



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON  
ON 13 JUNE 2017 at 7.01PM**

PRESENT	Cr. Brian Cunial (Mayor) Cr. Sandra Mayer Cr. Glenn Aitken Cr. Colin Hampton Cr. Michael O'Reilly Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam Cr. Lillian O'Connor
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	Mr. Tim Frederico, Acting Chief Executive Officer Dr. Gillian Kay, Director Communities Development Mr. Michael Papageorgiou, Manager Planning & Environment Ms. Brianna Alcock, Acting Manager Administration & Corporate Projects Mr. Stuart Caldwell, Coordinator Statutory Planning Ms. Natalie Cincotta, Coordinator Communications Ms. Andrea Gaynor, Executive Manager Mayor & CEO Office
EXTERNAL REPRESENTATIVES:	Nil

**COUNCILLOR STATEMENT**

Councillor O'Reilly made the following statement:

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

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

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

Chairperson's initials

**PRAYER**

The Mayor, Councillor Brian Cunial read the Opening Prayer.

**ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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



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**1. PRESENTATION TO COMMUNITY GROUPS**

The Mayor, Cr Brian Cunial presented a Letter under Seal to Matthew Rizzo to acknowledge his outstanding win at the Stawell Gift held on Monday 17 April 2017.

Councillor Kris Bolam presented a copy of a poem that Matthew Rizzo wrote when he was Frankston "Mayor for the Day" in 2010.

**2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING****Council Decision****Moved: Councillor Aitken****Seconded: Councillor McCormack**

That the Minutes of the Ordinary Meeting No. OM301 held on 22 May 2017 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

That the Minutes of the Special Meeting No. OM202 held on 22 May 2017 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

That the Minutes of the Special Meeting No. OM203 held on 31 May 2017 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

**Carried Unanimously**

**3. APOLOGIES**

Nil

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

Nil

**5. PUBLIC QUESTION TIME**

Nil

**6. HEARING OF PUBLIC SUBMISSIONS****Council Decision****Moved: Councillor Aitken****Seconded: Councillor O'Connor**

That Council resolves to hear a submission from Mr Paul Porter on the Level Crossing Removal (LXRA).

**Carried Unanimously**

**7. ITEMS BROUGHT FORWARD**

Nil

**8. PRESENTATIONS / AWARDS**

Nil

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

Nil

**10. DELEGATES' REPORTS**

Nil

## 11. CONSIDERATION OF TOWN PLANNING REPORTS

### 11.1 Town Planning Application 648/2016/P - 2 Roberta Grove, Frankston - To construct three (3) double storey dwellings

*(MP Community Development)*

#### Council Decision

**Moved: Councillor Bolam**

**Seconded: Councillor O'Reilly**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 648/2016/P for construction of three double storey dwellings at 2 Roberta Grove, Frankston, subject to the following conditions:

#### **Plans**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application, but modified to show:
  - (a) South elevation of Dwelling 1.
  - (b) North facing window to the ground floor of Dwelling 3 near entry.
  - (c) Feature cladding to the entry of each dwelling identified in the schedule of external material finishes and colours.
  - (d) A mixture of external cladding (i.e. render, weatherboard, weathertex) on the upper levels of all dwellings.
  - (e) Additional west facing windows to the ground floor of Dwellings 1 and 2 with a minimum 1 metre setback to the access way.
  - (f) Outdoor lighting in accordance with Condition 18.
  - (g) Finished floor level of the garage of Dwelling 2 and Dwelling 3.
  - (h) Finished ground floor level and the finished surface level of the secluded private open space area for Dwelling 1.
  - (i) The extent of any cut and fill including finished levels (at the toe and top of batter or retaining wall)
  - (j) A landscape plan in accordance with Condition 3.
  - (k) All trees growing on the site and on the adjoining properties within 3m of the boundaries must be clearly illustrated on all relevant plans to demonstrate canopy width, trunk location and clearly labelled in accordance with the Arborist report provided by ArborReport Victoria dated 2nd March 2017 and clearly state whether the tree is to be retained or removed to the satisfaction of the Responsible Authority.
  - (l) The Tree Protection Zone and Structural Root Zone for all trees to be retained and the tree protection fence locations must be illustrated on all relevant plans to the satisfaction of the Responsible Authority.
  - (m) The landscape strip along the driveway to be widened and tapered off either side opposite the garage of Dwelling 1 (without intruding on turning circle areas).
  - (n) Tree protection conditions noted in accordance with Conditions 5, 6 and 7.

- (o) A Landscape Plan in accordance with Condition 3.
- (p) Notation that the driveway is to be constructed above the existing soil grade within 2m of the neighbouring trees numbered 10 and 11 (ArborReport Victoria dated 2nd March 2017).
- (q) A revised Tree Protection and Management Plan in accordance with Condition 8.

### No Alterations

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

### Landscape Plan

- 3. Before the commencement of buildings and works, a landscape plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - (a) a survey (*including botanical names*) of all existing vegetation to be retained and/or removed;
  - (b) buildings and trees (*including botanical names*) on neighbouring properties within three metres of the boundary;
  - (c) details of surface finishes of pathways and driveways, retaining walls and areas of cut and fill;
  - (d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
  - (e) A planting theme of a minimum 20% indigenous, 40% native within each plant group;
  - (f) landscaping to a minimum height of 1.5m to be incorporated along the west boundary of the common driveway
  - (g) canopy trees to a minimum mature height of five metres (*minimum two metres tall when planted*) in the following areas;
    - (i) One (1) within the private open space of each dwelling.
    - (ii) One (1) within the widened landscape strip along the driveway.

Trees are not to be sited over easements.

All species selected must be to the satisfaction of the Responsible Authority.

### Prior to Occupation

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

### Tree Protection

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



6. Prior to the commencement of the development (including vegetation removal), a Tree Protection Fence defined by a 1.8 metre high (minimum) temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape, must be installed at the locations as shown on the approved Tree Protection and Management Plan to the satisfaction of the Responsible Authority. A fixed sign is to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from Frankston City Council".

The requirements below must be observed within this area –

- a) Coarse mulch laid to a depth of 50-100 mm (excluding street trees).
- b) No vehicular or pedestrian access.
- c) The existing soil level must not be altered either by fill or excavation.
- d) The soil must not be compacted or the soil's drainage changed.
- e) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.
- f) No storage of equipment, machinery or material is to occur.
- g) Open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used unless approved by the Responsible authority to tunnel beneath.
- h) Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.
- i) Tree roots must not be severed or injured.
- j) Machinery must not be used to remove any existing concrete, bricks or other materials.

