



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON  
ON 19 FEBRUARY 2018 at 7PM**

PRESENT	Cr. Colin Hampton (Mayor) Cr. Sandra Mayer Cr. Glenn Aitken Cr. Brian Cunial Cr. Michael O'Reilly Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam Cr. Lillian O'Connor
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	Mr. Dennis Hovenden, Chief Executive Officer Mr. Tim Frederico, Director Corporate Development Dr. Gillian Kay, Director Communities Development Mr. Phil Cantillon, Director Community Assets Mr. Stuart Caldwell, Acting Manager Planning & Environment Ms. Kristen Thomson, Communications Officer Media Ms. Michelle Tipton, Coordinator Council Business Support Ms. Lynne Curtis, Coordinator Service Delivery Ms. Vera Roberts, Executive Assistant to Mayor
EXTERNAL REPRESENTATIVES:	Ms. Prue Digby, Municipal Monitor


### 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**

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

**ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

Councillor Mayer 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.

*The Mayor acknowledged Ms Prue Digby, Municipal Monitor  
who was present in the Chamber.*

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**1. PRESENTATION TO COMMUNITY GROUPS**

Cr Bolam presented a Certificate of Appreciation for Donation Chain Inc for their work meeting the needs of basic hygiene needs of homeless people in the community.

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

Ordinary Meeting No. OM1 held on 29 January 2018.

**Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor O'Connor**

That the minutes of the Ordinary Meeting No. OM1 held on 29 January 2018 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**

The CEO, Mr Hovenden declared a conflict of interest in Item C.3 Proposed Works at Frankston Football Club as he is a member of the board. Mr Hovenden will leave the chamber during debate and voting.

Mr Frederico, Director Corporate Development declared a conflict of interest in Item C.3: Proposed Works at Frankston Football Club as he is a member of the board. Mr Frederico will leave the chamber during debate and voting.

**5. PUBLIC QUESTION TIME**

Nil.

**6. HEARING OF PUBLIC SUBMISSIONS**

Nil.

**7. ITEMS BROUGHT FORWARD****Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor Cunial**

That Item 13.1: Response to NOM 1254 - Pines Men's Shed Heating be brought forward.

**Carried Unanimously**

**8. PRESENTATIONS / AWARDS**

On Sunday 11 February 2018, Frankston City hosted the Queen Baton Relay where 19 baton bearers from the South East region participated in this historical event. The Mayor was presented a Souvenir Baton by Nancy Marnaro from Gold Coast 2018 Commonwealth Games Corporation to thank the city for their involvement. The Mayor thanked all the staff, SES and police who managed this event on the day.

*Cr Toms acknowledged that Ms Hilary Poad, the 2018 Senior Citizen of the Year, was present in the gallery.*

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

Nil

**10. DELEGATES' REPORTS**

Nil

**ITEMS BROUGHT FORWARD****13.1 Response to NOM 1254 - Pines Men's Shed Heating**

*(BD Community Development)*

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

That Council notes:

1. Letters have been sent to State and Federal Governments seeking funding assistance to enable installation of heating and cooling; and
2. Working group has been formed and will continue to meet to explore effective alternative cooling options; and
3. A meeting of the working group take place within a fortnight from today's date.

**Carried Unanimously**



## 11. CONSIDERATION OF TOWN PLANNING REPORTS

### 11.1 Town Planning Application 393/2017/P - 47 Dandenong Road East, Frankston, 3199 - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)

(SC Community Development)

#### Council Decision

**Moved: Councillor Toms**

**Seconded: Councillor O'Reilly**

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 393/2017/P for the construction of one (1) single storey dwelling to the rear of an existing dwelling (two (2) dwellings) at 47 Dandenong Road East, 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) 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 Tree Assessment Report prepared by Darren McLeod of Landscapes by Design in Dec 2016 and clearly state whether the tree is to be retained or removed to the satisfaction of the Responsible Authority.
  - (b) 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.
  - (c) Tree protection conditions noted in accordance with Conditions 3, 4 and 5.
  - (d) A Landscape Plan in accordance with Condition 8.
  - (f) Notation on all relevant plans that the driveway is to be constructed in accordance with condition 7.
  - (g) The height of the northern boundary fence to be specified and to be to minimum height of 1.9 metres in order to comply with Standard B22.
  - (h) Corner splays shown at the crossover measuring at least 2.0m along the frontage road in both directions and 2.5m into the site being at least 50% clear of visual obstructions.
  - (i) The height of the fence on either side of the access way to be a maximum height of 0.9 for a length of 2.5 metres into the site.

