



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 13 MARCH 2018 at 7.01PM**

PRESENT	Cr. Colin Hampton (Mayor) Cr. Sandra Mayer Cr. Glenn Aitken Cr. Brian Cunial Cr. Michael O'Reilly Cr. Quinn McCormack Cr. Kris Bolam Cr. Lillian O'Connor
APOLOGIES:	Cr. Steve Toms
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. Michael Papageorgiou, Manager Planning & Environment Ms. Michelle Tipton, Coordinator Council Business Support Ms. Vera Roberts, Executive Assistant to Mayor
EXTERNAL REPRESENTATIVES:	Ms. Prue Digby, Municipal Monitor


COUNCILLOR STATEMENT

Councillor McCormack 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 O'Reilly 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.

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1. PRESENTATION TO COMMUNITY GROUPS

The Mayor presented a Certificate of Appreciation from Campbell Page for Frankston City Council's valuable support towards making a difference in our communities.

The Mayor announced and introduced the Youth Mayor for 2018 – Mr Gerard Felipe.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM2 held on 19 February 2018.

Council Decision

Moved: Councillor Cunial

Seconded: Councillor O'Connor

That the minutes of the Ordinary Meeting No. OM2 held on 19 February 2018 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Cr Steve Toms gave notice of leave at the Ordinary Meeting OM1 – 29 January 2018 and is noted as an apology.

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

The CEO, Dennis Hovenden declared an interest on Item C1: Response to NOM 1377 - McClelland Gallery Interconnectedness and Peninsula Link. The CEO advised that he is a trustee/board member on McClelland Gallery and will leave the chamber during discussions and debate.

5. PUBLIC QUESTION TIME

Two (2) persons submitted questions with notice to Council. As the persons were not present in the Gallery, a written response will be provided.

Cr Kris Bolam left the chamber at 7.16 pm

Cr Kris Bolam returned to the chamber at 7.18 pm

Three (3) persons submitted questions without notice to Council. At the request of the Mayor, the Chief Executive Officer read the questions. The Chief Executive Officer will respond to all questions within seven (7) days.

6. HEARING OF PUBLIC SUBMISSIONS

Mr. Roland Abrahams made a submission to Council regarding Item 11.1: Planning Permit Application 166/2017/P – 46 Screen Street, Frankston;

Cr Quinn McCormack left the chamber at 7.22 pm

Cr Quinn McCormack returned to the chamber at 7.22 pm

Mr David Warne made a submission to Council regarding Item 11.2: Town Planning Application 430/2005/P/D - 49 and 102/325-335 Nepean Highway Frankston - To amend the permit by deleting Condition 4 requiring a Section 173 Agreement stating that "any dwelling must not be used as a principal place of residence".

7. ITEMS BROUGHT FORWARD

Nil

Chairperson's initials *C.A. Hampton*

8. PRESENTATIONS / AWARDS

Nil

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

10. DELEGATES' REPORTS

Nil

11. CONSIDERATION OF TOWN PLANNING REPORTS

11.1 Planning Permit Application 166/2017/P - 46 Screen Street, Frankston - To construct four (4) single storey dwellings

(MP Community Development)

Council Decision

Moved: Councillor Cunial

Seconded: Councillor O'Reilly

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 166/2017/P for the construction of four (4) single storey dwellings at 46 Screen Street, 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 (or some other specified plan) but modified to show:
 - (a) The crossover and the part of the driveway at the front of the site reduced to 3 metres in width and the provision of further landscaping.
 - (b) The clothes line and paving steps of dwelling 4 relocated to the west to allow for the provision of a canopy tree in the north-eastern corner and the paving steps of dwelling 3 relocated further south towards the dwelling to allow for the provision of a canopy tree.
 - (c) Fence heights to be shown on the elevations to ensure that no overlooking would occur to comply with Standard B22.
 - (d) Pedestrian sight splay shown for the northern and southern side of the proposed access way in accordance with Design Standard 1 of Clause 52.06-9 of the Frankston Planning Scheme.
 - (e) Modifications to the landscaping on the southern side of the access way to achieve adequate vehicle manoeuvrability from the western car space of dwelling 2 garage and modifications to the landscaping on the western side of the access way to achieve adequate vehicle manoeuvrability from the western car space of dwelling 4 garage.
 - (f) 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 Adam Hamilton dated January 2018 and clearly state whether the tree is to be retained or removed.
 - (g) 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.
 - (h) Tree protection conditions noted in accordance with Conditions 4, 5, 6, 7, 8 and 9.
 - (i) A Landscape Plan in accordance with Condition 11.
 - (j) A Tree Protection Plan in accordance with Condition 3.

