemptions table to Clauses 52.16 and 52.17. With regard to the newly introduced conservation work exemption, Council and community groups are often faced with requiring a permit to control native species that have become weedy and are causing degradation of areas of natural vegetation. The new exemption will address this issue. Council officers support this exemption in principle. However, to be eligible for the exemption, an applicant is required to provide a conservation management plan which demonstrates a no net loss to biodiversity and is approved by the DELWP Secretary. In many municipalities, including Frankston, management of native environmental weeds is a significant issue, therefore a requirement for approval by DELWP is considered unduly onerous, particularly for community groups. A more workable requirement would be for the proposed conservation works to be approved by the Responsible Authority (without a requirement for approval by DELWP).</p>

Attachment B: Council Submission - Review of the Native Vegetation clearing regulations - Outcomes report

ONGOING IMPROVEMENTS	
NATIVE VEGETATION CLEARING POLICY	
<p>Proposed improvement 2: Consolidate comprehensive policy guidance for native vegetation removal.</p>	<p>Council is supportive of this improvement and note that the guidance must be comprehensive and a 'one stop shop' which must be completed and available for use when the regulation changes are gazetted.</p> <p>Improvement to monitoring is required to determine if the regulations are achieving their objective and this information needs to be made publicly available.</p> <p>Council is supportive of this improvement but is concerned that the burden of implementation of these measures will remain with local government which does not have the resources to undertake compliance monitoring and enforcement of the native vegetation regulations.</p> <p>DELWP, as an urgent priority, must take the lead in monitoring and enforcement and resource local government appropriately.</p>
<p>Proposed improvement 3: Develop guidance to support strategic planning relating to native vegetation protection and management.</p>	<p>Council supports this proposed improvement however, notes that this must be developed in consultation with Local Government.</p> <p>Council considers that the roles and responsibilities for strategic planning are unclear. Sufficient resources should be provided at a State level to run planning scheme amendment processes.</p>
<p>Proposed improvement 4: Improve monitoring to determine if the regulations are achieving their objective and make this information publicly available.</p>	<p>Council hopes that the monitoring and reporting plan is developed as a matter of urgency.</p>
<p>Proposed improvement 10: Provide clearer guidance on when to refuse an application to remove native vegetation.</p>	<p>Supportive</p>
<p>Proposed improvement 13: Increase the information available about the maps used in the regulations and</p>	<p>Supportive</p>

Attachment B: Council Submission - Review of the Native Vegetation clearing regulations - Outcomes report

improve their accessibility.	
OFFSET DELIVERY	
Proposed improvement 16: Increase the use and functionality of the Credit Register.	Supportive. Council strongly supports the introduction of a system where offset providers, including private landholders and councils, can register their offsets prior to establishment so that they do not incur set up costs before they have a buyer.
Proposed improvement 17: Support the development of the market for low availability offsets.	Council is supportive of this, however, it shouldn't result in making it easier to clear vegetation. It should remain that clearance cannot occur until a suitable offset is found.
Proposed improvement 18: Require that all third party offsets are registered on the Credit Register and meet its standards, including standards for securing the offset.	Supportive. A re-instatement of offset requirements that would include at least some relationship (ecologically and geographically) between the site of removal and an offset site would see the balance redressed so that losses in particular habitat will require additional protection of the same habitat type.
Proposed improvement 19: Redesign the revegetation standards to ensure desirable revegetation can occur.	There are a number of council sites where revegetation could greatly improve biodiversity values, however currently the standards and requirements do not encourage revegetation as an offset strategy. In many instances within Frankston City and similar municipalities, there can be significant biodiversity gains from revegetation. However, there are no revegetation offsets occurring under the current regulations. Council strongly supports redesigning the revegetation standards to ensure desirable revegetation is both strategic and more readily available.
Proposed improvement 20: Create a framework for offsetting on Crown land.	Council supports the creation of a framework for offsetting on Crown land. There are Crown land reserves in Frankston that can provide important biodiversity benefits and a clear process and framework for Crown land offsets is required to ensure certainty that these offsets are generated and protected.
COMPLIANCE AND ENFORCEMENT	
Proposed improvement 25: Develop a compliance and enforcement strategy.	There is a need to review the overarching compliance and enforcement framework and the proposed enforcement and compliance strategy is strongly supported. However, a strategy alone will not make a difference to the ability of councils to enforce the regulations. Resources and strong support from DELWP are required.
Proposed improvement 26: Provide guidance and support	Council supports this improvement, however we are concerned that DELWP doesn't have resources for practical support with compliance. Councils need a regional contact who can assist with individual compliance cases.

Attachment B: Council Submission - Review of the Native Vegetation clearing regulations - Outcomes report

materials for compliance and enforcement activities.	
Proposed improvement 27: Improve information gathering for compliance and enforcement.	Supported however, many Councils do not have adequate resources to gather information.
Proposed improvement 28: Promote co-regulatory support.	DELWP needs to be in a position to undertake compliance and enforcement with little support from Councils, as many regional and city councils have no resource for environmental compliance.
Proposed improvement 29: Review the overarching compliance and enforcement framework.	Supported.

Executive Summary**12.5 Proposed lease of land - part of 20R Ebdale Street Frankston - United Energy Sub Station**

Enquiries: (Michael Craighead: Corporate Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

Purpose

To note that there have been no public submissions made in respect to the Council's advertised intention to enter into a lease and formally resolve on the matter.

Recommendation (Director Corporate Development)

That:

1. Council notes that there have been no public submissions and resolves to enter into a lease of land being part 20R Ebdale Street Frankston for a term of 40 years with United Energy Distribution Pty Ltd for the purpose of an existing substation.
2. The CEO be authorised to finalise lease negotiations and the documents be signed and sealed on completion of successful negotiations.

Key Points / Issues

- Council agreed at its meeting on 19 September 2016 to advertise its intention to enter into a lease with United Energy Distribution Pty Ltd of the existing substation site part of which (approximately 8m²) sits on Council owned land for a term of forty (40) years for the sum of \$1 per annum if demanded. A plan of the proposed lease area is a
- The previous expired lease was issued in 1983 for a thirty (30) year term.
- The substation services the Ebdale Community Hub and Learning Centre and Department of Health and Human Services Units.
- Council's intention to lease the land was publicly advertised in accordance with s190 of the Local Government Act by way of a public notice in the local press and also onsite and no public submissions were received.
- United Energy Distribution Pty Ltd will also seek a similar term lease with the DHHS of the remained of the occupied site.

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

12.5 Proposed lease of land - part of 20R Ebdale Street Frankston - United Energy Sub Station**Executive Summary**

When this matter was last formally raised there was considerable discussion about the \$1 pa rental. As explained previously it is often a requirement of the energy provider to make available a substation site for larger energy use sites which is usually installed to ensure power is available and therefore benefits the site.

Consultation**1. External Stakeholders**

The public have been given the opportunity to make a submission and no submissions have been received. United Energy Distribution is keen to resolve this matter.

Other Stakeholders

Nil

Analysis (Environmental / Economic / Social Implications)The existing substation has been on site for in excess of 33 years and no additional works or tree removals are required.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

Council is required to publicly advertise its intention to enter into a lease and to consider any submissions. No submissions have been received and Council is now able to resolve to proceed with the lease of the land if considered appropriate.

Policy Impacts

Nil

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

These are minimal and largely limited to finalising the lease wording between the parties.

Conclusion

The existing substation is required to service the adjoining Council and DHHS community facilities. Given that no public submissions have been received and there are no other known issues it would be appropriate for Council to enter into the proposed 40 year lease.

ATTACHMENTS

Attachment A: Ebdale substation lease plan

Executive Summary**12.6 Beckwith Grove Pedestrian Bridge Update**

Enquiries: (Andrew Williamson: Community Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.1 Plan, build, maintain and retire infrastructure to meet the needs of the city and its residents
Priority Action	3.1.2 Deliver key infrastructure projects on schedule and within budget (Capital Works Program) adopted by Council for 2013-2017

Purpose

To advise Council of design and reconstruction issues relating meeting the resolution requirements for the replacement of the pedestrian bridge crossing Kananook Creek at Beckwith Grove, Seaford.

Recommendation (Director Community Development)

That Council:

1. Notes the design issues impacting on delivering the bridge 'aesthetically like for like' and endorses a steel construction of the bridge with timber cladding and privacy screens incorporated into the design at an estimated cost of \$200K, an increase of \$30K; and
2. Notes reports by neighbours of antisocial behaviour in the access lane to the bridge from Beckwith Grove and the damage to property fences abutting the access lane and reviews the need for installation of CCTV cameras should reported behaviour to Police continue after the opening of the bridge.

Key Points / Issues

- Council notes it's resolution made at Ordinary Meeting 8 August 2016:

That:

1. *Council notes it's resolution made at Ordinary Meeting 290 on 18 July 2016:*

'That this Council resolves to support the reconstruction of the Beckwith Grove bridge like for like aesthetically and requests that it be referred to in the 2016/17 mid year budget review and if not funded included in the 2017/18 Capital Works Program.'