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

### **Tree Pruning**

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

### **Tree Protection Management Plan**

8. A Tree Protection and Management Plan generally in accordance with Page 12 of the Arborist report prepared by ArborReport Victoria dated 2nd March 2017 but modified to include detail on:
- i. Site map providing Tree Protection fencing specifications and locations
  - ii. Methods for installation of services to minimise the impact on the retained trees e.g.; sewerage, storm water, telecommunications, electricity etc. Services must avoid Tree Protection Zone area where possible
  - iii. Methods and supervision for the installation of the fence (dwelling 1)
  - iv. Remedial works as required

**Drainage**

9. Provision of a Stormwater Detention System with a volume capable of retarding the 10 year ARI flow from the development site back to a 5 year ARI pre-development value to the satisfaction of the Responsible Authority.
10. Prior to commencement of construction, detailed Drainage and Pavement design plans of the internal stormwater drainage system including drainage computations and method of connection to the existing Council drainage infrastructure are to be submitted, approved, and constructed to the satisfaction of the Responsible Authority.
11. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
  - On-site stormwater detention and rainwater tanks.
  - Soil percolation
  - Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc
  - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
12. Existing vehicle crossing to be retained, should the crossing be damaged during construction works the crossing must be reconstructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
13. Prior to occupation of the dwellings hereby permitted by this permit starts, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be :-
  - (a) Constructed to the satisfaction of the Responsible Authority;
  - (b) Properly formed to such levels that they can be used in accordance with the plans;
  - (c) Surfaced with an all-weather sealcoat; and
  - (d) Drained and maintained to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.
14. Where the development involves work on or access to Council controlled land including roads, reserves and right of way, the owner, operator and their agents under this permit must at all times take adequate precautions to maintain works to the highest public safety standards, to the satisfaction of the Responsible Authority.

Precautions must include, appropriate signage to AS 1743 Road Works Signing Code of Practice, the provision of adequate barricading of works, including trenches of Service Authorities and any other road openings, sufficient to ensure public safety.

All relevant permits must be obtained from Council for works within the existing road reserves, in addition to the planning permit.

**Urban Design**

15. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
16. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.

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

#### **Satisfactorily Completed**

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

#### **Permit Expiry**

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

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

#### **Notes**

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

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

**Carried**

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

Against the Motion: Cr Hampton

**11.2 Town Planning Application 82/2016/P - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) - 46 Ithaca Road, Frankston South**

*(MP Community Development)*

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

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 82/2016/P to construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) at 46 Ithaca Road, Frankston South, subject to the following conditions:

**Amended Plans**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application, but modified to show:
  - (a) Carport south elevation to be open sided except for supporting structure/columns.
  - (b) Two (2) open car spaces and associated vehicle crossing within Fleetwood Crescent side setback removed and replaced with landscaping.
  - (c) Height of all retaining walls.
  - (d) A landscape plan in accordance with Condition 3.
  - (e) A revised arborist report in accordance with condition 5
  - (f) The Tree protection zones for all trees to be retained and the tree protection fence locations must be illustrated on all relevant plans to the satisfaction of the Responsible Authority.
  - (g) Tree protection conditions noted in accordance with Conditions 6, 7 and 8

**No Alterations**

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

**Prior to Occupation**

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

**Landscape Plan**

4. Before the commencement of buildings and works, a landscape plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - (a) a survey (*including botanical names*) of all existing vegetation to be retained and/or removed;
  - (b) buildings and trees (*including botanical names*) on neighbouring properties within three metres of the boundary;

Chairperson's initials



- (c) details of surface finishes of pathways and driveways, retaining walls and areas of cut and fill;
- (d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
- (e) retention of existing vegetation within the front setback of Dwelling 2 which is in good health;
- (f) A planting theme of a minimum 20% indigenous, 40% native within each plant group;
- (g) landscaping to a minimum height of 1.5m to be incorporated along each driveway
- (h) canopy trees to a minimum mature height of five metres (*minimum two metres tall when planted*) in the following areas;
  - (i) One (1) within the private open space of each dwelling.
  - (ii) One (1) within the Fleetwood Crescent front setback of Dwelling 2

Trees are not to be sited over easements.

All species selected must be to the satisfaction of the Responsible Authority.

### **Arborist Report**

5. Before the commencement of the development an updated Arborist Report prepared by a qualified Arborist must be submitted to, and approved, by the Responsible Authority. The Report must be in accordance with Frankston's Arboricultural reporting guidelines to the satisfaction of the Responsible Authority

The development must be undertaken in accordance with the recommendations of the approved Arborist Report to ensure that the development does not adversely impact on the health, life expectancy and structural stability of the tree, to the satisfaction of the Responsible Authority.

### **Tree Protection**

6. Tree protection must be carried out in accordance with the Australian Standard AS 4970-2009 Protection of trees on development sites to the satisfaction of the Responsible Authority
7. Prior to the commencement of the development, a Tree Protection Fence defined by a 1.8 metre high (minimum) temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape, must be installed at 5 metres from the trunk of the Liquidambar (Tree No. 1) and Norfolk Island Pine (Tree No. 2) and as recommended by the arborist report, dated 10 February 2011 prepared by Dare Designs, for any other tree to be retained to the satisfaction of the Responsible Authority. A fixed sign is to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from Frankston City Council".

The requirements below must be observed within this area –

- a) Coarse mulch laid to a depth of 50-100 mm.
- b) No vehicular or pedestrian access.
- c) The existing soil level must not be altered either by fill or excavation.
- d) The soil must not be compacted or the soil's drainage changed.

- e) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.
- f) No storage of equipment, machinery or material is to occur.
- g) Open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used unless approved by the Responsible authority to tunnel beneath;
- h) Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.
- i) Tree roots must not be severed or injured

### Tree Pruning

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

### Freestanding Trellis

9. Prior to the occupation of the development, a freestanding trellis (maximum 25% openings) must be erected above the existing fence on the north – west boundary of the site to an overall height 2.4 metres above natural ground level, to restrict overlooking into the adjoining residential property to the satisfaction of the Responsible Authority. The trellis must be framed and thereafter maintained to the satisfaction of the Responsible Authority.