Chairperson's initials 

- (k) Notation on all relevant plans that dwelling 3's paved area is to be constructed in accordance with Condition 10.

No Alterations

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

Tree Protection Management Plan

3. A Tree Protection Management Plan prepared in accordance with Frankston City Council's 'Arboricultural Report Writing Guide' must be submitted by a suitably qualified and experienced Arborist in relation to the management and maintenance of the trees, and must be approved by the Responsible Authority prior to the commencement of any works (including any demolition, levelling of the site, excavations, tree removal, delivery of building/construction materials and/or temporary buildings). The Tree Management Plan must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following (where relevant) ensuring that the trees remain healthy and viable during and following construction:
- (a) A site plan showing tree protection zones (TPZ) and structural root zones (SRZ), tree protection fence locations (any relocations required) and any areas where ground protection systems will be used;
 - (b) Restricted activities in the TPZ;
 - (c) Key supervision and monitoring stages of the development including pre-demolition, pre-construction, and post construction stages;
 - (d) Details of any TPZ encroachments including ;
 - a. Details of exploratory root investigation
 - b. Alternative construction techniques
 - c. Root pruning
 - d. Supervision
 - e. Details of any root pruning
 - (e) Methods for installation of services e.g.; sewerage, storm water, telecommunications, electricity etc;
 - (f) Remedial works as required including a detailed photographic diagram specifying what pruning will occur;
 - (g) Final Certification of Tree protection template. The Final Certification Report Template as required in the Tree Protection Management Plan must be completed and submitted to the satisfaction of the Responsible Authority before the 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

4. 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.

5. 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 9.6m (tree 2) and 3m (street tree) 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.

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 no. 2 and the street tree as identified in the arborist report prepared by Adam Hamilton dated January 2018. 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.

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.
 - a) Any pruning or removal of tree limbs, particularly hollow-baring tree limbs, must be to the minimum extent necessary.

Tree Protection: Construction

- 8. Within 9.6 metres of the Tree Protection Zone associated with tree no. 2 *Grevillea robusta* 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 (3.24 m radius of this tree).
 - b) Accurately survey and stakeout the area of the excavation for the piers and footings;
 - c) Footings must be selectively placed with consideration for any significant tree roots that may be present within the soil profile.
 - d) Minor excavation by hand to 0.5 m deep should be undertaken at the points of pier placements to determine if any significant roots are present. Roots greater than 40 mm in diameter are deemed significant. If such roots are encountered the positioning of the piers must be altered to provide at least 0.3 m of clearance from the roots.
 - e) Any excavation within must be done by hand and in the presence of a Qualified Arborist.
 - f) Smaller roots can be cut cleanly with a sharp implement in accordance with AS4373-2007 by a suitably qualified and experienced Arborist.

Deck/Fence Footings

- 9. Excavation for fence footings must be hand dug and overseen by a suitably qualified and experienced Arborist. Any roots with a diameter greater than 40mm are to be retained and the footing relocated. Small roots to be hand trimmed in accordance with AS4373-2007.

Dwelling 3 – Paved area

10. The paved area must be constructed above the existing soil grade and be of air and water permeable material such as sand based paving, no fine concrete or similar is to be used.

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 9.6m radius of the Grevilla robusta sited on the South-east neighbours property.

Landscaping

11. 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) The tree number, T.P.Z., S.R.Z. and notations regarding protection methods during construction of retained trees;
 - c) buildings on neighbouring properties within three metres of the boundary;
 - d) the delineation and details of surface finishes of all garden beds, grassed areas, pathways, driveways, retaining walls and other landscape works including areas of cut and fill throughout the development site;
 - e) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
 - f) a range of plant types from ground covers to large shrubs and trees;
 - g) landscaping and planting within all open areas of the site.
 - h) adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - i) 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
 - j) A planting theme of a minimum 20% indigenous and 40% native within each plant group;
 - k) All existing environmental weed species are to be removed from the site and environmental and noxious weeds found in the 'Sustainable Gardening in Frankston City' (2015) booklet are not to be planted.
 - l) the provision of suitable canopy trees (minimum two metres tall when planted) in the areas specified below (trees are not to be sited over easements) with species chosen to be approved by the Responsible Authority;
 - (i) Two (2) within the front setback minimum mature height of 10m.
 - (ii) One (1) along the southern fence, beside dwelling 3's garage minimum mature height 5m.