2. *Council amends its resolution made at Ordinary Meeting 290 on 18 July 2016 and resolves to complete the reconstruction of the Beckwith Grove bridge like for like aesthetically this financial year.*
3. *The head petitioner be advised of this council decision.*

- In July 2016 a detailed design for the bridge replacement commenced. This included consultation with stakeholders directly affected by the construction process of the bridge. During the consultation a number of issues were identified making the construction of the bridge more complex than originally outlined. These issues included
 - A survey of the neighbouring properties highlight that their property titles extend 3.5 metres into the creek

12.6 Beckwith Grove Pedestrian Bridge Update**Executive Summary**

- Without suitable screening, privacy and access to adjoining properties will be compromised. Privacy is required to be met under the Local Planning Scheme (Clause 54).
- Public safety concerns have been raised through reports of antisocial behaviour in the lane way used to access the bridge from Seaford foreshore. The abutting neighbours of the laneway have requested the laneway to be locked each evening similar to a small number of other laneways in the municipality. Alternatively, a CCTV camera could be further explored after 3 months monitoring and linked to the existing FCC community safety CCTV camera networked managed by Victoria Police.
- Updated flood modelling for the 100 Year flood level required by Melbourne Water has increased by an additional 200mm
- Melbourne Water has also indicated their desire for a clear path in the waterway for users of the creek with the requirement to reduce obstacles in useable reaches of the creek. In actioning this, a single span structure with a steel subframe, clad in timber to provide the timber look of the original bridge could be installed reducing both construction complexity and overall lifecycle cost to Council.
- Discharge location of Council's stormwater pipe is currently discharging directly onto title property of adjoining land owners. This is currently being addressed by Infrastructure Department.
- Neighbour's fences abutting the laneway will require replacement. Council typically undertakes this work as a 50% contribution. This can be done through the fencing program.

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

The original cost of the bridge replacement, estimated at \$170,000 (previous Council Report), could be accommodated by reprioritising projects within the 2016/17 Capital Works program. After additional design considerations the cost of the bridge has increased to cover a number of additional requirements detailed by both statutory and community stakeholder requirements. These changes increase the bridge replacement at an estimated \$200,000.

Subject to Council endorsement a locked gate, at the request of the adjoin landowners, be installed in the laneway and at entrance to the bridge in Seaford Reserve. These operations would be managed through Council's facilities management contract at an estimated cost of \$5,500 per year.

12.6 Beckwith Grove Pedestrian Bridge Update**Executive Summary****Consultation****1. External Stakeholders**

Regular communication has been maintained with the property owners abutting the laneway and the head petitioner seeking the reconstruction of the bridge. There has also been consultation with a number of community members in relation to design and anticipated construction timing.

2. Other Stakeholders

Melbourne Water.

Analysis (Environmental / Economic / Social Implications)

While pedestrian access to the Seaford foreshore, shops and train stations is still available via Nepean Highway, Station Street and Railway Parade local residents and users of the reserve sought to have the bridge reinstated.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

There are no legal implications associated with this report.

Policy Impacts

There are no policy impacts associated with this report.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

No risks associated with this report have been identified.

Conclusion

Detailed work has been undertaken highlighting challenges delivering the bridge to a 'like for like' standard. Melbourne Water feedback and challenges meeting the needs for privacy of the neighbours highlight recommendations for the bridge to be built in steel with timber cladding, including privacy and security screening for the neighbours on the western shore of the creek.

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ATTACHMENTS

Nil

12.7 Minutes of the Frankston Arts Board - January Meeting

Enquiries: (Andrew Moon: Community Development)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.1 Activate the city centre and encourage more housing, leisure and retail options
Priority Action	2.1.3 Improve the street front amenity and appeal of the city centre through design, landscaping and quality street furniture

Purpose

To provide Council with the minutes of the Frankston Arts Board meeting held on 31 January 2017.

Recommendation (Director Community Development)

That Council receives the Minutes of the Frankston Arts Board January Meeting.

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

Report

Frankston Arts Board Minutes – January

The monthly meeting for January was convened with members of the Frankston Arts Board to discuss the agenda and make recommendations where appropriate to Council for endorsement.

ATTACHMENTS

Attachment A: Frankston Arts Board - 31 January 2017 - Minutes

AGENDA ITEM 1.5



FRANKSTON ARTS & CULTURE

FRANKSTON ARTS BOARD
Board MeetingMINUTES OF THE MEETING
Tuesday 31st January 2017
6.30 – 8.30pm

Long Room, Frankston City Library

ITEM		
1	Governance: General	
1.1	Welcome, apologies and introductions	<p>Present Ms Jenni Colwill (Chairperson) Mr Michael Malignaggi Ms Sonia Turnbull Cr Sandra Mayer Ms Gillian Kay Mr Andrew Moon</p> <p>Apologies Ms Mish Eisen Mr Douglas Spencer Roy Cr Michael O'Reilly Mr Dennis Hovenden Ms Barbara Crook</p>
1.2	Determination of quorum	Confirmed
1.3	Declaration of conflicts of interest	Nil
1.4	Confirmation of Agenda	Confirmed by Jenni Colwill
1.5*	Approval of minutes.	Minutes 5 th December 2016 approved by FAB via email
1.6*	Action items/Matters arising (refer to schedule)	Updated Notes/Approved – it was agreed that a number of superseded action items would be removed from the list.
1.7	Public Art Sub Committee Report	<ol style="list-style-type: none"> 1. Municipal Artworks Spreadsheet (Asset Map) – FAB to give feedback on the spreadsheet before next meeting. A GIS map to be created showing location of art work. 2. Street Art Master Plan – Procurement process progressing. FAB will be advised of meeting which will be outside regular board meeting times.
2	Management Updates	
2.1*	Arts & Culture Monthly Report	Noted.
2.2	Arts & Culture KPI's	Noted.
2.3*	Arts & Culture Financials	Noted.
2.4	Trust Fund Account Update	Nil

AGENDA ITEM 1.5

3	Capital Works	
3.1	Function Analysis Update	<p>Sanitary amenities</p> <ul style="list-style-type: none"> Library amenities are complete FAC amenities have commenced while this is happening patrons will use the Function Centre amenities Function Centre amenities to be upgraded once FAC's have been completed. <p>Lift to McClelland Lounge works have commenced</p> <p>March Councillor Briefing – Functional Analysis to be presented highlighting need for FAC to be competitive with improved capacity for self-reliance.</p>
4	Strategy	
4.1	Municipal Artworks Spreadsheet	Discussed as per item 1.7.
4.2	Street Art Masterplan – Draft RFQ	The Manager has drafted a letter to be reviewed by the Chair and Ms Colwill.
5	Any Other Business	
5.1	Detailed Review of KPI's	KPI's were discussed. The Manager presented a new draft layout and a final draft KPI report will be presented at the February meeting.
6	Next Board Meeting and forward agenda	
6.1		<p>Next Meeting Tuesday 28th February 2017</p> <p>Forward Agenda</p> <ul style="list-style-type: none"> Second Draft of KPI's discussion Functional Analysis – Projected revenue of Lounge BVSR FAC Business Plan – Quarterly Financial Update <p>Meeting Closed 8.07pm</p>

Confirmed as a Correct Record

Acting Chairperson: (Jenni Colwill)

Executive Summary

12.8 December 2016 Quarterly Financial Report

Enquiries: (Kim Jaensch: Corporate Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.1 Ensure the organisation is financially sustainable

Purpose

To brief Council on the financial performance to 31 December 2016 against the 2016-2017 Revised Annual Budget.

Recommendation (Director Corporate Development)

That Council receives and notes the Council Financial Report for the quarter ended 31 December 2016.

Key Points / Issues

- The operating financial position at 31 December 2016 is satisfactory and it is anticipated that Council will be on track to complete the current financial year within the 2016-2017 budget.
- The balance sheet and cash flow position is sound as at 31 December 2016.
- From a full year **forecasting** perspective, the financial performance indicates the following year end outcomes:
 - A favourable movement in the forecast operating result of \$3.651M with year-end projected surplus of \$26.560M against a revised budget of \$22.909M is mainly due to:
 - An increase in government funding for Community Strengthening and Family Health - \$0.802M
 - The additional sales forecast for fleet plant - \$0.200M
 - Savings as a result of efficient and timely collection / disposal of hard rubbish
 - Employee costs savings due to vacancies - \$0.358M
 - The anticipated grant to Peninsula Leisure Services Pty Ltd is no longer required due to successful operations of the facility - \$0.250M
 - Interest income higher than anticipated due to cash held in investments.
 - Capital grant funding received relating to the Frankston Yacht Club and the widening of McClelland Drive
 - An reduction in depreciation due to the anticipated delay in capitalisation of assets - \$0.705M
 - These favourable results have been partially offset by:
 - An increase in the facilities maintenance contract due to additional services, new contract mobilisation and transfer of capital to operations - \$0.650M
 - Employee costs have increased due to the additional government funding for Community Strengthening and Family Health - \$0.201M.