#### **No Alterations**

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

**Tree Protection**

3. 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.
4. 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 a radius of 2m (tree 10), 2m (tree 13), 4.3m (tree 14), 2.2m (tree 16), 2m (tree 17), 2m (tree 18) and 2m (tree 19) from the trunk numbered 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.
5. The tree protection fence must remain in place for the duration of building and works to the satisfaction of the Responsible Authority

**Ground Protection**

6. Prior to the commencement of construction the following tree protection conditions apply within the identified Tree Protection Zones for trees being retained 10, 13, 14, 16 – 19 as identified in the arborist report prepared by Darren McLeod of Landscapes by Design in Dec 2016. All tree protection conditions must be undertaken to the satisfaction of the Responsible Authority.
  - a) No excavation works are permitted for the construction of the driveway.
  - b) The existing driveway is to be removed by hand with works overseen by a suitably qualified and experienced Arborist.
  - c) To avoid compaction and damage to the tree trees a layer of organic mulch 200 mm thick must be laid with rumble planks/ crossing planks laid above the mulch prior to any construction vehicles accessing the site. This ground protection is to be maintained until the construction of the new driveway is completed.

- d) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.
- e) No storage of equipment, machinery or material is to occur.
- f) 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.
- g) 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 closest point appropriate to the tree / at the property fence line if the existing property boundary fencing is to be removed. If no fencing can be safely erected then trunk and limb protection must be installed as per the Australian Standard AS 4970-2009 Protection of trees on development sites
- h) If machinery is used to remove existing structures, concrete, bricks or other materials it must be located outside of the defined Tree Protection Zones with ONLY the main arm of the machine reaching into this Zone.

#### **Driveway Construction**

- 7. The driveway must be constructed above the existing soil grade and be root sensitive permeable paving such as 'on-ground' or 'no-dig' paving (or similar) are to be used where any part of the proposed paving comes within a 2m radius of the Callistemon 'King Park Special (tree 10) sited in the neighbouring property to the north.

#### **Landscaping**

- 8. Before the commencement of buildings and works, a landscape plan in accordance with the submitted development plan, prepared by a suitably qualified landscape professional must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - (a) a survey (including botanical names) of all existing vegetation on the site and those located within three (3) metres of the boundary of the site on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is proposed to be retained and/or removed;
  - (b) buildings on neighbouring properties within three metres of the boundary;
  - (c) the delineation and details of surface finishes of all garden beds, grassed areas, pathways, driveways, retaining walls and other landscape works including areas of cut and fill throughout the development site;
  - (d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
  - (e) a range of plant types from ground covers to large shrubs and trees;
  - (f) landscaping and planting within all open areas of the site
  - (g) adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);

- (h) the provision of screen planting (minimum mature height of 1.5m) within a landscape strip of 60cm at the interface of the property boundary and driveway
- (i) A planting theme of a minimum 20% indigenous and 40% native within each plant group;
- (j) All existing environmental weed species are to be removed from the site and environmental and noxious weeds found in the 'Sustainable Gardening in Frankston City' (2015) booklet are not to be planted.
- (k) The provision of suitable canopy trees (minimum two metres tall when planted) in the areas specified below (trees are not to be sited over easements) with species chosen to be approved by the Responsible Authority;;
  - (i) Two (2) within the front setback, one of minimum mature height of 10m and the second minimum mature height 5
  - (ii) One (1) between the dwellings minimum mature height 5m
  - (iii) One (1) within the private open space of dwelling 2 minimum mature height 5m
  - (l) the provision of notes on the landscape plan regarding site preparation, including in-ground irrigation system to be provided to all landscaped areas, removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.

#### **Prior to Occupation**

9. 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.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged trees are to be replaced.

#### **Melbourne Water**

11. Finished floor levels of the dwelling must be constructed no lower than 4.49 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level of 4.19 metres to AHD.
12. Finished surface level of the garage can be constructed no lower than 4.34 metres to Australian Height Datum (AHD) which is 150mm above the applicable flood level of 4.19 metres to AHD.
13. The area outside the building envelope within the front setback of the existing dwelling must be maintained at existing surface levels. No filling of the property is permitted within this area.
14. All fences within the front setback of the existing dwelling must be of an open style design (50% open) so as to ensure that overland flooding can still flow through the site during a significant event.

#### **Drainage**

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

16. Prior to commencement of development construction detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority.
17. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not 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.
18. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
19. Prior to occupation of the dwellings hereby permitted by this permit starts, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be:
  - a. Constructed to the satisfaction of the Responsible Authority;
  - b. Properly formed to such levels that they can be used in accordance with the plans;
  - c. Surfaced with an all-weather sealcoat; and
  - d. Drained and maintained to the satisfaction of the Responsible Authority.
  - e. 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.