- (iii) Further landscaping area as a swale in front of the dwelling 1's garage along the southern fence line.
- (iv) One (1) along the driveway up to the garage of dwelling 4 as an added swale minimum mature height 5m.
- (v) 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.
- (vi) All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use

Prior to Occupation

12. 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.

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.

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. 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.
15. 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.
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. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
18. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped 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.

Department of Health and Human Services

25. Should any cranes and associated construction equipment be used, prior to the commencement of any development (including any demolition or excavation) or by such time as agreed by the Responsible Authority and Department of Health and Human Services in writing, a flight path construction management plan must be prepared to the satisfaction of the Department of Health and Human Services and be approved' by the responsible authority. The flight path construction management plan must include measures to minimise the impact of the construction of the building on the safe and unfettered operation of the Frankston Hospital helipad. The management measures incorporated within the plan must be implemented during the construction of the building to the satisfaction of the Department of Health and Human Services and the responsible authority.
- The flight path construction management plan must identify the location and height of any construction equipment, including cranes.
26. Any exhaust plumes from the permitted development must not exceed an upward velocity of 4.3 metres per second.

27. Vegetation must be maintained below a maximum of 10 metres above the building ridge line.

Satisfactorily Completed

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

Permit Expiry

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

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

Notes

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

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

Carried Unanimously

11.2 Town Planning Application 430/2005/P/D - 49 and 102/325-335 Nepean Highway Frankston - To amend the permit by deleting Condition 4 requiring a Section 173 Agreement stating that "any dwelling must not be used as a principal place of residence"

(MP Community Development)

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Cunial

That Council resolve to issue a Refusal to Grant an Amendment to Planning Permit number 450/2005/P/A for the Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s.

What has been refused?

The deletion of Condition 4.

What are the reasons for Refusal?

1. The proposed amendment to the permit is not in accordance with the intent of the permit and the VCAT order dated 24 January 2006.
2. The existing former motel units are not suitable and do not provide adequate amenity for permanent occupation by residents. The units were designed for and are only suitable for short stay accommodation.

Carried Unanimously

11.3 January 2018 Town Planning Progress Report

(MP Community Development)

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

That Council receives and notes the January 2018 Town Planning Progress Report

Carried Unanimously

12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Minutes of the Frankston Arts Board - 20 February 2018**

(AM Community Development)

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

That Council:

1. Receives the Minutes of the Frankston Arts Board meeting of 20 February 2018.
2. Endorses the decommissioning of Pivot artwork/mural in Park Lane.
3. Endorses Frankston Arts Board intention to develop a statement to LXRA regarding artwork at the Skye / Overton Road crossing.

Carried Unanimously

12.3 Resolution Progress Update

(MC Corporate Development)

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

That Council:

1. Receives the Notices of Motion Report as at 13 March 2018.
2. Approves the archiving of the following Notice of Motion from the Notices of Motion Report:
 - NOM 1325 - Student Action Grants
 - NOM 1384 - City Wide Summit
 - 2018/NOM5 - Rescission Motion - Commercial Foreshore Parking Permits
3. Notes that since 6 February 2018, 12 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:
 - 2018/NOM1 - Visitor Information Centre
 - NOM 1375 East West Wells Street
 - Further Response to NOM 1336 – Green Infrastructure – Installation of Green Walls
 - Response to NOM 1312 Unemployment in Frankston

Carried Unanimously

12.4 Payment of Councillors' Part B (Superannuation Equivalent) Allowances

(MC Corporate Development)

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

That the payment schedule for Councillors' Part B (superannuation equivalent) allowances be changed to monthly in-advance.

Carried Unanimously

12.5 The new Local Government Act - final stage consultation

(MC Corporate Development)

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

That Council endorses the submission which is included as Attachment A, and authorises the submission to be sent to the Local Government Act Review Secretariat prior to the deadline of 16 March 2018.