### Drainage

10. Provision of a Stormwater Detention System with a volume capable of retarding the 10 year ARI flow from the development site back to a 5 year ARI pre-development value to the satisfaction of the Responsible Authority.
11. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
- On-site stormwater detention and rainwater tanks.
  - Soil percolation
  - Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc.
  - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
12. The existing Junction Pit located in the south-west corner of Proposed Dwelling 2 is to be fitted with a pit lid in accordance with Frankston City Council standard drawing SD207 at finished surface level to the satisfaction of the Responsible Authority.
13. Prior to commencement of development construction detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority.
14. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
15. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.

**Urban Design**

16. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
17. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.
18. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.
19. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

**Satisfactorily Completed**

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

**Permit Expiry**

21. This permit will expire if one of the following circumstances applies:
  - The development is not started within two years of the date of this permit.
  - The development is not completed within four years of the issued date of this permit.In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

**Notes**

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

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

- D. Local Government is the Authority responsible for property addressing. There is a requirement under Local Law No. 7 2.12 for the owner or occupier of each property to clearly display the street numbering allocated by Council.

Proposed Street Numbering can be provided by contacting Frankston City Council Rates department - Phone 9784 1853.

It is the applicant's responsibility to ensure all owners are notified of the allocated street numbering.

**Carried**

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



**11.3 Planning Permit Application 633/2016/P - 3 Gladwyn Avenue, Frankston 3199 - To construct three (3) double storey dwellings**

*(MP Community Development)*

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

That Council resolves to issue a Notice of Decision to Grant a Planning in respect to Planning Permit Application number 633/2016/P to construct three (3) double storey dwellings at 3 Gladwyn Avenue, Frankston, subject to the following conditions:

**Plans**

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application (or some other specified plan) but modified to show:
  - (a) Shade device for the east-facing window of Bedroom 1, Dwelling 3.
  - (b) Trellises in accordance with Condition 12.
  - (c) All windows proposed with obscure glazing fixed to at least 1.7 metres above floor level.
  - (d) Dwelling 3 ensuite window shown on the east elevation and the Bedroom 1, Dwelling 1 window on the west elevation removed (in accordance with the site plan).
  - (e) New south-facing window to Bedrooms 1 and 2 (Dwelling 2) and the north-facing highlight window of Bedroom 2 (Dwelling 1) replaced with a smaller window. The windows must not use obscure glazing (or other similar screening device) and be located to avoid overlooking and internal views in accordance with Clause 55.04-6.
  - (f) Retaining walls and finished surface and floor levels to be shown to Australian Height Datum for all dwellings and secluded private open space, on all plans.
  - (g) Storage for Dwellings 1 and 3 external to the garages in accordance with Clause 55.05-6 (Storage).
  - (h) Internal dimensions of the garages in accordance with Clause 52.06-8 (Design Standards for Car Parking).
  - (i) The landscape strip opposite Garage 1 reduced to accommodate vehicle manoeuvring.
  - (j) No earthworks within the Tree Protection Zone of Tree 1 (excluding the dwelling footprint).
  - (k) Lighting in accordance with Condition 24.
  - (l) A landscape plan in accordance with Condition 3.
  - (m) The Tree Protection Zone and Structural Root Zone for Tree 1 and the tree protection fence locations illustrated on all relevant plans.
  - (n) All proposed and existing overhead and underground services in accordance with Condition 9.

- (o) Tree protection conditions noted in accordance with Conditions 5, 6 and 7.
- (p) A Tree Protection Management Plan in accordance with Condition 8.

### **No Alterations**

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

### **Landscaping**

- 3. Before the commencement of buildings and works, a landscape plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
  - (b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
  - (c) details of surface finishes of pathways and driveways, retaining walls and areas of cut and fill;
  - (d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
  - (e) A planting theme of a minimum 20% indigenous and 40% native within each plant group;
  - (f) landscaping to a minimum height of 1.5 metres to be incorporated along the west boundary of the common driveway;
  - (g) One canopy tree to a minimum mature height of five metres (minimum two metres tall when planted) within the private open space of all dwellings

Trees are not to be sited over easements.

All species selected must be to the satisfaction of the Responsible Authority.

### **Prior to Occupation**

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

### **Tree Protection**

- 5. Tree protection must be carried out in accordance with the Australian Standard AS 4970 – 2009 Protection of trees on development sites to the satisfaction of the Responsible Authority. The tree protection fence must remain in place for the duration of building and works to the satisfaction of the Responsible Authority.

6. Prior to the commencement of the development (including vegetation removal), a Tree Protection Fence defined by a 1.8 metre high (minimum) temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape, must be installed around the T.P.Z. of the retained tree where occurring on the subject site and reduced by the minimum amount to construct approved works to the satisfaction of the Responsible Authority. Fences should not obstruct the nature strip. A fixed sign is to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from Frankston City Council".

The following requirements must be observed within the tree preservation zone area –

- (a) Course mulch laid to a depth of 50-100 mm (excluding street trees).
- (b) No vehicular or pedestrian access.
- (c) The existing soil level must not be altered either by fill or excavation.
- (d) The soil must not be compacted or the soil's drainage changed.
- (e) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.
- (f) No storage of equipment, machinery or material is to occur.
- (g) Open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used unless approved by the Responsible authority to tunnel beneath.
- (h) Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.
- (i) Tree roots must not be severed or injured,
- (j) Machinery must not be used to remove any existing concrete, bricks or other materials.

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

### **Tree Pruning**

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

### **Tree Protection Management Plan**

8. A Tree Protection Management Plan prepared in accordance with Frankston City Council's 'Arboricultural Reporting Guidelines' must be submitted to and approved by the Responsible Authority prior to the commencement of the approved development and works (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings) and when approved will be endorsed and form part of this permit. The plan must contain as a minimum but not limited to the following information:
- (a) The Tree Protection Zones (TPZ) for each tree being retained including restricted activities and required actions within the protection zones;
  - (b) Details on the Tree Protection Fence locations, any ground protection requirements and site access route(s);

- (c) Identify construction methods and equipment to be utilised for the root sensitive footings for the dwellings and fences. Details to include non-invasive root exploration, footing relocation (when/where deemed necessary) and root pruning;
  - (d) Identify construction methods and materials for the section of the path and fences (front and private open space) for the protection of Tree 1;
  - (e) Identify pre and post construction care measures;
  - (f) Identify any tree canopy pruning necessary to provide clearance for the development to and any remedial works required;
  - (g) Identify key supervision and monitoring stages of the development;
  - (h) Location of all underground services;
  - (i) Calculation of % encroachment of works;
  - (j) Develop a communication plan that provides contact information for a designated individual responsible for ensuring work adheres to the approved Tree Protection Plan. The designated individual will also ensure contractors working at the development site are aware of the Approved Tree Protection Plan.
9. All proposed and existing overhead and underground services must be indicated on the relevant plans ensuring any underground services are diverted around the trees protection zone where possible or laid beneath the root profile by method of directional boring to the satisfaction of the Responsible authority.
10. The development must be undertaken in accordance with the recommendations of the approved Tree Protection Management Plan to ensure that the development does not adversely impact on the health, life expectancy and structural stability of the tree to be retained, to the satisfaction of the Responsible Authority.