### **Completion of Buildings and Works**

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:
- The development has not started within two (2) years of the date of this permit.
  - The development is not completed within four (4) years of the date of this permit.

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

### **Permit Notes**

#### **A. Asset Protection Permit**

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.

#### **B. Extension of Time**

Section 69 of the Planning and Environment Act, 1987 provides that before the permit expires or within 6 months afterwards, the owner or occupier of the land to which the permit applies may ask the responsible authority for an extension of time. Please note, 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.

Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.

#### **C. Variation to Planning Permit**

Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.

#### **D. Street Numbering**

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 applicants responsibility to ensure all owners are notified of the allocated street numbering.

**Carried Unanimously**

**12. CONSIDERATION OF REPORTS OF OFFICERS****12.1 Record of Assemblies of Councillors**

*(DH Chief Executive Office)*

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

That Council receives the following written records:

- 27 November 2017 (Councillor Briefing);
- 4 December 2017 (Councillor Briefing);
- 6 December 2017 (Councillor Briefing);
- 11 December 2017 (Pre Agenda for 11 December Council Meeting);
- 20 December 2017 (Councillor Briefing);
- 15 January 2018 (Councillor Briefing);
- 22 January 2018 (Councillor Briefing);
- 29 January 2018 (Pre Agenda for 2018/OM1); and
- 5 February 2018 (Councillor Briefing).

**Carried Unanimously**



**12.2 Resolution Progress Update**

*(MC Corporate Development)*

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

That Council:

1. Receives the Notices of Motion Report as at 19 February 2018.
2. Approves the archiving of the following Notices of Motion from the Notices of Motion Report:
  - NOM 1321 - Wells Street Lighting
  - NOM 1343 - Use of Microphones in Council Meetings
  - NOM 1346 - My Frankston App and Crime Stoppers
  - NOM 1360 - Frankston CSR and Corporate Stewardship
  - NOM 1372 - Biennial Staff Engagement Survey
  - NOM 1379 - Additional Food Safety Measures
  - NOM 1380 - Adding Value to Rates
  - NOM 1386 - Financial Literacy Assistance
  - NOM 1392 - Frankston Pines Soccer Club Redevelopment
3. Notes that since 16 January 2018, 15 resolutions have been completed, as detailed in the Notices of Motion Report.
4. Notes that the following report will not be presented back to Council by its advised date:
  - NOM1384 – Citywide Summit

**Carried Unanimously**



**12.3 2018 National General Assembly of Local Government from 17 to 20 June 2018 - Canberra ACT**

*(DH Chief Executive Office)*

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

That:

1. Council endorses the decision to register the Mayor, Cr Colin Hampton and Cr Steve Toms to attend the National General Assembly held from 17 to 20 June 2018 in Canberra;
2. Other interested Councillors and the Chief Executive Officer's appropriate officer (if required) be registered to attend the National General Assembly held from 17 to 20 June 2018 in Canberra;
3. Expenditure for each attending Councillor and Chief Executive Officer's appropriate officer is approved.
4. Attending Councillors and Chief Executive Officer's appropriate officer also participate in any meetings relating to Council's Advocacy Strategy and South East Melbourne's groups' Regional Plan objectives with Federal Ministers and Federal Shadow Ministers.
5. Council endorses the suggested motions presented and the attending Councillor(s) present the motions at the conference accordingly.

**Carried Unanimously**

**12.4 December 2017 Quarterly Council Plan Performance Report**

*(BA Corporate Development)*

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

That Council receives and notes the Quarterly Council Plan Performance Report for quarter two, October to December 2017.

**Carried Unanimously**

**12.5 December 2017 Quarterly Financial Report**

*(KJ Corporate Development)*

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

That Council receives and notes the Council Financial Report for the quarter ended 31 December 2017.

**Carried Unanimously**

**12.6 Appointment and Authorisation of Council Staff**

*(MC Corporate Development)*

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

That:

1. Pursuant to section 147(4) of *the Planning and Environment Act 1987* ('Act') Council appoints the officers listed in the confidential attachments to be authorised officers for the purposes of enforcing the Act and the regulations made under the Act.
2. The Instrument of Appointment and Authorisation in respect of each of the officers listed be signed and sealed.

**Carried Unanimously**

**12.7 South East Councils Climate Change Alliance (SECCCA) membership**  
(SC Community Development)**Council Decision****Moved: Councillor Toms****Seconded: Councillor Mayer**

That:

1. Council resolves to re-join the South East Councils Climate Change Alliance (SECCCA); and
2. An amount of \$16,000 be allocated to the 2018-2019 Annual Budget process for consideration to cover the annual membership fee, with in-kind contribution of officer time supplied from existing staff resources.
3. Council evaluates value return for monies spent prior to recommitting in the 2019/2020 budget.