Carried Unanimously

12.6 Footpath along Liddesdale Avenue - Outcome of Community Consultation

(VG Community Assets)

Cr Sandra Mayer left the chamber at 7.49 pm

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

That Council:

1. Notes the outcome of the recent Community Consultation undertaken in relation to the proposed footpath works along Liddesdale Avenue;
2. Supports the construction of the footpath works along the south side of Liddesdale Avenue between the Nepean Highway and Fenton Crescent are scheduled to be completed as a part of the 2017/18 Capital Works program;
3. Approves the installation of a splitter island (including pedestrian refuge) at the intersection of Liddesdale Avenue and Nepean Highway in conjunction with the proposed footpath works (as per item 2), noting that no additional budget is required to complete these works;
4. Does not proceed with the proposed construction of a footpath along Liddesdale Avenue between Fenton Crescent and Kars Street; and
5. Notes the outcome of the recent review of the Local Area Traffic Management program which indicates that the Sweetwater Precinct, which includes Liddesdale Avenue, is considered a medium priority and is scheduled to commence in the 2020/21 Financial Year.

Carried Unanimously

Cr Sandra Mayer was not present during voting

Cr Sandra Mayer returned to the chamber at 7.52 pm

12.7 Asset Management Strategy Progress Report

(LU Community Assets)

Recommendation (Director Community Assets)

That Council:

1. Receives and notes this progress report;
2. Notes that Council officers will be undertaking a revision and update of the Asset Management Strategy with a new four year implementation plan for 2018 – 2022.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Council:

1. Receives and notes this progress report;
2. Notes that Council officers will be undertaking a revision and update of the Asset Management Strategy with a new four year implementation plan for 2018 – 2022;
3. Requests the CEO to ensure attention is directed to developing a tangible Community Consultation Framework per the Asset Management Strategy. Council expects strides to be made in this respect upon the next progress report.

Carried Unanimously

12.8 Proposed Mountain Bike Track - Frankston South

(LD Community Development)

Recommendation (Director Community Development)

That Council:

1. Notes park rangers will continue to monitor unauthorised bike trails and jumps in Overport Park and utilise current park management practices to close tracks in sensitive areas or that are considered safety hazards to riders and / or other park users.
2. Notes Youth workers will continue to work with park users and park rangers to ensure areas are available for informal bike access.
3. Supports further investigation into formalised bike track facilities will be directed by the upcoming Leisure Strategy due for completion June 2018.

Council Decision

Moved: Councillor McCormack

Seconded: Councillor Cunial

That Council:

1. Notes park rangers will continue to monitor unauthorised bike trails and jumps in Overport Park and utilise current park management practices to close tracks in sensitive areas or that are considered safety hazards to riders and / or other park users.
2. Notes youth workers and recreation planners will continue to work with young bike riders using Overport Park to engage them in a suitable bike track design for construction in Overport Park.
3. Notes \$20k is currently allocated in the draft 2018/19 budget for track design and \$150k is currently allocated in 2019/20 for track construction.

Carried Unanimously

13. RESPONSE TO NOTICES OF MOTION**13.1 Response to NOM 1341 - Anti-Truancy Update**

(AM Community Development)

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

That Council:

1. Notes the issue of truancy is covered by State Government legislation;
2. Notes the work being done by the Department of Education and Training is showing positive results for reducing truancy;
3. Notes the observations and feedback from Youth Councillors is that a positive approach to truancy is preferred; and
4. Notes that Council officers are currently working with Department of Education and Training in priority areas to implement a whole of community approach to enable all young people to complete grade 12 and continue on to further education to pursue their chosen field of endeavour as adults. This approach will reduce truancy and increase education and economic outcomes.

Carried

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

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

13.2 Response to NOM 1382 - Community Gardens in Frankston City

(LD Community Development)

Recommendation (Director Community Development)

That Council:

1. Supports the development of community gardens using a community development approach; and
2. Work with Frankston Community Gardens Network to deliver a public information session for residents interested in creating or joining a community garden.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Council:

1. Supports the development of community gardens using a community development approach;
2. Works with Frankston Community Gardens Network to deliver a public information session for residents interested in creating or joining a community garden; and
3. Refers a funding allocation for Community Gardens to the 2018/2019 Annual Budget for consideration in relation to a request from interested residents and a community group in the Kananook area.

Carried

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

Against the Motion: Cr Hampton

13.3 Response to NOM 1391 - Apsley Place

(LR Community Development)

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

That Council notes:

1. The current actions being undertaken by officers.
2. The community meeting was held Tuesday 27 February 2018.
3. Officers continue to follow up with EPA.

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

That Cr Aitken be granted an extension of time.