#### **Tree Protection: Construction**

11. Within the 9 metre Tree Protection Zone associated with Tree 1 the following is required to the satisfaction of the Responsible Authority.
- (a) No excavation works are to be undertaken within the structural root zone of the tree;
  - (b) Accurately survey and stakeout the area of the excavation for the footings;
  - (c) Any excavation within the T.P.Z. of Tree 1 must be done by hand and in the presence of a Qualified Arborist;
  - (d) Smaller roots can be cut cleanly with a sharp implement in accordance with AS4373-2007 by a suitably qualified and experience Arborist.

#### **Freestanding Trellis**

12. Prior to the occupation of the development, a freestanding trellis (maximum 25% openings) must be erected above the existing fence on the east boundary opposite Bedroom 1 (Dwelling 3) and the west boundary opposite the meals and kitchen windows (Dwelling 2) to an overall height of 1.7 metres above finished floor level, to restrict overlooking into the adjoining residential properties to the satisfaction of the Responsible Authority. The trellis must be framed and thereafter maintained to the satisfaction of the Responsible Authority.

#### **Drainage**

13. Provision of a Stormwater Detention System with a volume capable of retarding the 10 year ARI flow from the development site back to a 5 year ARI pre-development value to the satisfaction of the Responsible Authority.

14. The soakage system for Stormwater drainage must be provided with Geotechnical design to demonstrate that effective drainage can be provided without detriment to premises and/or other properties. Design to be in accordance with CSIRO publication Water Sensitive Urban Design Engineering procedures – Stormwater, Chapter 11 – Infiltration Measures.
15. Prior to commencement of construction, detailed Drainage and Pavement design plans of the internal stormwater drainage system including drainage computations and the method of connection to the existing Council drainage infrastructure are to be submitted, approved and constructed to the satisfaction of the Responsible Authority.
16. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
  - On-site stormwater detention and rainwater tanks.
  - Soil percolation
  - Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc
  - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
17. Should the existing vehicle crossing be damaged during construction works, the crossing must be reconstructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
18. Prior to occupation of the dwellings hereby permitted by this permit starts, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be :-
  - Constructed to the satisfaction of the Responsible Authority;
  - Properly formed to such levels that they can be used in accordance with the plans;
  - Surfaced with an all-weather sealcoat; and
  - Drained and maintained to the satisfaction of the Responsible Authority.
19. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
20. Where the development involves work on or access to Council controlled land including roads, reserves and right of way, the owner, operator and their agents under this permit must at all times take adequate precautions to maintain works to the highest public safety standards, to the satisfaction of the Responsible Authority.

Precautions must include, appropriate signage to AS 1743 Road Works Signing Code of Practice, the provision of adequate barricading of works, including trenches of Service Authorities and any other road openings, sufficient to ensure public safety.

All relevant permits must be obtained from Council for works within the existing road reserves, in addition to the planning permit.

### Urban Design

21. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
22. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.

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

### **Satisfactorily Completed**

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

### **Permit Expiry**

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

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

### **Notes**

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

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

### **Carried**

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

Against the Motion: Cr Hampton

**12. CONSIDERATION OF REPORTS OF OFFICERS****12.1 Resolution Progress Report**

*(GK Community Development)*

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

That Council:

1. Notes work on progressing the resolution NOM 1303 to address the quality of Life and Anti-Social behaviour in Frankston LGA' is ongoing. A proposed scope and indicative cost has been received, however, should these be agreed by Council a request for formal quotes will be sought. Notes the status of work on
2. Notes a report on 'History Taught in Schools' for NOM 1264 will be presented to the September 2017 Meeting.
3. Notes a report for NOM 1245 on the 'Frankston Coastguard' is subject to further consultation and consideration of technical information will be presented to the September meeting.
4. Notes that report for NOM 1289 – Female Participation in Sports will be presented after requested meeting.
5. Notes a report for NOM 1291 on the 'Illumination of Pier's will be presented to the July 2017 meeting.
6. Notes that for NOM 1319 'Access to Hindu Temple via Boundary Lane' the cost to engage an Engineering and Environmental Consultancy Group to prepare concept design report and indicative costs is \$20K.
7. Notes in relation to the progress NOM 1321 and NOM 1333, the original installer has advised he is unable to address the feature lighting issues until the second week of July.

**Carried Unanimously**

**12.2 Minutes of the Frankston Arts Board - 2 May 2017 and 30 May 2017**

*(AM Community Development)*

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

That Council:

1. Receives the Minutes of the Frankston Arts Board meeting of 2 May 2017.
2. Receives the Minutes of the Frankston Arts Board of 30 May 2017.
3. Endorses the Frankston Street Art Masterplan.

**Carried**

*Councillor Bolam foreshadowed an alternate motion.*

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

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

*Councillor Hampton called for a division on the matter.*

*The Mayor called for the vote to be recounted by way of show of hands.*

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

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



**12.3 Draft Councillor and Staff Interaction Policy**

*(BA Corporate Development)*

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

That Council:

1. Acknowledges the statutory limitations which preclude the Council and Councillors from determining the content of the CEO's *Councillor and Staff Interaction Policy*; but note the CEO's willingness, within the legislative constraints, to consider feedback that may improve the policy and its ability to foster respectful and trusting relationships between Councillors and Council staff.
2. Notes the attached draft *Councillor and Staff Interaction Policy*, and the CEO's intention to now finalise and formally adopt the policy.