*In accordance with Section 41(3) of the Governance Local Law No 1, Cr Bolam foreshadowed an alternate motion.*

**Extension of Time****Moved: Councillor Cunial****Seconded: Councillor Aitken**

That Cr Bolam be granted an extension of time.

**Carried Unanimously**

*Councillor Bolam left the chamber at 7:44 pm.*

*Councillor Bolam returned to the chamber at 7:45 pm.*

**The Motion was then put  
and Lost**

For the Motion: Crs Aitken, Mayer and Toms

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

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

1. That Council resolves to not re-join the South East Councils Climate Change Alliance on the basis that:
  - a) Other external organisations, and indeed internal departments within the Frankston City Council, already perform similar tasks relative to reducing the municipality's contribution to climate change;
  - b) The membership cost (\$16,000 pa), combined with the in-kind support required of the Frankston City Council (anticipated to be up to \$18,000 pa) has also contributed to this decision; and
2. The Alliance be invited to re-approach Frankston City Council for membership in twelve months; and must articulate how re-joining will particularly benefit the Frankston municipality.

**Carried**

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

Against the Motion: Crs Aitken, Mayer and Toms

Chairperson's initials



**12.8 Biodiversity Policy - Consultation Summary**

*(SC Community Development)*

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

That Council:

1. Notes the submissions received and subsequent changes to the draft document.
2. Adopts the final Biodiversity Policy.
3. Delegates the signing of the policy to the Mayor and CEO.

**Carried Unanimously**

**12.9 Centralised Annual Valuations for Victoria**

*(KJ Corporate Development)*

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

That Council endorse the recommendation to opt-in to the centralised annual valuations process for rating and taxation purposes with the Valuer-General commencing 1 July 2018.

**Carried**

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

Against the Motion: Cr Hampton

**12.10 Capital Works Program Management**

*(LU Community Assets)*

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

That Council notes the report and endorses the amendments to Capital Works Program Management that will enhance capital works governance and ensure robust checks and balances processes that will result in successful community outcomes via capital project delivery.

**Carried Unanimously**



**12.11 Capital Works Quarterly Report - Q2 - October - December 2017/18**

(LU Community Assets)

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

That Council

1. Notes the quarterly progress report (October–December 2017) for the 2017/18 Capital Works Program; and
2. Notes that a benchmarking exercise by Council officers to review Frankston City Council's delivery of capital works during 2016/17 is currently underway and that the outcome of this review will be presented to Council at its Ordinary on 13 March 2018.

**Carried Unanimously**

**12.12 Review of Occupancy Fees for Council Owned Public Space**

*(DD Community Assets)*

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

That Council:

1. Notes the review of Occupancy Fees for Occupancy of Council Owned Public Space.
2. Continues the approved schedule of Fees and Charges at \$6.00 and \$4.00 per square metre per week for commercial developments within and outside the FMAC respectively.

**Carried Unanimously**

**12.13 Award of Contract 2017/18-67 - Warrandyte Road Construction (southern section) - Golf Links Road to 440 metres North, Langwarrin South - Seeking Council delegation to Chief Executive Officer to award Tender and enter into Contract**

*(VG Community Assets)*

**Council Decision**

**Moved: Councillor Toms**

**Seconded: Councillor O'Reilly**

That:

1. Notes the update in relation to the proposed construction of southern section of Warrandyte Road from Golf Links Road to approximately 440 metres north, Langwarrin South.
2. Council delegate the authority to the Chief Executive Officer to accept a tender and enter into a contract for the construction of southern section of Warrandyte Road, Langwarrin South under Contract 2017/18-67, subject to following conditions.
  - a. The recommended tender sum being within or plus ten percent (10%) of the allocated FY2017/18 Capital Works Budget of \$760,000 excluding GST.
  - b. Report to be presented to Council at its meeting on 23 April 2018 to note the details of award of tender for the Contract 2017/18-67 under the delegation. Report to also include details of the tender evaluation process.

**Carried Unanimously**

**12.14 Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions -  
October, November, December 2017**

*(LD Community Development)*

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

That Council notes the funding allocations made under delegated powers, relating to grants in the Miscellaneous Grants Program, and community concessions and discounts in the Frankston Arts Centre.

**Carried Unanimously**

**13. RESPONSE TO NOTICES OF MOTION****13.2 Response to NOM 1389 - Ballam Park Precinct Improvements**

*(VG Community Assets)*

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

That Council notes this interim report and that a further update in relation to the upgrade/repairs at the Ballam Park Homestead and additional resources at Ballam Park will be provided to Council at its meeting on 14 May 2018.