Carried Unanimously

**The motion was then Put
and Lost on the Casting Vote of the Mayor**

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

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

Cr Bolam advised the Mayor that he will raise a Notice of Rescission in response to this decision

14. NOTICES OF MOTION**14.1 2018/NOM 8 - Utility companies sought to consult more widely**

(MT Chief Executive Office)

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

That Council:

1. Writes to all utility distributors within the municipality imploring them to better consult residents, traders, ratepayers and Council on any works (initiated by, or relevant to, them) that may impact on the amenity of given areas (i.e. cleanliness and presentation) now and into the future.
2. Prepares a motion for the next Municipal Association of Victoria (MAV) State Council meeting regarding asset protection for Council property.

Carried Unanimously

14.2 2018/NOM 9 - Public Transport Advocacy

(VR Chief Executive Office)

Recommendation

That Council:

1. Writes to the Minister for Transport, and Shadow Minister for Transport, requesting improved safety measures (in light of the fatalities and near misses that have occurred) at the Armstrong Road rail crossing, and
2. Writes to the Minister for Transport, and the Shadow Minister for Transport, requesting improved service delivery and public safety for/on the Route 901 bus service from Frankston to Melbourne Airport. This request is to be made due to the concerns expressed by commuters relating to anti-social behaviour and punctuality.

Cr Sandra Mayer left the chamber at 8.44 pm

Cr Sandra Mayer returned to the Chamber at 8.50 pm

*In accordance with Section 44 (1) of
Council's Governance Local Law No1, this motion was moved in parts*

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Council:

1. Writes to the Minister for Transport, and Shadow Minister for Transport, requesting improved safety measures (in light of the fatalities and near misses that have occurred) at the Armstrong Road rail crossing, and

Carried Unanimously

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Council:

2. Writes to the Minister for Transport, and the Shadow Minister for Transport, requesting improved service delivery and public safety for/on the Route 901 bus service from Frankston to Melbourne Airport. This request is to be made due to the concerns expressed by commuters relating to anti-social behaviour and punctuality.

Carried

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

Against the Motion: Cr Cunial

14.3 2018/NOM10 - Federal Advocacy

(MT Chief Executive Office)

Recommendation

1. That Council writes to the Prime Minister of Australia, The Hon. Malcolm Turnbull MP, Opposition Leader The Hon. Bill Shorten MP and Federal Member for Dunkley, Mr Chris Crewther MP expressing concern regarding the Federal governments proposed \$2 billion dollar plus cuts to tertiary education, particularly the mooted freeze on funding for the Commonwealth Grants Scheme.

It is anticipated that this freeze will leave over 10,000 student places unfunded. Council notes the implications this could have on post-secondary opportunities for locals, who are seeking to pursue tertiary education but do not have the socio-economic conditions to self-fund their studies; and

2. That clarification is to be sought from the Federal Member for Dunkley Mr Chris Crewther MP about:
 - a) On the future of funding for the National Occasional Care Program which it is believed will lapse by July this year. The Council notes that important local child learning centres and neighbourhood houses, such as Karingal Place Community Centre, are dependent upon occasional care funding from the Federal Government;
 - b) Clarify how cuts to flexible childcare will impact upon providers within the Frankston Municipality;
 - c) Clarify where there may be adverse implications for the Municipality;
 - d) Provide options for retaining flexible childcare initiatives in Frankston.
3. That Council writes to the Federal Minister for Human Services, The Hon. Michael Keenan MP, Federal Minister for Health, The Hon. Greg Hunt MP and Federal Member for Dunkley, Mr Chris Crewther MP, Shadow Ministers for Families and Social Services, The Hon. Jenny Macklin MP and Shadow Minister for Health and Medicare, The Hon. Catherine King MP, clarifying Frankston's present and future contribution/s from the \$300M National Ice Taskforce funding allotment relating to substance abuse (given the Frankston municipality has higher than average record of drug offences and registered drug users) and seeking their support. The Council is to advocate for increased funding relative to improved rehabilitative outcomes.

Cr Brian Cunial left the chamber at 8.56 pm

*In accordance with Section 44 (1) of
Council's Governance Local Law No1, this motion was moved in parts*


Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Council:

1. That Council writes to the Prime Minister of Australia, The Hon. Malcolm Turnbull MP, Opposition Leader The Hon. Bill Shorten MP and Federal Member for Dunkley, Mr Chris Crewther MP expressing concern regarding the Federal governments proposed \$2 billion dollar plus cuts to tertiary education, particularly the mooted freeze on funding for the Commonwealth Grants Scheme.