**Carried Unanimously**

**12.4 Review of Kiss and Go Zones at Primary and Secondary Schools**

*(MR Community Development)*

*Cr O'Reilly left the chamber at 7.50pm.*

*Cr O'Reilly returned to the chamber at 7.51pm.*

**Recommendation (Director Community Development)**

That Council:

1. Notes the results of the review of drop-off and pick-up parking outside Frankston's Primary and Secondary Schools.
2. Notes the outcome of the consultation with relevant primary and secondary schools on their support for Council to investigate and install feasible "Kiss & Go" zones.
3. Supports officers investigating and implementing the request for "Kiss & Go" zones from the two schools, Karingal Primary School and Mount Erin Secondary College.

**Council Decision**

**Moved: Councillor Toms**

**Seconded: Councillor Aitken**

That Council:

1. Notes the results of the review of drop-off and pick-up parking outside Frankston's Primary and Secondary Schools.
2. Notes the outcome of the consultation with relevant primary and secondary schools on their support for Council to investigate and install feasible "Kiss & Go" zones.
3. Supports officers investigating and implementing the request for "Kiss & Go" zones from the two schools, Karingal Primary School and Mount Erin Secondary College.
4. Requests that all primary and secondary schools within the municipality, through their communications with parents/guardians, re-affirm the need to adhere to local laws; and the impact of non-compliance on varying fronts (i.e. neighbourhood consternation, rerouting council resources, the prospect of being issued an infringement notice etc.).-+
5. A similarly worded request is made to all tertiary and vocational institutions in the municipality.
6. Council encourages schools to have "Kiss and Go" zones where possible.

**Carried Unanimously**

**12.5 Draft Open Space Asset Management Plan**

*(CD Corporate Development)*

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

That Council:

1. Acknowledges the public submissions received and subsequent changes to the draft Plan; and
2. Adopts the draft Open Space Asset Management Plan.

**Carried Unanimously**

**12.6 Foreshore Parking Permit Guidelines**

*(LR Community Development)*

**Recommendation (Director Community Development)**

That Council adopts the Foreshore Parking Permit Guidelines.

**Council Decision**

**Moved: Councillor Hampton**

**Seconded: Councillor O'Connor**

That Council adopts the Foreshore Parking Permit Guidelines with the inclusion of exceptional circumstances procedure for the replacement of the permit e.g. Broken windscreen.

**Carried Unanimously**

**12.7 Audit and Risk Management Committee Charter**

*(KJ Corporate Development)*

**Recommendation (Director Corporate Development)**

That Council adopts the Audit and Risk Management Committee Charter.

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

That:

1. Council adopts the Audit and Risk Management Committee Charter.
2. The insertion of 3.10.6: The insertion of 3.10.6: "The Audit and Risk Committee may at its discretion consider public complaints, and determine appropriate avenues, which intimate inappropriate practices within the Frankston City Council organisation and any subsidiaries".

**Carried Unanimously**

**12.8 Council response to Councils and Emergencies Directions Paper**

*(LR Community Development)*

**Recommendation (Director Community Development)**

That Council endorses the attached draft submission to Local Government Victoria which was submitted by officers subject to Council endorsement.

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

That Council:

1. Endorses the attached draft submission to Local Government Victoria which was submitted by officers subject to Council endorsement.
2. Notes the use of the word “supports” has many inferences. As this word is mentioned regularly throughout the document, the Council wishes to reinforce that “supports” is not an invitation for other tiers of government to cost-shift resources and responsibilities onto local government – Frankston City Council.

**Carried Unanimously**

**12.9 Progress of Council Resolutions resulting from Notice of Motions**

*(DH Chief Executive Office)*

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

That Council:

1. Receives the Notice of Motion Report as at 13 June 2017.
2. Notes that the following Notice of Motion be archived from the Notice of Motion Report:
  - NOM 1310 - Notice of Rescission - NOM 1308 - Port of Hastings

**Carried Unanimously**

**12.10 Record of Assemblies of Councillors**

*(DH Chief Executive Office)*

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

That Council receives the following written records:

- 20 December 2016 (Frankston City News Editorial Committee)
- 10 April 2017 (Councillor Briefing)
- 12 April 2017 (Councillor Briefing)
- 18 April 2017 (Councillor Briefing)
- 19 April 2017 (Councillor Briefing)
- 24 April 2017 (Councillor Briefing)
- 1 May 2017 (Councillor Briefing)
- 3 May 2017 (Councillor Briefing)
- 8 May 2017 (Councillor Briefing)
- 10 May 2017 (Councillor Briefing)
- 15 May 2017 (Councillor Briefing)
- 15 May 2017 (Frankston City News Editorial Committee)
- 17 May 2017 (Councillor Briefing)
- 23 May 2017 (Councillor Briefing)
- 29 May 2017 (Councillor Briefing)

**Carried Unanimously**



**12.11 Response to NOM 1290 - New Rule for Closed Council Decisions**

*(BA Corporate Development)*

**Recommendation (Director Corporate Development)**

That Council:

1. Notes that the 2015/16 transparency result of 27.53% is within the 'expected range' set by the Victorian Government;
2. Notes that 57% of all closed council decisions were considered in closed council due to the 'contractual matters' exception; and that this figure could be improved by increasing delegations including the CEO's financial delegation.
3. Endorses the following improvements to the existing Council agenda processes:
  - A. Introducing a requirement for a specific reason to be given when any matter is considered in closed council on the basis of the section 89 (h) exception (ie 'any other matter which the Council or Special Committee considers would prejudice the Council or any other person'); and
  - B. Reinforcing the preference for matters to be considered in open council wherever possible.

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Aitken**

That:

1. The matter be deferred until the 24 July 2017 Ordinary Meeting due to the report not addressing aspects of NOM 1290; and failing to provide meaningful options to Council.
2. The recommendation 3. be retained and put to councillors, with other options, at the 24 July 2017 Ordinary Meeting; Endorses the following improvements to the existing Council agenda processes:
  - A. Introducing a requirement for a specific reason to be given when any matter is considered in closed council on the basis of the section 89 (h) exception (ie 'any other matter which the Council or Special Committee considers would prejudice the Council or any other person'); and
  - B. Reinforcing the preference for matters to be considered in open council wherever possible.