12.8 December 2016 Quarterly Financial Report**Executive Summary**

- A minor movement in the forecast of capital works expenditure of \$87,000 with a year-end forecast of \$44.989M against a revised budget of \$45.076M. The delivery of the program is unfavourable year-to-date by \$3.938 due mainly to delays in the renewal program – playground strategy, facilities and bridges - \$2.231M and new capital projects in delivering two toilet blocks - \$1.031M.

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2.0%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

Consultation**1. External Stakeholders**

This report does not require community consultation. The Executive Management Team have reviewed and endorsed the financial results.

2. Other Stakeholders

Not applicable.

Analysis (Environmental / Economic / Social Implications)

This report does not have any environmental, economic or social implications for discussion.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

The *Local Government Act 1989* (the Act) requires that Council produce a report which compares the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date. The report will be presented to Council at the November 2016 Council meeting which is open to the public.

Policy Impacts

Not applicable.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

12.8 December 2016 Quarterly Financial Report**Executive Summary****Risk Mitigation**

Council has implemented a number of risk mitigation processes including:

- Development of a Long Term Financial Plan which assists in determining Council's financial viability into the future.
- Council is subject to an annual external audit process and also has its own internal audit function which reviews critical processes from time to time.
- Council also has an "Instrument of Delegation" which clearly defines each person's level of financial authority.
- Council has numerous policies and internal checking processes to assist with ensuring that Council's processes and source data is accurate and the risk of fraud is minimised.

Conclusion

The forecast full year operating result is anticipated to be a surplus of \$26.560M which compares favourably by \$3.651M to the 2016-2017 revised budgeted surplus of \$22.909M.

The overall financial position at 31 December 2016 is satisfactory, expenditure for the remainder of the year will continue to be closely managed in order to ensure that a favourable financial result will be achieved. Achieving the full delivery of the capital works program continues to be a challenge.

ATTACHMENTS

Attachment A: December 2016 Quarterly Financial Performance Report

Frankston City December 2016 Quarterly Financial Performance Report



opportunity » growth » lifestyle



Quarter two: October– December 2016

1. Quarterly financial performance summary

The following quarterly financial report provides a summary and analysis of Council's financial performance for the six (6) months to December 2016. The report is designed to ensure consistency with the 2016-2017 revised budget, compliance with statutory requirements and to measure Council's overall financial performance.

A summary of the key financial data is as follows:

	Full Year			
	Forecast	Budget	Variance	Variance
	\$'000s	\$'000s	\$'000s	%
Underlying operating result (1)	20,282	17,285	2,997	17.4%
Cash at bank	35,011	37,413	2,402	6.5%
Capital works expenditure	44,989	45,076	(87)	0%

() Denotes negative result

(1) The underlying operating result is one of Council's key indicators of financial performance as it measures Council's day to day operating activities. It excludes one-off items such as capital grants and contributions as well as non-monetary assets.

The underlying operating result is of most concern as Council's long term financial viability depends on its ability to make an operating surplus on a day to day basis in order to fund the replacement of assets and to fund new projects. In the longer term this result must be brought to a balanced or surplus result.

A detailed analysis of the December quarterly results is provided in the following report.

2. Financial performance scorecard – December 2016

KEY INDICATOR	Year to	Full Year	Full Year
	Date	Forecast vs	Forecast
	Actual vs	Budget	Forecast
	Budget	Budget	\$'000
Operating performance			
Operating revenue			153,618
Operating expenditure			133,336
Underlying operating result			20,282
Operating result for the year			26,560
Capital Performance			
External funding sources			5,821
Expenditure			
Asset renewal			25,080
Expansion			2,209
New and upgrade			17,701
Performance Indicators			
Loan borrowings			35,864
Investment			70,665
Rates collection			97%
Working capital ratio			2.51
Indebtness			47%

3. Income statement

The December 2016 financial performance position highlights some key outcomes that are covered in the points below.

Description	Ref.	Year to date			Full year		
		Dec-16 Actual \$'000	Dec-16 Rev. Budget \$'000	Fav/(Unfav) Variance \$'000	2016-2017 Forecast \$'000	2016-2017 Rev. Budget \$'000	Fav/(Unfav) Variance \$'000
<i>Operating</i>							
Revenue		75,781	74,484	1,297	151,532	149,839	1,693
Expenditure		62,621	67,037	(4,417)	133,336	134,402	1,066
Gain/(Loss) on disposal of assets		813	1,092	(279)	2,085	1,848	238
Underlying operational result	(i)	13,974	8,539	5,434	20,282	17,285	2,997
<i>Capital</i>							
Revenue		2,850	2,289	561	6,278	5,624	654
Operational surplus/(deficit)	(ii)	16,824	10,829	5,995	26,560	22,909	3,651

(i) Underlying operating result: The underlying operating result is directly attributable to operations and excludes items such as capital grants and contributions and non-monetary assets. The impact of the underlying operating result is of most concern as this is the key indicator of financial performance.

Council's forecast full year underlying operating position is indicating a surplus of \$20.282M, this is a \$2.997M favourable variance compared to the revised 2016-2017 budget position of \$17.285M surplus. The significant factors which contribute to this variance are:

- **Grants – operating – \$0.802M favourable variance.** The increase in government funding relates to the following areas:
 - a. \$0.328M unbudgeted funding in Community Strengthening funded programs
 - b. \$0.418M receipt of additional Family Health grants related to home and personal care.
- **Statutory fees and charges - \$0.369M favourable variance.** The increase in Statutory fees and charges is mainly due to:
 - a. \$0.384M increase in forecast income from the Frankston Regional Recycling and Recovery Centre as a result of positive growth trends.
- **Gain/(Loss) on disposals of assets - \$0.238M favourable variance.** The increase in gain on disposals of assets received is mainly due to:
 - a. The \$0.200M additional sales forecast for fleet plant.
- **Materials and services - \$0.364M Unfavourable variance.** The increase in materials and services is mainly due to:
 - a. \$0.650M increase in the facilities maintenance contract due to a transfer of budget from capital to operations, additional essential services and new contract mobilisation.
 - b. \$0.300M increase in disposal costs at the Frankston Regional Recycling and Recovery Centre as a result of increased income and associated disposal tonnage.

This increase has been partially offset by:

- a. \$0.500M savings identified as a result of the efficient and timely collection and disposal of hard rubbish

- **Employee costs - \$0.147M favourable variance.** The decrease in employee costs is mainly due to:
 - a. \$0.358M labour savings across the Operations Department mainly as a result of vacancies.Partially offset by:
 - b. \$0.201M temporary labour associated with additional grant funding received in Family Health and Community Strengthening Departments.
- **Depreciation - \$0.705M favourable variance.** This favourable variance is mainly due to the delay in capitalisation of assets resulting in lower than anticipated depreciation.

(ii) Operating Result: The operating result allows the impact of non-operating or once off items on the net surplus or deficit for the year to be measured. Council's operational performance for the forecast full year position indicates a surplus of \$26.560M, this is a \$3.651M favourable variance compared to the revised 2016-2017 budget position of \$22.909M surplus.

This favourable variance is partly due to the reasons detailed above together with the unbudgeted receipt of capital grants relating to the Frankston Yacht Club and the widening of McClelland Drive.