**Carried Unanimously**

**13.3 Response to NOM 1390 - Exploration of Local Laws**

(LR Community Development)

**Recommendation (Director Community Development)**

That Council:

1. Receives the report.
2. Notes the current, relevant provisions under the *General Local Law 2016 - No. 8* as identified in Attachment A.
3. Supports:
  - a. Continuing to regulate irresponsible driving under the Road Safety Act 1986; and
  - b. Retaining the existing provisions of the General Local Law 2016 No. 8 with regard to:
    - i. Interference from adjoining property
    - ii. Interference with Council assets
    - iii. Noise from vehicle sound equipment
    - iv. Consumption and possession of liquor
    - v. Behaviour in a Municipal Place or on Council land
    - vi. Direction by an Authorised Officer in a Municipal Place or on Council land
    - vii. Abandoned or derelict vehicles
    - viii. Vehicles in a public place
    - ix. Controlling the use of powered aeronautic devices on/from public areas.
  - c. Incorporating disclosure to the public of the outcome of public auctions, relating to abandoned vehicles through the administrative procedures.
  - d. Notes a separate briefing of Councillors is scheduled to review current procedures to address noise and nuisance “party houses” and opportunities to explore further enforcement action.

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Aitken**

That Council:

1. Receives the report.
2. Notes the current, relevant provisions under the *General Local Law 2016 - No. 8* as identified in Attachment A.
3. Supports:
  - a. Continuing to regulate irresponsible driving under the Road Safety Act 1986; and
  - b. Retaining the existing provisions of the General Local Law 2016 No. 8 with regard to:
    - i. Interference from adjoining property
    - ii. Interference with Council assets

- iii. Noise from vehicle sound equipment
  - iv. Consumption and possession of liquor
  - v. Behaviour in a Municipal Place or on Council land
  - vi. Direction by an Authorised Officer in a Municipal Place or on Council land
  - vii. Abandoned or derelict vehicles
  - viii. Vehicles in a public place
  - ix. Controlling the use of powered aeronautic devices on/from public areas.
- c. Incorporating disclosure to the public of the outcome of public auctions relating to abandoned vehicles through the administration procedures. The public is to be given ample notice of such auctions and their subsequent outcomes (including where the monies will be allocated in the context of defined benefits). This notification is to be via existing paid advertising, in the Frankston City News publication (where it can be accommodated) and on the Frankston City Council Website.
- d. Notes a separate briefing of Councillors is scheduled to review current procedures to address noise and nuisance “party houses” and opportunities to explore further enforcement action. A report is to be provided at the April Ordinary Meeting on the recommended course of action in response to this issue. This response should be meaningful and seek to address the crux of this emerging problem (from both a planning and enforcement perspective).
- e. That either a briefing or memorandum is to be provided to Council if the illegal use of drone technology on public land is to precipitously increase in volume.

**Carried Unanimously**

*The meeting was adjourned at 8.10 pm*

*The meeting resumed at 8.16 pm*

**14. NOTICES OF MOTION****14.1 2018/NOM4 - Emergency Grants**

*(AC Chief Executive Office)*

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

That the Chief Executive Officer is to provide a report to Council at the April 2018 Ordinary Meeting, in light of the recent out-of-budget funding request from Life-Gate Inc., regarding a process for community groups and sporting clubs to make (where there is a necessitated need) 'emergency' or 'urgent' funding requests to Council outside of the budget process via a defined funding pool.

The report is to:

1. Consider other active models that could be modified to a Frankston City Council version (i.e. Kingston City Council's 'Quick Grants' process);
2. What constitutes an 'emergency' and/or 'urgent' grant;
3. Consider an appropriate ceiling for individual grants; and
4. Consider a sufficient overall annual allocation for 'Emergency Grants'.

The report is to provide a recommended model and/or options to be incorporated in the 2018/2019 Budget and thereafter.

**Carried Unanimously**

*The Mayor noted that the former Councillor and Mayor, James Dooley is present in the gallery*



**14.2 2018/NOM5 - Rescission Motion - Commercial Foreshore Parking Permits**

(VR Chief Executive Office)

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

Cr O'Reilly, Cr Cunial and Cr Hampton, hereby give notice that at the next appropriate meeting of Frankston City Council that they will move that the following decision of Council made at Ordinary Meeting 2018/OM1 held on Monday 29 January 2018 regarding Item 12.8: Commercial Foreshore Parking Permits be rescinded:

*That Council:*

1. *Notes the current Foreshore Parking Permit Guidelines which were to assist with easing congestion in foreshore carparks, are due for review in 2019.*
2. *Notes the issuing of additional permits to all commercial ratepayers is estimated to be \$85K per annum comprising \$70K loss of revenue and \$15K printing and postage of permits.*
3. *Approves issuing up to 2 foreshore parking permits to commercial ratepayers who live outside the Frankston municipality, subject to the following conditions:*
  - a) *That permits would be applied for online providing ABN Registration details, and*
  - b) *The registration number of the vehicle utilising the permit must be provided with their application and displayed on the permit*

**Extension of Time****Moved: Councillor Mayer****Seconded: Councillor Cunial**

That Cr O'Reilly be granted an extension of time.