Chairperson's initials 

It is anticipated that this freeze will leave over 10,000 student places unfunded. Council notes the implications this could have on post-secondary opportunities for locals, who are seeking to pursue tertiary education but do not have the socio-economic conditions to self-fund their studies; and

Lost

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

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Council:

2. That clarification is to be sought from the Federal Member for Dunkley Mr Chris Crewther MP about:
 - a) On the future of funding for the National Occasional Care Program which it is believed will lapse by July this year. The Council notes that important local child learning centres and neighbourhood houses, such as Karingal Place Community Centre, are dependent upon occasional care funding from the Federal Government;
 - b) Clarify how cuts to flexible childcare will impact upon providers within the Frankston Municipality;
 - c) Clarify where there may be adverse implications for the Municipality;
 - d) Provide options for retaining flexible childcare initiatives in Frankston.

Lost

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

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Council:

3. That Council writes to the Federal Minister for Human Services, The Hon. Michael Keenan MP, Federal Minister for Health, The Hon. Greg Hunt MP and Federal Member for Dunkley, Mr Chris Crewther MP, Shadow Ministers for Families and Social Services, The Hon. Jenny Macklin MP and Shadow Minister for Health and Medicare, The Hon. Catherine King MP, clarifying Frankston's present and future contribution/s from the \$300M National Ice Taskforce funding allotment relating to substance abuse (given the Frankston municipality has higher than average record of drug offences and registered drug users) and seeking their support. The Council is to advocate for increased funding relative to improved rehabilitative outcomes.

Lost

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

14.4 2018/NOM11 - Community Safety

(MT Chief Executive Office)

Recommendation

1. That a report be provided to Council at the June Ordinary Meeting on the costs (including state funding grants), intra locations and manageability of creating 'safety zones' (a small area with defined CCTV coverage and an emergency intercom to request assistance) to report anti-social behaviour and emergencies at the following locations:
 - a. Frankston foreshore;
 - b. Seaford foreshore; and
 - c. Keast Park
2. Given the disbandment of the Community Safety Consultative Committee - due to Council's decision to note proceed with a 'Community Safety White Paper' - a report is to be provided at the June Ordinary Meeting on how the Council could address the public safety issues identified in NOM 1303 and NOM 1329.
3. That a report be provided at the June Ordinary Meeting, per NOM 1263, on funding options for the use of infrared number plate recognition CCTV technology (as is practiced in Western Australia) and how Council intends to increase/prioritise LATM works to mitigate hoon/dangerous driving.

Cr Brian Cunial returned to the chamber at 9.04 pm

In accordance with Section 44 (1) of

Council's Governance Local Law No1, this motion was moved in parts

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken


That Council:

1. That a report be provided to Council at the June Ordinary Meeting on the costs (including state funding grants), intra locations and manageability of creating 'safety zones' (a small area with defined CCTV coverage and an emergency intercom to request assistance) to report anti-social behaviour and emergencies at the following locations:
 - a. Frankston foreshore;
 - b. Seaford foreshore; and
 - c. Keast Park

Lost

For the Motion: Crs Aitken, Bolam and McCormack

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

Chairperson's initials 

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

2. Given the disbandment of the Community Safety Consultative Committee - due to Council's decision to note proceed with a 'Community Safety White Paper' - a report is to be provided at the June Ordinary Meeting on how the Council could address the public safety issues identified in NOM 1303 and NOM 1329.

Lost

For the Motion: Crs Aitken, Bolam and McCormack

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

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

3. That a report be provided at the June Ordinary Meeting, per NOM 1263 , on funding options for the use of infrared number plate recognition CCTV technology (as is practiced in Western Australia) and how Council intends to increase/prioritise LATM works to mitigate hoon/dangerous driving.

Lost

For the Motion: Crs Aitken and Bolam

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

14.5 2018/NOM12 - Waiving inspection/building fees for Capital Works Projects

(VR Chief Executive Office)

Recommendation

The Chief Executive Officer is requested to prepare a report for the 2018 May Ordinary Meeting on the feasibility of waiving inspection and building fees associated with capital works projects undertaken by Clubs at their facilities.

Council Decision

Moved: Councillor Cunial

Seconded: Councillor Mayer

The Chief Executive Officer is requested to prepare a report for the 2018 May Ordinary Meeting on the feasibility of waiving Council inspection and building fees associated with capital works projects undertaken by Clubs at Council owned facilities.