4. Capital works statement

Statement of Capital Works

For the quarter ending December 2016

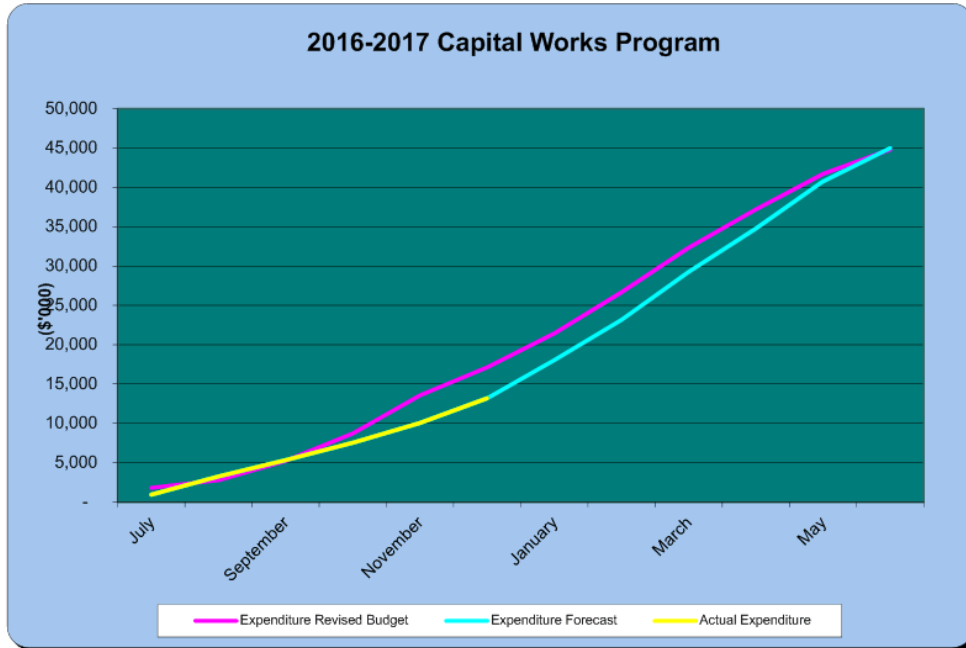
	Year to date			Full year		
	Actual \$'000	Rev. Budget \$'000	Variance \$'000	Forecast \$'000	Rev. Budget \$'000	Variance \$'000
Property	3,703	4,687	984	13,078	13,065	(13)
Plant and equipment	2,404	3,691	1,287	7,488	7,702	214
Infrastructure	7,090	8,757	1,667	24,423	24,309	(114)
Total capital works expenditure	13,197	17,135	3,938	44,989	45,076	87
Represented by:						
New asset expenditure	2,079	3,110	1,031	8,508	9,095	588
Asset renewal expenditure	9,238	11,469	2,231	25,080	24,693	(386)
Asset expansion expenditure	584	196	(388)	2,209	2,209	-
Asset upgrade expenditure	1,295	2,359	1,064	9,193	9,078	(115)
Total capital works expenditure	13,197	17,135	3,938	44,989	45,076	87
Funding:						
External						
Government grants	1,842	354	(1,488)	3,524	2,808	(716)
Contributions	212	60	(152)	986	1,233	247
Proceeds from sale of assets	311	438	127	1,311	1,311	-
Total external funding	2,365	852	(1,513)	5,821	5,352	(469)
Internal						
Reserve funds	449	104	(345)	1,952	2,322	370
Rates funding	10,383	16,179	5,796	37,216	37,402	186
Total internal funding	10,832	16,283	5,451	39,168	39,724	556
Total funding	13,197	17,135	3,938	44,989	45,076	87

After six months, expenditure year to date is \$13.197M against the \$45.076M approved revised program.

The end of year forecast expenditure of \$44.989M at this stage is \$3.938M behind in expectations of delivering the programme. Whilst this position is an improvement on the same time last financial year, the impact of resourcing issues on delivery of the capital works programme will be closely monitored.

This unfavourable variance is mainly due to the following:

- Renewal expenditure is \$2.231M behind expectation as a result of a delay in the playground strategy implementation, facilities renewal and major bridge renewal programmes.
- New capital works expenditure is \$1.031M as a result of a delay in the awarding of contracts to build two foreshore toilet blocks



5. Balance sheet

The balance sheet as at 31 December 2016 indicates a continued satisfactory result. Council's net assets are valued at \$1.328 billion at the end of December 2016, and are forecast to be \$1.339 billion at the end of June 2017.

A comparison of total current assets of \$86.458M with total current liabilities of \$32.171M (working capital ratio YTD of 2.688 to 1) depicts a satisfactory financial position. The working capital ratio is higher compared to the same time last year as a result of a greater cash investment holding by Council. This higher cash investment is due to the delay in the capital works expenditure and operating materials and services together with better than expected year to date income position.

	Year to date 2015-2016 Actual \$'000	Year to date 2016-2017 Actual \$'000
Trade and other receivables		
Current receivables		
Ratepayer Receivables	9,281	9,732
Interest on Rates	388	311
Special Rates & Charges	146	146
Infringements	2,426	2,575
Provision for doubtful debts - infringements	(1,745)	(1,658)
Other Receivables	3,591	2,382
Provision for doubtful debts - other debtors	(79)	(60)
	<u>14,009</u>	<u>13,428</u>
Non current receivables		
Special Rates & Charges	208	164
Total receivables	<u>14,216</u>	<u>13,592</u>

A comparison of trade and other receivables depicts a variance of \$0.624M. There are no material variances compared with the same time last financial year.

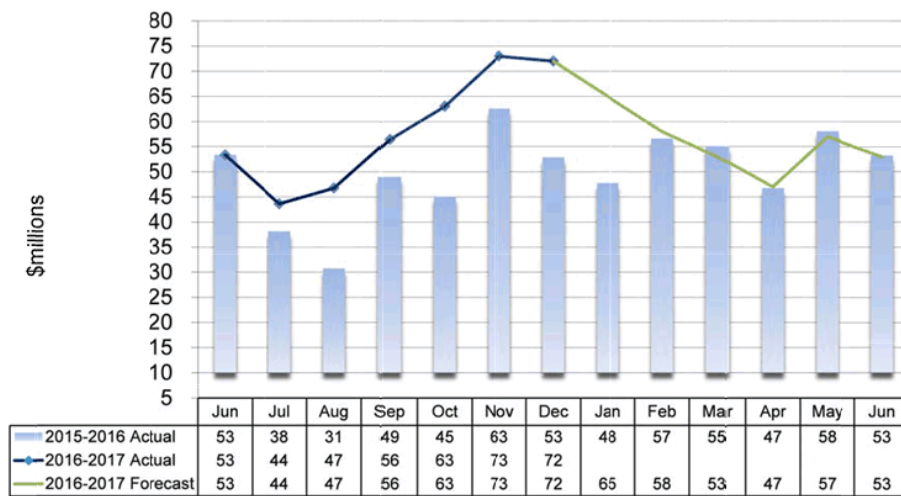
For a full balance sheet please Refer to [Attachment C](#).

6. Cash flow

Council's cash flow statement provides information in regards to net cash flow from operating activities, cash flows from investing activities and cash flows from financing activities. These results provide information in regards to cash generated or spent on the different type of activities undertaken by Council. The elimination of the 15 February lump sum payment with the mandatory four instalments has resulted in a favourable cash flow position and will assist in the delivery of community services and infrastructure projects.

The net cash flows from operating activities measure cash generated from Council's ongoing day to day operations. It is imperative that a surplus is generated from cash flows from operations as these funds are used to fund capital works (investing activities) as well as repaying any loans (financing activities).

Refer to [Attachment D](#) for the cash flow statement.



7. Loans

Council is within the approved principles of loan funding and has ensured that Council is within prudential limits set by the State Government. The status of Council's loan borrowings as at the 31 December are listed in the table below:

Financial institution	Debt principal \$'000's	Principal repaid \$'000's	New borrowings \$'000's	Debt principal \$'000's	Interest Paid \$'000's	Loan repayments due over next 12 months \$'000's
Commonwealth Bank		616	616	-	-	4
National Australia Bank		7,674	227	-	7,447	193
National Australia Bank		13,368	122	-	13,246	469
National Australia Bank - MAV		15,542	-	-	15,542	290
Total	37,200	965	-	36,235	956	2,023

8. Investments

Council is complying with its Investment Policy (adopted by Council on 14 April 2014) that ensures effective and responsible utilisation of Council's surplus cash funds within the government legislative framework and applicable Federal and State regulations. As term deposits mature, funds will be spread more equitably across financial institutions as per the policy. Council's investment holdings as at 31 December 2016 were \$70.665M.

Council's investment interest income at 31 December 2016 is \$0.476M compared to a year to date budget of \$0.270M. Council's investment income is on track to exceed budget.

Council's investments as at the 31 December 2016 are listed in the tables below.

Investments by financial institution

Bank	Amount Invested
WBC	\$ 1,386
Bendigo	\$ 5,134
Bankwest	\$ 10,535
NAB	\$ 11,521
CBA	\$ 42,089
Total funds invested	70,665

Liquidity of investments

Type of investments	Term	Amount Invested
Call accounts	At Call	41,090
Term deposits	30 days or less	2,000
Term deposits	31 to 60 days	2,008
Term deposits	61 days to 90 days	6,520
Term deposits	91 days to 120 days	4,000
Term deposits	121 plus	15,047
	Total funds invested	70,665

9. Conclusion

The forecast full year net underlying result is anticipated to be a surplus of \$26.560M which compares favourably by \$3.651M to the 2016-2017 revised budgeted surplus of \$22.909M.

The overall financial position at 31 December 2016 is satisfactory. Council still has six months remaining of the financial year to monitor these results and will continue to manage outcomes carefully in order to achieve the 2016-2017 budget.