**Carried Unanimously**

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

That Cr Bolam be granted an extension of time.

**Carried Unanimously**

*Councillor Mayer left the chamber at 8:54 pm.*

*Councillor Mayer returned to the chamber at 8:56 pm.*

**Motion of Dissent****Moved: Councillor Aitken****Seconded: Councillor Bolam**

That the Chair's ruling not to evaluate a councillors point of order without hearing what the point of order is, be dissented from.

*The Mayor vacated the Chair.*

*The Deputy Mayor assumed the Chair.*

Chairperson's initials



*In accordance with Section 65(3) of the Governance Local Law No 1, the Deputy Mayor invited Cr Aitken to state the reasons for his dissent.*

Cr Aitken stated "The reason I have called the motion of dissent is because the Mayor in his ruling attempted to disallow a Councillor from expressing a point of order. It is impossible, Madam Chair, to be able to evaluate a point of order until you have heard it. Therefore that would be considered unreasonable by any fair person in our community. One has to hear a point of order before one can make any ruling."

*In accordance with Section 65, 3 of the Governance Local Law No 1, the Deputy Mayor invited the Mayor to respond.*

The Mayor stated "I did hear the first 15 seconds of the point of order. I heard the first 15 seconds of the point of order and I evaluated just from that a point in order in itself, it was just an interruption to debate which I also raised earlier on in the meeting, that Councillors were using points of order to interrupt other Councillors when they were debating. So Madam Chair that is why I ruled the way I did."

### **General Motion**

**Moved: Councillor Aitken**

**Seconded: Councillor Bolam**

That the Chair's ruling be dissented from.

**Lost**

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

*The Motion of dissent was defeated.*

*The Mayor resumed the Chair and the Meeting proceeded.*

### **The Rescission Motion was then Put and Carried**

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

**14.3 2018/NOM6 - Letter to the Minister regarding Level Crossing Removal Projects**

(MT Chief Executive Office)

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

That in light of the fact that no funding packages have been made available to communities and businesses affected by the Level Crossing Removal at Skye/Overton Road, the closure of Eel Race Road, and the government's decision to locate a new train stabling facility at Kananook, that Council write to the Minister for Public Transport, the Hon. Jacinta Allan MP, to call for a consistent approach to the provision of funding to communities and businesses affected by Level Crossing Removal Projects (defined community benefit/compensation).

The letter should also include a request that all crossing removal projects should incorporate a common protocol for asset ownership and maintenance to ensure consistency and equity for all local government areas impacted by Level Crossing Removal.

**Carried Unanimously**

*Councillor Toms left the chamber at 9:19 pm.*

*Councillor Toms returned to the chamber at 9:21 pm.*

**15. LATE REPORTS**

Nil.

**16. URGENT BUSINESS****Urgent Business****Council Decision****Moved: Councillor Bolam****Seconded: Councillor Cunial**

That the matter of Public Transport Deficiencies be accepted as urgent business.

**Carried Unanimously**

**Urgent Business - Public Transport Deficiencies****Council Decision****Moved: Councillor Bolam****Seconded: Councillor Cunial**

That:

1. Council, given the recent revelation that Frankston has the worst cancellation and delay rates of any train line on the Victorian public transport system, writes to the State Government and Opposition:
  - a) Expressing dismay and concern with these recently released figures in relation to the poor performance of public transport reliability on the Frankston line;
  - b) Compensation to affected Frankston-line commuters for ongoing service delays;
  - c) Seeking an increase in express services given the voluminous amount of railway stations on the Frankston line, and the ongoing increase in rail commuters on the Frankston line;
  - d) Clarity on when the 'City Loop' access will be reinstated for Frankston line commuters; and
  - e) Detail on the punctuality, safety and comfort relative to replacement buses (to replace trains) during Level Crossing Removal works on the Frankston line

Council is to note, in writing to the State Government and Opposition, that it raised similar concerns about the Frankston line (NOM1246 – 19 December 2016). Therefore, Council requires a thorough and in-depth assurance that measures are going to be implemented to mitigate both cancellations and delays on the Frankston line into the future.
2. Council, in consultation with its Disability Access and Inclusion Committee, writes to the State Government and Opposition, seeking greater detail regarding disability access for those that are immobilised (i.e. reliant upon the use of wheel-chairs, mobilised scooters etc.), during works on the Frankston line which will see an increased use of buses over trains.