**Carried Unanimously**

*The meeting was adjourned at 8.28pm.*

*The meeting resumed at 8.39pm. All Councillors were present.*

**13. NOTICES OF MOTION****13.1 NOM 1309 - New signature event for Frankston**

*(MT Chief Executive Office)*

**Councillor Recommendation**

That:

1. Officers continue to pursue opportunities to expand the calendar of tourism events within the City through attracting a new signature event. In accordance with Council's Destination Development Plan any additional event should, where practical:
  - be delivered outside of peak event season (December – March);
  - give consideration to utilising other venues throughout the municipality;
  - complement Frankston City's visitor offering locations; and
  - provide demonstrated economic benefit through increased visitation.
2. Officers bring a report to the August 2017 Ordinary meeting of Council outlining the process required to seek market interest in holding an event that meets the above objectives.

*Councillor Bolam sought leave of Council to amend his Notice of Motion 1309 - New Signature Event for Frankston*

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Aitken**

That:

1. Officers continue to pursue opportunities to expand the calendar of tourism events within the City through attracting a new signature event. In accordance with Council's Destination Development Plan any additional event should, where practical:
  - be delivered outside of peak event season (December – March);
  - give consideration to utilising other venues / locations throughout the municipality;
  - complement Frankston City's visitor offering locations;
  - provide demonstrated economic benefit through increased visitation; and uniquely designed and executed - outside of the mainstream of what other municipalities do.
2. Officers bring a report to the August 2017 Ordinary meeting of Council outlining the process required to seek market interest in holding an event that meets the above objectives.

**Carried Unanimously**

**13.2 NOM 1316 - Frankston Ambassador**

(VR Chief Executive Office)

**Councillor Recommendation**

That the following be actioned in regard to the Frankston Ambassador site.

- 1 A quarterly report to councillors and relevant officers highlighting the numbers of Notices to Comply and Infringements issued relating to unsightly and dilapidated building be prepared.
- 2 Council officers meet with the new owner of the vacant land at the Ambassador site to enable an understanding of their plans for redeveloping the site and any short term options to improve the appearance of the site
- 3 Subject to credible advice and reasonable cause, Authorised Officers inspect accommodation units at the Ambassador to ensure all compliance codes are being met. The findings from the initial audit of this site be provided to Councillors and relevant officers.
- 4 Council officers survey residents in the vicinity of the Ambassador about their perceptions of safety, amenity and quality of life as neighbours of the Ambassador. The results of the survey should contribute to exploration of 'eminent domain' (compulsory acquisition) of the Ambassador site with the local MP and relevant Ministers.
- 5 Council officers source examples of unsightly and dilapidated clauses in other municipal local laws to determine if improvements can be made to Frankston general local law No. 8.
- 6 Council officers investigate and infringe dumped rubbish and also explore opportunities to work with Victoria Police and Sherriff's office to address anti-social and criminal behaviour in and around the Ambassador site.
- 7 All directives are to be responded to in the form of a report no later than November 2017.

*Councillor Bolam sought leave of Council to amend his Notice of Motion 1316 – Frankston Ambassador.*

*As per Section 44(1) of Governance Local Law,  
the resolution was moved in two (2) parts.*

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

That the following be actioned in regards to the Frankston Ambassador site:

- 1 A quarterly report to councillors and relevant officers highlighting the numbers of Notices to Comply and Infringements issued relating to unsightly and dilapidated building be prepared.
- 3 Subject to credible advice and reasonable cause, Authorised Officers inspect accommodation units at the Ambassador to ensure all compliance codes are being met. The findings from the initial audit of this site be provided to Councillors and relevant officers.

- 4 Council officers survey residents in the vicinity of the Ambassador about their perceptions of safety, amenity and quality of life as neighbours of the Ambassador. The results of the survey should contribute to exploration of 'eminent domain' (compulsory acquisition) of the Ambassador site with the local MP and relevant Ministers.
- 5 Council officers source examples of unsightly and dilapidated clauses in other municipal local laws to determine if improvements can be made to Frankston general local law No. 8.
- 7 All directives are to be responded to in the form of a report no later than November 2017.

**Carried**

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

Against the Motion: Crs Hampton and O'Reilly

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Toms**

That the following be actioned in regards to the Frankston Ambassador site:

- 2 Council officers meet with the new owner of the vacant land at the Ambassador site to enable an understanding of their plans for redeveloping the site and any short term options to improve the appearance of the site.
- 6 Council officers investigate and infringe dumped rubbish and also explore opportunities to work with Victoria Police and Sherriff's office to address anti-social and criminal behaviour in and around the Ambassador site.

**Carried Unanimously**

**13.3 NOM 1325 - Student Action Grants**

*(AG Chief Executive Office)*

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

That a report be provided to Council at the September 2017 Ordinary Meeting on the introduction of a new grants route for primary and secondary student representative councils and/or local youth movements (i.e. Scouts) designed for such groups to identify local advocacy campaigns to bring about positive improvements.

Grant inclusions are to include minor funding for appropriate projects and/or in-kind support by officers to assist in progressing appropriate projects (i.e. assisting with submission writing / advocacy / advertising / hiring of facilities). Any grant considered must be deemed appropriate and should be accompanied with sufficient information to demonstrate the need basis, as well as forward planning (i.e. 'action plan').

The model to base this report upon should be the work done by the Student Representative Council of Karingal Park Secondary College in the early 2000's to bring about the creation of 'Nats Track' in Karingal. This was a community-wide beneficial project and greatly enhanced students feelings of belonging in the area (i.e. they felt they were listened to).

The report should consider the overall grants mechanism (i.e. grants vs. in-kind support vs. hybrid), the monetary amount that a fiscal grant amount will carry per representative council/association, and the role the Frankston Youth Council could perform in either authorising such grants or referring such grants to Council for approval.

**Carried Unanimously**

**13.4 NOM 1326 - Creation of Frankston Junior / Youth Mayor**

*(MT Chief Executive Office)*

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

That Council investigates the establishment of a 'Junior / Youth Mayor' position. The voluntary role is to have civic and ceremonial precedence. The position is to be term limited at a single twelve month term. The occupant of the role is to be determined by a majority vote of the Frankston Youth Council; and then re-affirmed by a majority vote of the Frankston City Council.

A report be provided at the August Ordinary Meeting with full scope of what the role should entail, the formal name of the role, expected behaviours to be exhibited by those who serve in the position and any nominal costings (ie. name tag, honour board, medallion/robes and ceremonial roles etc).