Attachment A – Income Statement

Income Statement

For quarter ending December, 2016

Description	Year to date			Full year		
	Dec-16 Actual \$'000	Dec-16 Budget \$'000	Fav/(Unfav) Variance \$'000	2016-2017 Forecast \$'000	2016-2017 Budget \$'000	Fav/(Unfav) Variance \$'000
Revenue						
Rates and charges	56,276	55,894	382	112,897	112,773	124
Government grants - operating	9,494	9,185	309	18,509	17,707	802
User fees and charges	6,198	5,915	284	11,603	11,261	342
Statutory fees and fines	2,320	2,275	44	5,592	5,565	27
Interest	695	536	159	1,252	1,072	180
Other Income	798	680	118	1,679	1,461	218
Proceeds from sale of property, infrastructure, plant and equipment	1,058	1,303	(244)	2,258	2,058	200
Written down value of property, infrastructure, plant and equipment sold	(245)	(210)	(35)	(173)	(210)	38
Total income	75,781	74,484	1,297	153,618	151,687	1,930
Expenditure						
Employee costs	28,132	28,765	633	59,459	59,606	147
Materials and services	17,624	20,358	2,733	39,172	38,808	(364)
Depreciation	13,218	13,867	649	27,028	27,733	705
Utilities	1,206	1,407	201	2,925	2,881	(44)
Finance costs	975	1,004	29	1,917	2,008	91
Bad and doubtful debts	78	183	105	320	619	300
Other expenses	1,388	1,454	66	2,514	2,746	232
Total expenditure	62,621	67,037	4,417	133,336	134,402	1,066
Underlying surplus /(deficit)	13,160	7,447	5,713	20,282	17,285	2,997
Contributions - capital	212	972	(760)	986	1,233	(246)
Government grants - capital	1,842	926	916	3,524	2,808	716
Contributions - non monetary assets	72	0	72	800	800	(0)
Contributions - cash	725	392	333	968	783	185
Surplus /(deficit) for the period	16,010	9,736	6,274	26,560	22,909	3,651

Attachment B – Capital Works Statement

Statement of Capital Works

For the quarter ending December 2016

	Year to date			Full year		
	Actual	Rev. Budget	Variance	Forecast	Rev. Budget	Variance
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Property						
Land	225	-	(225)	225	225	-
Total land	225	-	(225)	225	225	-
Buildings	3,311	4,682	1,371	12,176	12,166	(10)
Building improvements	167	5	(162)	677	674	(3)
Leasehold improvements	-	-	-	-	-	-
Total buildings	3,478	4,687	1,209	12,853	12,840	(13)
Total property	3,703	4,687	984	13,078	13,065	(13)
Plant and equipment						
Heritage plant and equipment	-	-	-	-	-	-
Plant, machinery and equipment	1,279	1,072	(207)	2,858	2,858	-
Fixtures, fittings and furniture	199	321	122	930	886	(44)
Computers and telecommunications	569	1,849	1,280	3,000	3,258	258
Library books	357	449	92	700	700	-
Total plant and equipment	2,404	3,691	1,287	7,488	7,702	214
Infrastructure						
Roads	1,567	791	(776)	3,304	3,176	(128)
Bridges	423	665	242	1,377	1,332	(45)
Footpaths and cycleways	877	891	14	3,503	4,051	548
Drainage	264	433	169	2,003	1,470	(533)
Recreational, leisure and community facilities	493	504	11	999	994	(5)
Waste management	-	-	-	130	130	-
Parks, open space and streetscapes	3,271	5,118	1,847	10,587	10,778	191
Off street car parks	193	335	142	2,464	2,323	(141)
Other infrastructure	2	20	18	56	55	(1)
Total infrastructure	7,090	8,757	1,667	24,423	24,309	(114)
Total capital works expenditure	13,197	17,135	3,938	44,989	45,076	87
Represented by:						
New asset expenditure	2,079	3,110	1,031	8,508	9,095	588
Asset renewal expenditure	9,238	11,469	2,231	25,080	24,693	(386)
Asset expansion expenditure	584	196	(388)	2,209	2,209	-
Asset upgrade expenditure	1,295	2,359	1,064	9,193	9,078	(115)
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External						
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Total external funding	2,365	852	(1,513)	5,821	5,352	(469)
Internal						
Reserve funds	449	104	(345)	1,952	2,322	370
Rates funding	10,383	16,179	5,796	37,216	37,402	186
Total internal funding	10,832	16,283	5,451	39,168	39,724	556
Total funding	13,197	17,135	3,938	44,989	45,076	87

Attachment C – Balance Sheet

Balance sheet

For the quarter ending December 2016

	Year to date 2015/2016 Actual \$'000	Year to date 2016/2017 Actual \$'000	2016/2017 Forecast \$'000	2016/2017 Rev. budget \$'000
Assets				
Current assets				
Cash and cash equivalents	48,947	51,592	35,011	37,413
Trade and other receivables	14,009	13,428	14,262	14,262
Other financial assets	3,915	20,047	25,982	22,982
Inventories	150	157	146	246
Non-current assets held for sale	-	-	72	72
Other assets	1,147	1,235	1,011	1,311
Total current assets	68,168	86,458	76,484	76,286
Non-current assets				
Trade and other receivables	208	164	249	1,249
Intangible assets	-	2,306	-	-
Property, infrastructure, plant and equipment	1,244,717	1,309,474	1,329,140	1,328,439
Total non-current assets	1,244,925	1,311,944	1,329,389	1,329,688
Total assets	1,313,093	1,398,402	1,405,873	1,405,974
Liabilities				
Current liabilities				
Trade and other payables	3,152	4,785	12,226	15,226
Trust funds and deposits	14,365	15,826	900	900
Other current liabilities	11,185	10,870	16,521	17,521
Interest-bearing loans and borrowings	18,069	690	773	773
Total current liabilities	46,771	32,171	30,420	34,420
Non-current liabilities				
Provisions	1,707	1,767	1,668	1,468
Interest-bearing loans and borrowings	20,692	35,545	35,091	35,091
Total non-current liabilities	22,399	37,312	36,759	36,559
Total liabilities	69,171	69,483	67,179	70,979
Net assets	1,243,922	1,328,919	1,338,694	1,334,995
Equity				
Accumulated surplus	618,908	635,800	631,622	631,616
Asset revaluation reserve	614,236	662,327	662,326	662,326
Other reserves	10,778	30,793	44,746	41,053
Total equity	1,243,922	1,328,919	1,338,694	1,334,995

Attachment D – Cash Flow Statement

Cash Flow Statement
As at December, 2016

Description	Year to date		
	2016-2017	2016-2017	2016-2017
	Actual \$'000	Forecast \$'000	Rev. Budget \$'000
Cash Flow from Operating Activities			
Rates and charges	62,048	112,897	112,773
Government Grants	11,624	22,033	20,515
User fees and charges	8,134	11,603	11,261
Statutory fees and fines	2,022	5,592	5,565
Interest	861	1,252	1,044
Other receipts	1,734	3,633	5,440
GST receipts	4,464		
Fire Service Levy received	6,309	0	0
Employee costs	(28,520)	(59,456)	(59,606)
Materials and Contracts	(26,116)	(39,482)	(39,462)
Utility Payments	(1,206)	(2,925)	(2,881)
Other Expenses	(1,388)	(5,979)	(2,747)
GST paid	(4,299)		
FSL paid to SRO	(3,389)		
Net Cash Flow from Operating Activities	32,278	49,168	51,902
Cash Flow from Investing Activities			
Payments for Fixed Assets	(13,058)	(43,489)	(43,530)
Proceeds from Sale of Assets	1,058	2,258	2,058
Net Cash Flow from Investing Activities	(12,000)	(41,231)	(41,472)
Cash Flows from Financing Activities			
Debt servicing costs	(981)	(1,917)	(2,008)
Repayment of borrowings	(966)	(1,336)	(1,336)
Payments for Investments with greater	2,935		
Net Cash Flow from Financing Activities	988	(3,253)	(3,344)
Net Increase (Decrease) in Cash and Cash Equivalents	21,266	4,684	7,086
Cash and Cash Equivalents at the Beginning of the year	30,326	30,327	30,327
Cash and Cash Equivalents at End of the year	51,592	35,011	37,413

Executive Summary**12.9 Historic Drinking Fountain**

Enquiries: (Andrew Williamson: Community Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.1 Plan, build, maintain and retire infrastructure to meet the needs of the city and its residents
Priority Action	3.1.2 Deliver key infrastructure projects on schedule and within budget (Capital Works Program) adopted by Council for 2013-2017

Purpose

To brief Council on the options for installation of the historic drinking fountain in honour of the Hon. Sir. John Madden

Recommendation (Director Community Development)

That:

1. Council selects one of the sites listed in this report for installation of the historic fountain in the memory of the Hon. Sir John Madden.
2. The cost of the installation of the historic fountain be funded through Council's current budget for open space infrastructure renewal.

- At the Ordinary Council Meeting on 8 August 2016 it was resolved that Council:
 - “1. Supports the reinstallation of the historic fountain in the memory of the Hon. Sir John Madden.
 2. Confirms Central Wells, Beauty Park and the Library forecourt as the preferred locations for detailed costing and risk mitigations.
 3. Supports a further report to Council to seek resolution of an optimal site for consideration as part of the capital program in the mid-year budget review.
 4. Investigates applying an historical protection order upon the fountain once installed.”
- A further report was submitted to Ordinary Council Meeting 19 December 2016 and it was resolved that Council:

Deferral Motion to another Council Meeting

That the matter be deferred.