3. Council, in consultation with Disability Access and Inclusion Committee, is to request the State Government, and the Opposition, for the installation of a disability elevator (as is practiced at various railway stations such as Footscray Railway Station and Westall Railway Station) at Kananook Railway Station to cater for those with disabilities and/or physical challenges.

**Carried Unanimously**

### **Urgent Business**

#### **Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor Toms**

That the matter of Removal Native Vegetation at Seaford Rd Crossing be accepted as urgent business.

**Carried**

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

Against the Motion: Crs Cunial and O'Reilly

### **Urgent Business - Removal Native Vegetation at Seaford Rd Crossing**

#### **Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor Toms**

Council advise LXRA that the native vegetation removal at the Seaford Road crossing is a sensitive issue in our community. Council requests that the reasonable preservation of native vegetation be a high priority.

**Carried Unanimously**

## 17. CONFIDENTIAL ITEMS

### Recommendation

#### ***Cr Cunial moved to close the meeting to the public***

That the Ordinary Council Meeting be closed to the public to discuss the following Agenda items and all documents associated with the consideration and discussion of it, that are designated confidential information by me, pursuant to Section 77(2)(c) of the Local Government Act 1989 (the Act) on the following grounds:

#### **C.1 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 Outcomes of the Audit and Risk Management Committee meetings**

Agenda Item C.2 Outcomes of the Audit and Risk Management Committee meetings 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 Proposed Works at Frankston Football Club**

Agenda Item C.3 Proposed Works at Frankston Football Club is designated confidential as it relates to contractual matters (s89 2d)

#### **C.4 Award of Contract 2017/18-55 – Centenary Park Multipurpose Sporting Complex Design Services**

Agenda Item C.4 Award of Contract 2017/18-55 – Centenary Park Multipurpose Sporting Complex Design Services is designated confidential as it relates to contractual matters (s89 2d)

#### **C.5 Nomination of Youth Mayor for 2018**

Agenda Item C.5 Nomination of Youth Mayor for 2018 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.6 Issuing Small Business Grants**

Agenda Item C.6 Issuing Small Business Grants is designated confidential as it relates to contractual matters (s89 2d)



.....  
Signed by the CEO

Chairperson's initials



**18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS****C.1 Interim Parking Options for PARC (considered at OM305 – 14 August 2017)**

*In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (h) 'any other matter which the Council or special committee considers would prejudice the Council or any person'.*

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

That:

1. Council undertakes the procedures set out in the *Land Acquisition and Compensation Act 1986* ('Act') to compulsorily acquire 16 Cranbourne Road to allow construction of dedicated car parks for PARC use.
2. Council authorise its Chief Executive Officer to act on Council's behalf to:
  - (a) complete and execute all relevant documents in relation to the compulsory acquisition of the property described in paragraph 1 above, by Council; and
  - (b) negotiate and pay compensation to those persons whose interest in the property is acquired in accordance with the Act.
  - (c) Provide regular updates to Council on the progress of the implementation of Council's resolution.
3. Additional car parks are constructed in Quality Street, which together with existing Quality Street car parks, are dedicated for PARC use.
5. Council and Peninsula Leisure investigate options for funding the recommended additional car parks.
6. As a priority, Council and PARC investigate longer term options for providing additional permanent dedicated PARC parking.
7. This report and resolution remain confidential until completion of the compulsory acquisition process.

*The motion was put and Carried*

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

That:

4. Thirteen car parks are constructed in front of PARC entrance.

*The motion was put and Carried*

**C.1 Sale of Council Land - Part of 1R Yuille Street Frankston (Relocation of the Frankston Tennis Club and Other Matters) (considered at OM306 – 4 September 2017)**

*In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) 'contractual matters'.*

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

That:

1. Council, in consideration that the Frankston Hospital expansion will provide significant community benefit, agrees to sell the land at 1R Yuille Street Frankston, being Lot 1 TP618748 Volume 2532 Folio 296 and Lot 1 TP599261 Volume 2532 Folio 297, to Peninsula Health for the sum of \$1.505 million;
2. Council acknowledges the sale is to occur without public consultation in accordance with section 191(1)(e) of the Local Government Act 1989;
3. The Contract of Sale and transfer documentation be signed and sealed;
4. The Deed of Surrender of Lease for the Frankston Tennis Club in respect of the land at 1R Yuille Street Frankston, be signed and sealed;
5. The Chief Executive Officer be authorised to sign any other document required to achieve the administrative procedures in respect of Council's commitments under the Memorandums of Understanding with Peninsula Health, the Frankston Tennis Club, and the Frankston East Tennis Club;
6. That the report and recommendation remain in closed Council until the completion of the sale of land to Peninsula Health.