**Carried Unanimously**

**13.5 NOM 1327 - Support for new and existing Planned Activity Groups**

*(MT Chief Executive Office)*

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

That Council considers additional resourcing, advertising, advocacy and funding for planned activity groups – new and existing – in the Frankston municipality.

A report is to be provided at the August Ordinary Meeting with suggestions on how to support such groups with in-kind support, advertising, state-federal advocacy and financial assistance. The report is to also consider the need for any new planned activity groups based on demographics and other empirical demands.

Finally, the report is to consider the following:

1. The creation or enhancement of a social group for young people with disabilities and/or may be socially isolated;
2. The creation or enhancement of a social group for middle aged people with disabilities and/or may be socially isolated;
3. The creation or enhancement of a social group for senior citizens who may be socially isolated, disabled or have difficulties with mobility; and
4. Improved advertising and regularity of council mandated bus services for senior citizens and people with disabilities wishing to access library services in either Carrum Downs or Frankston.

**Carried Unanimously**

**13.6 NOM 1328 - Consultants Register**

*(VR Chief Executive Office)*

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

That:

1. Council produce a register of consultants and or any companies which have invoiced Council for services provided and the amounts invoiced for the work they have undertaken;
2. A brief description of the services and the name of the officer(s) who initiated the consultancy and or services, also the department(s) who used them, be included in the register;
3. This is to include any legal advice obtained;
4. This register be updated on a monthly basis and be made available to Councillors.
5. Tenders that have come before Council for approval are to be included in this register.

**Carried Unanimously**



**13.7 NOM 1329 - Quality of Life / Anti Social Behaviour II**

*(CM Chief Executive Office)*

*Cr Toms left the chamber at 9.20pm.*

*Cr Toms returned to the chamber at 9.24pm.*

**Councillor Recommendation**

1. That the additional items be added to the purview of the consultative group assisting with the proposed Community Safety 'White Paper' per NOM 1303:
  - a. *The prospect of the Minister for Gaming authorising a moratorium / covenant (ban) on any further gaming machines within the municipality;*
  - b. *Exploring the establishment of 'Police Beats' (semi-manned shopfronts for specific localities within a municipality) as is practiced in Queensland. Given the Council's past concern with the lack of physical law enforcement presence in the Frankston town centre, Frankston North and Langwarrin; this course of action would be consistent with previous council resolutions, and a more cost effective alternative for the State Government than the present approach of building central command structures (i.e. fully fledged police stations);*
  - c. *Exploration of bylaws practiced by other municipalities outside of Frankston, as well as bylaws not currently practiced in Australia but if (potentially) incorporated could have beneficial value; and*
  - d. *Determine whether Frankston Police require any specific bylaws to enable them (via delegation) to have the means to infringe in the absence of legislative and/or statutory powers*
2. That the Chief Executive Officer (CEO) be requested to increase the prominence of Local Laws Authorising Officers during peak day-time hours. This includes the Frankston town centre, the Seaford town centre; and other locations within the municipality where there is either significant public traffic and/or low perceptions of public safety.
3. That a report be provided to Council on the number of infringement notices cancelled prior to progression to the Magistrates Court. The report should consider the number of infringement notices issued (and then cancelled) per department, the types of infringements issued (and then cancelled) per department including the accrued penalty amounts rescinded, the general reasons for the cancellation of infringements and the officer/s responsible for approving infringement revocations.
4. That in the same report, officers devise a strategy/campaign for council's consideration to encourage local traders (and their staff) to report criminal activities / anti-social behaviours. The strategy / campaign should contribute to an increase in police and local laws intelligence holdings courtesy of the intelligence gathering by local traders. Methods for local traders (and their staff) to relay such information should also be considered in the report.
5. Again at the request of the CEO, authorised officers are to patrol in groups and engage with local stakeholders (local traders, the public etc.) as a part of this increased effort. Vehicle patrols are to also increase in isolated areas of the municipality with a view to increasing visibility.

*Councillor Bolam sought leave of Council to amend his NOM 1329 – Quality of Life / Anti-Social Behaviour II*

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

That:

1. The additional items be added to the purview of the consultative group assisting with the proposed Community Safety 'White Paper' per NOM 1303:
  - a. *The prospect of the Minister for Gaming authorising a moratorium / covenant (ban) on any further gaming machines within the municipality;*
  - b. *Exploring the establishment of 'Police Beats' (semi-manned shopfronts for specific localities within a municipality) as is practiced in Queensland. Given the Council's past concern with the lack of physical law enforcement presence in the Frankston town centre, Frankston North and Langwarrin; this course of action would be consistent with previous council resolutions, and a more cost effective alternative for the State Government than the present approach of building central command structures (i.e. fully fledged police stations);*
  - c. *Exploration of bylaws practiced by other municipalities outside of Frankston, as well as bylaws not currently practiced in Australia but if (potentially) incorporated could have beneficial value;*
  - d. *Determine whether Frankston Police require any specific bylaws to enable them (via delegation) to have the means to infringe in the absence of legislative and/or statutory powers; and*
  - e. *The role of Frankston City Council in deterring family / domestic violence; and considering what advocacy and funding routes Frankston City Council may have available to assist in mitigating family / domestic violence.*
2. A report be provided to Council in relation to the introduction of increased Local Laws Authorising Officers during peak day-time hours. This includes the Frankston town centre, the Seaford town centre; and other locations within the municipality where there is either significant public traffic and/or low perceptions of public safety. The report is to also consider the use of authorised officers insofar patrolling in groups and engaging with local stakeholders (ie. public, traders etc.) to improve both perceptions and realities of community safety. Local Laws vehicle patrols are to also increase in isolated areas of the municipality with a view to increasing visibility.

This report return for consideration in September. The report must contain total costings for additional staff and resources.
3. The same a report be provided to Council on the number of infringement notices cancelled prior to progression to the Magistrates Court and Infringements Court. The report should consider the number of infringement notices issued (and then cancelled) per department, the types of infringements issued (and then cancelled) per department including the accrued penalty amounts rescinded, the general reasons for the cancellation of infringements and the officer/s responsible for approving infringement revocations.
4. In the same report, officers devise a strategy/campaign for council's consideration to encourage local traders (and their staff) to report criminal activities / anti-social behaviours. The strategy / campaign should contribute to an increase in police and local laws intelligence holdings courtesy of the intelligence gathering by local traders. Methods for local traders (and their staff) to relay such information should also be considered in the report.