Carried Unanimously

Key Points / Issues

- The fountain, which was constructed in memory of the Hon. Sir John Madden, is currently stored at Council's depot and is pictured below.

12.9 Historic Drinking Fountain

Executive Summary



- Prior to the matter being deferred on the 19 December 2016, Council had selected three preferred sites for investigation based on their accessibility for use and for reading the inscription.
- In addition to the three sites recommended by Council for further investigation Plowman Place was also included due to an earlier consideration of the fountain and subsequent installation of the plumbing adjacent to the historic gates at the entrance of Frankston Park as part of the upgrade to Plowman Place.
- A summary of costs and risks for each site was included in the following table:

Site	Cost	Comments/Risks
Central Wells St Plaza	\$12,240	This site is reasonably full of seats, planters and lights. Installation of the fountain may lead to a cluttered appearance and feel. The pavers would need to be raised, some cut and reinstated in order to lay the pipes and install the fountain.
Beauty Park – near War Memorial	\$9,900	The fountain could be located close to the War Memorial as a complementary feature or close to the playground to replace one of the existing water fountain. Both sites are appropriate and easily accessed for works to be completed.
Beauty Park – near playground	\$3,520	
Library forecourt	\$11,100	The fountain could be centrally located in the forecourt to make it accessible and prominent. Pavers would need to be raised, some cut and reinstated in order to lay pipes and install the fountain.
Plowman Place	\$2,100	When Plowman Place was upgraded pipe was installed for a drinking fountain but the drinking fountain was not installed.

12.9 Historic Drinking Fountain**Executive Summary**

- Subsequent to Ordinary Council Meeting 19 December 2016, three alternate sites for location of the fountain have been assessed. The three sites include:
 - Alternate Site 1 – Young Street (opposite Wells street)
 - Alternate Site 2 – Thompson Street (cnr Park Lane).
 - Alternate Site 3 – Nepean Highway + Playne Street

Alternate Site 1 - Young Street (please refer to attachment for photos and map)

The proposed park at the top of Wells Street which is being constructed as part of the Young Street redevelopment. Subject to approvals from Transport Authority and availability of services.

The site is being redeveloped as part of the Young Street Bus Interchange and Railway Station redevelopment. Redevelopment plans have identified a communal park area opposite Wells street (refer plan above). The park creates an opportunity to install the fountain within the turf area or pavement (subject to approval of the Transport Authority).

Construction of base and water connection.

Allow: \$10,000-15,000 (tbc)

Alternate Site 2 – Thompson Street (cnr Park Lane) (please refer to attachment for photos and map)

Consider installing fountain in the paved outstand area subject to vehicle movements and site distance and services check.

The site is paved and would require some new pavement works for a level platform. Stone paving recommended as surround to fountain.

Paving, water connection, minor civil works allowance.

Allow: \$10,000-15,000 (tbc)

Alternate Site 3 – Nepean Highway + Playne Street (please refer to attachment for photos and map)

The area between the toilet block in Playne Street (west) and the Nepean Highway offers an opportunity to showcase the Fountain and provides a garden type setting with the historic amenities block as a backdrop.

Recommend installing the fountain in the garden bed and adjust planting as required.

Construction of base and water connection.

Allow: \$10,000-15,000 (tbc)

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years,

12.9 Historic Drinking Fountain**Executive Summary**

growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

Depending on final costs (tbc) the project could be funded from existing capital works budget for open space infrastructure renewal.

Consultation**1. External Stakeholders**

The community has fond memories of the fountain and has asked for it to be reinstated.

2. Other Stakeholders

Operations

Traffic and Transport

CAA Development

Infrastructure

Planning and Environment

Analysis (Environmental / Economic / Social Implications)

Reinstallation of this drinking fountain will have positive social impacts as it honours a former Frankston resident and provides another opportunity for free access to water in the city.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

All matters relevant to the Charter of Human Rights and Responsibilities have been considered in the preparation of this report and are consistent with the standards set by the Charter.

Legal

There are no legal implications from this report.

Policy Impacts

There are no known policy impacts from this report.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

There are no known risks as a result of the recommendations of this report.

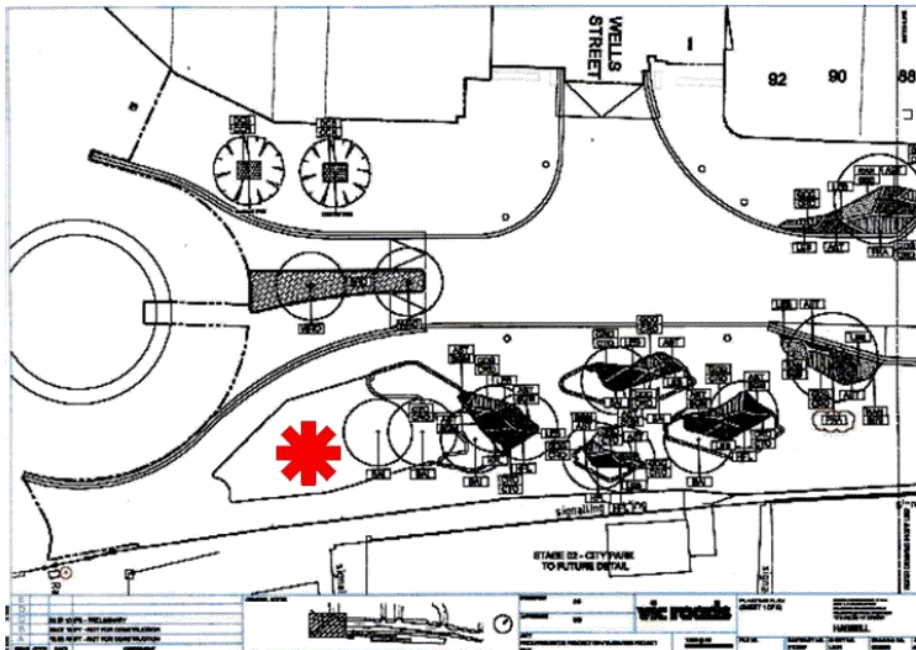
12.9 Historic Drinking Fountain**Executive Summary****Conclusion**

There are several sites within the Frankston Central Activity Area where the historic fountain in memory of the Hon. Sir John Madden could be reinstalled. Three preferred sites were selected for further investigation and a fourth added as exploration also identified plumbing was installed as part of the upgrade to Plowman Place specifically for the fountain. Three additional sites have been considered in this report in proximity to the CAA – these sites are Young Street, Thompson Street and Nepean Highway (cnr Playne Street).

ATTACHMENTS

Attachment A: Alternate Sites - Location Photos and Maps

Alternate Site 1 – Young Street



Alternate Site 2 – Thompson Street (cnr Park Lane)



Alternate Site 3 – Nepean Highway + Playne Street



13.1 NOM 1276 - Costs to Execute NOM's

On 7 February 2017 Councillor Hampton gave notice of his intention to move the following motion:

That the estimated cost to execute Notices of Motion brought before Council be part of the Officer's comments within the agenda.

That these costs be backdated to the first Ordinary Meeting of this new Council in November 2016.

COMMENTS BY CHIEF EXECUTIVE OFFICER

In the event of the Notice of Motion being passed, Officers will amend the Agenda template to include a paragraph on costs to implement the Notice of Motion.

It should be noted that this will need to be an ongoing commentary as some Notices of Motion can take months to fully prosecute.

Costs associated with the Notices of Motion from the first Council meeting of the new Council commencing in November 2016, will be included in the March 2017 Notices of Motion report.

ATTACHMENTS

Nil

13.2 NOM 1277 - Strategy for advocacy for next State Election

On 7 February 2017 Councillor Hampton gave notice of his intention to move the following motion:

That the Council form a sub-committee consisting of a Councillor from each ward, the CEO and appropriate officers to overview a strategy for this Council to advocate for funding in the next state election and report back to the full Council with its outcomes and a report for ratification at every Ordinary Meeting.

That the first meeting of this sub-committee be held before the next ordinary meeting.

COMMENTS BY CHIEF EXECUTIVE OFFICER

In the event the Notice of Motion is passed by Council, arrangements will be made to convene the first meeting of the Sub Committee.

It is suggested that the Sub Committee should comprise the following:

- Mayor
- Three Councillors (one per Ward)
- Chief Executive Officer
- Executive Management Team
- Media Coordinator

Once the strategy has been adopted by Council, officers will then prepare a standard agenda item on how the actions identified in the advocacy document, are progressing.

ATTACHMENTS

Nil

13.3 NOM 1278 - Safer City Centre Fund

On 10 February 2017, Councillor Aitken gave notice of his intention to move the following motion:

1. That Council allocate \$500,000.00 to a dedicated Safer City Centre fund. This fund specifically to be used for safety initiatives in the CAA.
2. That Council hold a summit before the end of March to consider the various issues relating to City Centre safety.
3. That a specific enquiry be made in to the formal banning of known repeat offenders of public peace from the City Centre.