*The motion was put and Carried*

**C.2 Compulsory Acquisition of Council Land by Vic Roads - Part of 45R Wedge Road Carrum Downs (considered at OM310 – 11 December 2017)**

*In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) 'contractual matters'.*

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

That:

1. The compensation offer in the amount of \$52,000 in respect of the Vic Roads acquisition of part 45R Wedge Road Carrum Downs, be accepted.
2. The Chief Executive Officer be authorised to sign the Response to Offer.
3. The Deed of Release be signed and sealed.
4. The Chief Executive Officer be authorised to sign any further document required to finalise the matter.
5. The report and recommendation be released once the compensation has been received by Council.

*The motion was put and Carried*



**C.6 Peninsula Leisure Pty Ltd Company Matters (considered at OM1 – 29 January 2018)**

*In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) 'contractual matters'.*

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

That Council:

1. Notes the decision it took at its meeting on 22 May 2017, limiting the business activities to its core obligation, that being the management of PARC and the Pines Pool;
2. Notwithstanding this decision, supports Peninsula Leisure Pty. Ltd. lodging an Expression of Interest for Golf Services and/or course maintenance services (Contract 2017/2018 – 66) for the Centenary Park Golf Course;
3. Advises Peninsula Leisure Pty. Ltd. that, upon receipt of a written request, Council will consider allowing it to tender / bid for other contracts on a case by case basis;
4. Requests the Chief Executive Officer to advise Peninsula Leisure Pty. Ltd. of its decision as soon as possible;
5. Notes the Mayor, Cr Hampton's wish to stand aside as Council's representative on the Board of Peninsula Leisure Pty. Ltd. for the period of its involvement in the contract for the golf course, and appoints Cr Cunial as its substitute nominee as Council's representative on the Board of Peninsula Leisure Pty. Ltd.
6. Releases this resolution only following the completion of Peninsula Leisure's involvement in the Golf Course contract process.

*The motion was put and Carried*

**C.1 Appointment of Chairperson to the Audit and Risk Management Committee (considered at this meeting)**

*In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (h) 'any other matter which the Council or special committee considers would prejudice the Council or any person'.*

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

That:

1. Council resolves to reappoint Mr. Neil Greenaway to the position of Chairperson until 31 January 2019; and
2. The resolution be incorporated in the public minutes of this Meeting.

*The motion was put and Carried*

**C.3 Proposed Works at Frankston Football Club (considered at this meeting)**

*In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) 'contractual matters'.*

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

That Council:

1. Notes the works intended to be completed by the Frankston Football Club at its sole cost to upgrade the upstairs Function Room Kitchen and downstairs Canteen by end March 2018, which will be supervised by Council officers given Council's ownership of the building;
2. Supports the additional compliance works to be undertaken by Council that upgrade the Social Room bar and provide additional storage in the upstairs Function Room, noting that these works which are estimated to cost \$30,000 can be funded from existing Council budgets in 2017/18.

*The motion was put and Carried*

**C.4 Award of Contract 2017/18-55 – Centenary Park Multipurpose Sporting Complex Design Services (considered at this meeting)**

*In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) 'contractual matters'.*

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

That Council resolves to:

1. Accept the revised tender offer from Mantric Architecture for the full design services of Option 1 (Tennis and Gymnastics combined) for \$680,272.00 excl. GST for Contract – Centenary Park Multipurpose Sporting Complex Design Service (Contract Number 2017/18-55) .
2. Authorise the Chief Executive Officer to Sign and seal the consultancy agreement noting the following:
  - That the Architect will commence Pre-Design and present to Council three (3) design options with indicative costs of each as follows:
    - (i) Option 1 – Gymnastics and Tennis combined;
    - (ii) Option 1a – Staged Version of Option 1: Tennis built now and Gymnastics built in the future;
    - (iii) Option 2 – Tennis only (no Gymnastics).
  - The Architect will proceed with the remaining design services once Council has approved one of the above options.
3. Release the recommendation (without commercially sensitive information) on execution of the Consultancy agreement.

*The motion was put and Carried*

*The meeting was closed to the public at 9.45 pm*

CONFIRMED THIS

DAY OF

2018

.....  
CHAIRPERSON

**AUTHORITY TO STAMP INITIALS ON MINUTES**

I, Cr. Colin Hampton, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday 19 February 2018, confirmed on Tuesday 14 March 2018.

.....  
(Cr. Colin Hampton, Chairperson – Council Meeting)

Dated this

day of

2018