5. The Deputy Mayor, Cr Steve Toms be appointed as the chairperson of the aforementioned consultative committee. As well as contributing to the proposed 'White Paper', each item referred to the consultative committee must return to Council for consideration upon the dissolution of the consultative committee. This can be done as an 'en masse' report which incorporates all the topics referred to the consultative committee.

**Carried Unanimously**

Chairperson's initials



**13.8 NOM 1331 - Mayoral Election**

(VR Chief Executive Office)

**Councillor Recommendation**

That a report be brought to Council for consideration as to the opportunity for the public to vote for the Mayoral Position as opposed to that position being solely decided upon by Councillors at its annual Statutory Meeting held in November, and that same be reported to Council at the Ordinary Meeting of 14 August 2017.

*Councillor Aitken sought leave of Council to amend his Notice of Motion 1331 – Mayoral Election.*

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

That Council writes to the Minister for Local Government and the Victorian Electoral Commission seeking their view on the practicality of Mayor's being elected uniformly throughout Victoria by a popular vote in each of the local government areas.

And that if it is considered appropriate that they may also see this as a mechanism to instigate a community wide discussion to better determine the public view.

**Extension of Time****Moved: Councillor Bolam****Seconded: Councillor O'Connor**

That Cr Aitken be granted an extension of time.

**Carried Unanimously****The motion was then put  
and Lost**

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

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

Abstained: Cr McCormack

**13.9 NOM 1332 - Councillor's Party Membership**

(VR Chief Executive Office)

**Councillor Recommendation**

That Councillors be required to publicly announce any membership of a political party and that this be made openly available on Council's website and further that this be put in place within seven days of this resolution being accepted by Council.

*Councillor Aitken sought leave of Council to amend his Notice of Motion 1332 – Councillor's Party Membership.*

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

That Councillors may voluntarily announce any membership of a political party and that this be made openly available on Council's website and further that this be put in place within seven days of this resolution being accepted by Council.

*Councillor Hampton left the chamber at 10.00pm.*

*Councillor Hampton returned to the chamber at 10.02pm.*

*Councillor Mayer left the chamber at 10.02pm.*

*Councillor Mayer returned to the chamber at 10.06pm.*

**Motion be put****Moved: Councillor Mayer****Seconded: Councillor McCormack**

That the motion be put.

**Carried**

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

Against the Motion: Cr Bolam

**The motion was then put****and Carried**

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

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

**13.10NOM 1333 - Enquiry to Wells Street Lighting**

*(VR Chief Executive Office)*

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

That an immediate and a full enquiry be made into the special effect lighting in Wells Street and that a working party be established comprising the Mayor, CEO and interested Councillors who will work harmoniously together to oversee the project to achieve a satisfactory outcome.

**Carried**

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

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



**13.11NOM 1334 - Recognition of Indigenous Australians in Frankston and Australia-Wide**

(VR Chief Executive Office)

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

1. That a report be provided at the September Ordinary Meeting providing a road-map for the introduction and implementation of a Frankston City 'Reconciliation Action Plan'. The report should explore costs, the prioritisation of tasks within any 'action plan', comparisons to/of other similar 'action plans' in effect throughout Victoria and how to better improve dialogue with Indigenous Australians within the Frankston municipality;
2. That Frankston City Council writes to the Prime Minister of Australia, The Hon. Malcolm Turnbull, Opposition Leader, The Hon. Bill Shorten, Dunkley MP, Chris Crewther, Isaacs MP The Hon. Mark Dreyfus QC, as well as Victoria's twelve federal senators, formally expressing support for the recognition of Aboriginal and Torres Strait Islander people in the Australian Constitution. Frankston City Council calls on the Parliament of Australia to allow a national referendum to be conducted to determine nation-wide sentiments on this matter; and
3. That Frankston City Council writes to the Premier of Victoria, The Hon. Daniel Andrews, Opposition Leader of Victoria, The Hon. Matthew Guy, Frankston MP Paul Edbrooke, Carrum MP Sonya Kilkenny and Hastings MP Neale Burgess requesting them to join Frankston City Council in lobbying their federal counterparts in relation to the previous directive (support for the recognition of Aboriginal and Torres Strait Islander people in the Australian Constitution)

**Carried Unanimously**

**14. LATE REPORTS**

Nil.

Chairperson's initials





**15. URGENT BUSINESS**

**Urgent Business – Langwarrin Soccer Club**

**Council Decision**

**Moved: Councillor Hampton**

**Seconded: Councillor Aitken**

That the matter of the Langwarrin Soccer Club be accepted as urgent business.

**Carried Unanimously**

**Council Decision**

**Moved: Councillor Hampton**

**Seconded: Councillor Aitken**

That a Letter of Support be sent to the Langwarrin Soccer Club in their push to Division One of the National Premier League.

**Carried Unanimously**

**16. CONFIDENTIAL ITEMS****Council Decision****Moved: Councillor Mayer****Seconded: Councillor O'Connor**

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 Remuneration of Audit and Risk Management Committee Members**

Agenda Item C.1 Remuneration of Audit and Risk Management Committee Members 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 Frankston District Basketball Association Update**

Agenda Item C.2 Frankston District Basketball Association Update is designated confidential as it relates to proposed developments (s89 2e)

**Carried Unanimously**

**17. OUTCOME OF CONSIDERATION OF CERTAIN CONFIDENTIAL ITEMS****C.1. Remuneration of Audit and Risk Management Committee Members  
(considered at OM302 – 13 June 2017)****Council Decision****Moved: Councillor Mayer****Seconded: Councillor O'Reilly**

That:

1. The remuneration for Ordinary Members and the Chairperson be increased by CPI on an annual basis, effective from 1 July 2017 for a three year period.
2. It be left to the Members discretion as to whether they are paid annually in arrears or pro-rated after each meeting, with each Member required to provide an invoice.
3. The resolution be incorporated into the public minutes of this meeting.

*The motion was put and Carried Unanimously*

*The meeting was closed to the public at 10.22 pm*

CONFIRMED THIS

DAY OF

2017

.....  
CHAIRPERSON

**AUTHORITY TO STAMP INITIALS ON MINUTES**

I, Cr. Brian Cunial, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Tuesday 13 June 2017, confirmed on Monday 3 July 2017.

.....  
(Cr. Brian Cunial, Chairperson – Council Meeting)

Dated this

day of

2017