COMMENTS BY CHIEF EXECUTIVE OFFICER

1. In the event of the Notice of Motion being successful, Council will have to identify a funding source for the allocation of the amount specified.
2. In the event the Notice of Motion is passed arrangements will be made to conduct the summit within the prescribed timeframe.
3. In the event that the Notice of Motion is passed the appropriate information will be obtained and provided to Councillors.

ATTACHMENTS

Nil

13.4 NOM 1279 - Local Government/State Government Financial Arrangements

On 9 February 2017 Councillor Colin Hampton gave notice of his intention to move the following motion:

That:

1. The Council write to the Premier of Victoria, the Treasurer of Victoria and the Minister for Local Government, to again highlight the future loss of revenue to Local Government as a result of the introduction of Rate Capping and that it will diminish Council's capacity to provide services and major projects.
2. The Council call upon the Premier of Victoria and the Treasurer of Victoria, to undertake an urgent review of all current legislation that imposes financial burdens on Local Government in having to pay levies to the State Government eg, Waste Levy, Building Levy, Dog and Cat Registration Levy due to the impact of the Rate Capping legislation and that support for the legislative review be sought from the Minister for Local Government on the basis of the commitment to the State/Local Government Accord.
3. The Premier of Victoria be requested to review the legislation whereby Local Government is required to pay annually for Fire Plug Maintenance on the basis that the Fire Services Levy pool of funding is significantly higher now due to it being linked to Local Government rate bases and the Fire Plug Maintenance could be funded from this fund and the Minister for Local Government be requested to support this request in the spirit of the State/Local Government Accord and recognising the impact of Rate Capping on Councils.
4. The Premier of Victoria and the Treasurer of Victoria be requested to urgently review the prohibition placed upon Local Government to not be able to apply rates charges on State Government property in recognition of the impact rate capping and amend legislation to allow for rates to be levied on State Government properties.
5. The Member for Frankston and the Member for Carrum be called upon to support Council in its efforts to address the imbalances and requires that the current legislation imposes on Local Government in having to pay levies to the State Government and not being able to improve changes on State Government.
6. Council writes to all members of State Parliament representing the municipality raising its concerns and seeking support for legislative change to address the imbalance.
7. Council reconsider its membership with the VLGA so as to have a vehicle to promote these recommendations within the Local Government forum and also with the State Government.
8. A decision be made at the next Ordinary Meeting on our VLGA membership.

COMMENTS BY CHIEF EXECUTIVE OFFICER

The second year of rate capping is about to be accommodated by Council within its draft 2017/2018 budget process.

Council, indeed Local Government, has on many occasions highlighted the ongoing future impact of rate capping on the ability of Local Government to continue to meet the needs of the community.

13.4 NOM 1279 - Local Government/State Government Financial Arrangements

Perhaps rate capping should be seen in the context of a much broader financial discussion that should be held with State Government on financial arrangements between the two levels of government.

Much has been made of the State/Local Government Accord which indicates that the State Government will give due consideration when implementing legislation that might impact on Local Government.

In the spirit of the Accord, a review of the relevant legislation that imposes financial obligations on Local Government by the State Government, should be considered.

This review could also investigate imbalances and inequities in the ability of the State Government to apply charges to Local Government, whilst not allowing Local Government to apply a charge on State Government eg, rates on State Government properties.

Examples of levies applied to Local Government are as follows:

EPA Waste Levy

	Rate	Amount
2010/2011	\$30.00	\$850,297.00
2011/2012	\$44.00	\$1,280,143.00
2012/2013	\$48.40	\$1,422,367.00
2013/2014	\$53.20	\$1,625,770.00
2014/2015	\$58.50	\$1,771,874.00
2015/2016	\$60.52	\$1,579,340.00

Animal Registrations Levy

	Amount
2010/2011	\$88,800.00
2011/2012	\$81,738.00
2012/2013	\$89,195.00
2013/2014	\$87,910.00
2014/2015	\$86,710.00
2015/2016	\$87,340.00

13.4 NOM 1279 - Local Government/State Government Financial Arrangements**Fire Services Levy**

	Amount
2010/2011	\$30,599.00
2011/2012	\$27,770.00
2012/2013	\$101,961.00
2013/2014	\$111,091.00
2014/2015	\$128,927.00
2015/2016	\$128,927.00

Other examples of levies applied include the new Planning Levy and Building Registrations Levy.

Council has received ongoing reports of where planning fees were not keeping pace with actioned costs to process applications, however recently in a sign that the State Government can provide financial relief, the fees were for the first time in a long period, adjusted upwards.

This thinking appears to have been extended to library funding where the current arrangement sees Local Government cover 80% of costs versus 20% State Government on a traditional funding model that started out equal 50/50.

These examples add further weight for a mature discussion to be held around how best to fund the two levels of government.

Council as committee of management for crown land incur large costs outside of the grants provided by State Government and this should also be considered.

Dredging of the Kananook Creek for example attracts a \$40,000 grant but the real costs to do the work is in the vicinity of \$260,000.

The State Government subsidy on school crossing supervisors is \$244,000 with the actual cost to provide this invaluable service of \$1,085,000, thus creating a shortfall of \$841,000.

Council are required to pay to the State Government or annual fire plug maintenance of around \$150,000 and fire service levy of \$150,000 charged on Council properties.

The new funding of the fire services levy through Council's rate system has the capacity for greater funds to be provided to the State Government when balanced against the old system which used the insurance industry.

There has not been an indicator of the level of funding being collected and perhaps fire plug maintenance might be funded out of the levy to provide Local Government with some financial relief.

In addition as an example of how funding provided by the State Government can overtime not meet the actual costs, Council is provided \$72,000 pa to collect the Fire Services Levy but already the actual cost has risen to \$92,000.

Whilst the State Government can apply the fire services levy on Council properties, Council is unable to apply municipal rates on State Government properties.

13.4 NOM 1279 - Local Government/State Government Financial Arrangements

This could be an area of review which would lead to rates being applied on perhaps a rates in lieu contribution being negotiated.

Often Council incurs costs associated with State Government properties with enforcement issues around State owned houses eg, unsightly premises coming to mind.

All of the various funding arrangements need to be considered in the context of trying to improve the way funds are allocated and to avoid waste.

More could be achieved if the funding could be made to go further and State and Local Government had a clear idea of who was responsible for what.

Normally the support of Council's local Members of Parliament in progressing the call for a review, is vital and they should be engaged in a constructive discussion.

Council may also like to highlight its views to the State Opposition in an effort to broaden the support for a review.

Many of the issues that need to be considered impact on all of Local Government and as such Council should also consider joining a peak Local Government body to be able to engage in an industry discussion and gain support.

If Council were considering joining the VLGA the cost would be \$35,000. Individual Councillor could join the VLGA at a cost of \$495.00 (Councillor at Non-Member Council Membership).

ATTACHMENTS

Nil

13.5 NOM 1281 - Seaford Downes Report

On 10 February 2017, Councillor Bolam gave notice of his intention to move the following motion:

That a report be provided to Council at the May Ordinary Meeting regarding the potential revitalisation of the Downes Estate farm in Seaford.

The report should consider the level of local volunteerism in existence to help keep the revamped farm in good repair, the potential for the revamped site to be a historical/touristic location, the viability of a community nursery within the potentially revamped site and revitalisation costs / continued maintenance costs if a revamp should proceed.

The report should also consider the formal long-term role the Downes Community Estate Project group could play in a potential revitalisation.

COMMENTS BY CHIEF EXECUTIVE OFFICER

In the event of the Notice of Motion being passed by Council the report will be presented to Council at its May 2017 Ordinary Meeting.

The report will provide detail on the extensive work undertaken to this point of time in an effort to ensure that decisions regarding this site can be taken.

All previous costings will be presented together with the additional information sought through the Notice of Motion.

Council has worked well with the volunteer group and will continue to do so.

ATTACHMENTS

Nil

13.6 NOM 1282 - South East Water Rapprochement

On 10 February 2017, Councillor Bolam gave notice of his intention to move the following motion:

That Council make known its displeasure with the current corporate stewardship provided by South-East Water (SEW). In order to ensure a positive long-term relationship, council advocates the following:

1. SEW considers increasing its involvement in Frankston based community endeavours through grants, in-kind support or advertising from its Frankston building;
2. SEW considers the availability of appropriate rooms within the South-East Water building for community usage;
3. SEW assists the Council in lobbying the State Government and Melbourne Water to regularly desilt Kananook Creek (and/or alternative measures); and
4. SEW considers the potential for the community to utilise South-East Water car parks on the weekends
5. Given the substantial physical footprint the Frankston SEW has on the Frankston CBD, and the amount of staff employed by SEW, Council should also seek to increase the regularity of meetings between the upper-echelon of SEW and Frankton City Council.

The aforementioned advocacy propositions should be presented to Council at a briefing no later than June 2017 with attained outcomes.

COMMENTS BY CHIEF EXECUTIVE OFFICER:

South East Water since its arrival in Frankston has looked to identify opportunities to involve themselves in community events.

They have participated in events such as the Lazy Long Lunch, Frankston's Waterfront Festival, Christmas Festival of Lights, have sponsored the Frankston Business Network and hosted networking events for the Frankston Business Network.

South East Water were the hosts of the Tech Day by the Bay innovation event and have sought to establish partnerships with other organisations such as the McClelland Gallery.

Like Council, South East Water have a limited source of funding that they can provide for sponsorships and like Council have to carefully consider where those funds are applied to.

Perhaps the biggest benefit that has been provided particularly to Frankston businesses is the introduction of 700 staff together with the 400 plus contractors who have regularly been shopping within the Frankston CAA.

Food outlets also have had the opportunity to provide services, as the South East Water operation is a twenty four hour, seven day a week operation.

The introduction of additional businesses as a part of the South East Water building has also assisted in the enhancement of the waterfront experience for locals and visitors with the new businesses also creating employment.

It is understood that South East Water now allow some use of meeting rooms with the Frankston Transit Interchange Taskforce for example, meeting regularly at the building.

13.6 NOM 1282 - South East Water Rapprochement

In the context that the building is a work place, Council should encourage South East Water to consider where possible and appropriate further opportunities for community use.

The Kananook Creek did receive funds of \$2.5m to desilt a section, a part of works associated with the construction of the building of the South East Water headquarters.

Costs to desilt the creek further or alternative options would need to be determined to allow for discussion with South East Water on how best they could assist in the advocacy to the State Government and Melbourne Water.

The South East Water building operates as a work place on a twenty four hour, seven days a week basis and any request for public use of its car parking would have to firstly considered in that context.

Secondly, the planning permit conditions around the car parking requirements would need to be reviewed.

Thirdly, South East Water negotiated a separate agreement with Bayside Shopping Centre around car parking arrangements under a contractual arrangement and this would have to be reviewed by those parties.

Again, the suggestion can be put to South East Water for their consideration.

Council through the construction phase of the South East Water headquarters met on a regular basis with representatives of South East Water.

There is an ongoing working relationship with South East Water and where appropriate meetings are conducted.

It is suggested that the Councillors and the board of South East Water may consider meeting twice a year to discuss matters.

ATTACHMENTS

Nil

13.7 NOM 1283 - Anti Truancy Efforts

On 10 February 2017, Councillor Bolam gave notice of his intention to move the following motion:

That Frankston City Council works with local schools, politicians and Department of Education officials to crackdown on instances of truancy in local secondary schools. The following actions should be undertaken:

1. Frankston City Council devise a strategy with local school principals to curtail truancy and/or better detection of truants;
2. Implore the Victorian Department of Education and Training (including the relevant minister and Frankston MP Paul Edbrooke), and the Australian Department of Education and Training (including the relevant minister and Dunkley MP Chris Crewther), to consider the 'Show Up, Standout' model currently operating in Washington DC, United States which pro-actively seeks to decrease unexcused school absences;
3. Refer this matter to the Frankston Youth Council to consider further creative options to identify and curtail local truancy. These findings are to be presented at the fourth quarter 'Principals Breakfast' session; and
4. That progress on all directives be reported back to Council in August 2017.

COMMENTS BY CHIEF EXECUTIVE OFFICER

In the event the Notice of Motion is passed the actions outlined will be undertaken and the report provided back to Council at its August 2017 Ordinary Meeting.

ATTACHMENTS

Nil

13.8 NOM 1284 - Introduction of New Test in Future Reports and Closed Council Rules

On 10 February 2017 Councillor Bolam gave notice of his intention to move the following motion:

1. That Council introduces for all future reports, a new component to council reports - STEEPLE. This is a renowned strategic management tool which is widely used in the business world. This analysis entails the following factors which should be included in all future reports:
 - Social;
 - Technological;
 - Economic;
 - Environmental;
 - Political;
 - Legal; and
 - Ethical
2. That Council work towards achieving no less than 90% (i.e. an 18 % improvement) of all decisions being made in Open Council and the Chief Executive Officer highlight this annual result in future LGPRF reports to Council, and in future annual reports as a measure of Councils commitment to transparency.
3. That the Audit and Risk Committee considers, quarterly, the appropriateness of matters referred to Closed Council. Where the Audit and Risk Committee believes an item has been inappropriately put to Closed Council, or questions a decision to keep an item confidential indefinitely, the matter must return to council for reconsideration with appropriate justification/s; and
4. In the public meeting agenda and minutes section relating to Closed Council items, in addition to the existing description field describing the Closed Council items, a new segment be created explaining the exact FCC policy/state legislative reasoning for referral of given items.
5. That, similar to how Urgent Business items are dealt with during Open Meetings, any motions raised by councillors in Closed Council must first pass a procedural vote in Closed Council relating to whether the given motion falls within the specified purview of Closed Council.

COMMENTS BY CHIEF EXECUTIVE OFFICER

1. It is considered that all aspects of the steeple test are covered in Council reports except for the section relating to political comment.

It is not appropriate for Council staff to make political comments in reports to Council but rather they should present information to Councillors.

2. It is suggested that Councillors be briefed on the requirements of the Local Government Act 1989 Section 89 with respect to the reasons why matters are referred to closed Council.

Then in this context a discussion can be had to consider how progress might be achieved towards the target set in the Notice of Motion.

13.8 NOM 1284 - Introduction of New Test in Future Reports and Closed Council Rules

3. There is no problem in referring matters to the Audit and Risk Committee within the bounds of their charter, which is largely around review and advice relating to process.

The timeframe suggested together with the need to keep the organisation operating causes some concern as to the effectiveness of the proposed action.

The Local Government Act clearly states the reasons why a Council can consider a matter in closed Council and the Council has to comply with the requirements as to not do so would have significant consequences.

4. It is felt that Council are already complying with the relevant requirements of the Local Government Act.
5. It is felt that Council has this process in place either for open or closed Council.

ATTACHMENTS

Nil

13.9 NOM 1285 - Pop-up Vans/Stalls

On 10 February 2017, Councillor Bolam gave notice of his intention to move the following motion:

That a report be provided to Council at the May Ordinary Meeting in relation to the creation of a 'pop up' food / beverage precinct on the Frankston foreshore. The report should consider:

1. Whether there is market interest from food/beverage stall operators;
2. How a precinct could work – logistically and practically;
3. Additional seating near the foreshore / adjacent the Frankston Yacht Club for residents and visitors to enjoy food and beverages;
4. Regular (unintroduced) summertime entertainment on the Frankston foreshore;
5. Whether similar precincts could be considered at the Seaford foreshore and Keast Park foreshore; and
6. The formal use of council land to house 'pop up' stores;
7. The report should also touch upon permit fees, the number of 'pop up' stores that could be enacted in the area/s and any other issues pertinent to the motion.

COMMENTS BY CHIEF EXECUTIVE OFFICER

In the event that the Notice of Motion is passed by Council the report will be prepared for the May 2017 Ordinary Meeting for further consideration by Council.

The report will consider capital works required balanced against the potential for income relating to permit fees.

Consideration will also be given to the impact the introduction of pop up businesses will have on the existing businesses in the area if they are established on a long term basis.

Pop up stalls will also be considered in the context of the tourism and marketing brand.

ATTACHMENTS

Nil

16. CONFIDENTIAL ITEMS

Section 89(2) of the Local Government Act 1989 enables the Council to close the meeting to the public if the meeting is discussing any of the following:

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

Recommendation

That the Ordinary Council Meeting be closed to the public to consider the following items which are of a confidential nature, pursuant to section 89(2) of the Local Government Act (LGA) 1989 for the reasons indicated:

C.1 Appointment of Chairperson to the Audit and Risk Management Committee

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

C.2 Recurrent Community Grants

Agenda Item C.2 Recurrent Community Grants is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.3 Youth Grants

Agenda Item C.3 Youth Grants is designated confidential as it relates to personnel matters (s89 2a)

C.4 Interim Meals Program

Agenda Item C.4 Interim Meals Program 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 2016/17-04 - Carrum Downs Recreation Reserve New Multi-Use Pavilion and Car Park

Agenda Item C.5 Award of Contract 2016/17-04 - Carrum Downs Recreation Reserve New Multi-Use Pavilion and Car Park is designated confidential as it relates to contractual matters (s89 2d)

C.6 Frankston District Basketball Association Project Update

Agenda Item C.6 Frankston District Basketball Association Project Update is designated confidential as it relates to contractual matters (s89 2d)

C.7 NOM 1280 - St Kilda Football Club Withdrawal

Agenda Item C.6 NOM 1280 - St Kilda Football Club Withdrawal is designated confidential as it relates to contractual matters (s89 2d), and legal advice (s89 2f), and Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)