Carried Unanimously

15. LATE REPORTS

Nil.

16. URGENT BUSINESS

Urgent Business

Council Decision

Moved: Councillor Cunial

Seconded: Councillor Aitken

That the matter of presenting a letter under seal to Michael Craighead be accepted as urgent business.

Carried

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

Against the Motion: Cr McCormack

Letter Under Seal

Council Decision

Moved: Councillor Cunial

Seconded: Councillor Aitken

That a Letter under Seal be prepared for Mr Michael Craighead in recognition of this 40 years service to Frankston City Council and that it be presented at the next Ordinary Meeting being held on 3 April 2018.

Carried Unanimously

17. CONFIDENTIAL ITEMS

Prior to the Ordinary Meeting, the matter Item 12.2 Frankston Arts Board – Membership, was deemed by the Chief Executive Office to be of a confidential nature and moved to be heard in Closed Council.

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

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 Response to NOM 1377 - McClelland Gallery Interconnectedness and Peninsula Link

Agenda Item C.1 Response to NOM 1377 - McClelland Gallery Interconnectedness and Peninsula Link 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 2016/17 Capital Works Program Delivery - Benchmarking

Agenda Item C.2 2016/17 Capital Works Program Delivery - Benchmarking 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 Response to NOM 1316 - Former Frankston Ambassador Site

Agenda Item C.3 Response to NOM 1316 - Former Frankston Ambassador Site is designated confidential as it relates to legal advice (s89 2f)

C.4 South East Country Regional Cricket Hub - Jubilee Park Frankston

Agenda Item C.4 South East Country Regional Cricket Hub - Jubilee Park Frankston is designated confidential as it relates to contractual matters (s89 2d)

C.5 Microsoft Licensing Agreement and Services Renewal


Agenda Item C.5 Microsoft Licensing Agreement and Services Renewal is designated confidential as it relates to contractual matters (s89 2d)

12.2 Frankston Arts Board – Membership

Agenda Item 12.2 Frankston Arts Board – Membership is designated confidential as it relates to personnel matters (s89 2a)

Carried Unanimously

.....
Signed by the CEO

Chairperson's initials 

18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS**C.5 Nomination of Youth Mayor for 2018 (considered at 2018/OM2 – 19 February 2018)**

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 Toms****Seconded: Councillor O'Connor**

That:

1. Council appoints Gerard Felipe as the Youth Mayor for 2018;
2. Letters be written to the other applicants thanking them for submitting their application; and
3. The resolution be incorporated into the public minutes of the 2018 March meeting.

The motion was put and Carried

C.6 Issuing Small Business Grants (considered at 2018/OM2 – 19 February 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 McCormack****Seconded: Councillor Toms**

That:

1. Council notes the report.
2. Council issues the 2017-2018 Small Business Grants to the following businesses (in accordance with recommendations of the Independent Assessment Panel):
 - a) Yogaharta Yoga and Wellness Centre (Start Up Business Grant Category) - \$15,000
 - b) Envisage Building Solutions (Emerging Business Grant Category) - \$15,000
3. Council notes that the Independent Assessment Panel has not recommended any other businesses as 'back-up' grant recipients
4. Should the full pool of 2017-2018 Small Business Grants funds not be utilised the unallocated funds be returned to the budget.
5. The recommendations of this report be released to the public after 1 February 2018. The content and attachments to this report are to remain confidential indefinitely.
6. A full report on the effectiveness of this grant program and recommendations for improvement be presented to Council prior to 30 June 2018.

The motion was put and Carried

C.4 South East Country Regional Cricket Hub - Jubilee Park Frankston (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 Mayer****Seconded: Councillor Cunial**

That Council:

1. Supports the proposal for a South East Country Regional Cricket Hub at Jubilee Park, Frankston.
2. Supports:
 - a) The submission of an application to Sports and Recreation Victoria (SRV) by the end of March 2018 to access \$500,000 in State Government funds that will be directed to Jubilee Park
 - b) Referral of \$400K for inclusion in Council's 2018/19 Capital Works budget as Council's contribution; and
 - c) A request to Federal Government for \$400K to support the project.
3. Commits \$15,000 from existing 2017/18 budgets to develop concept plans that confirm costs and scope for the hub development.
4. Notes that the recommendation be released as part of the public minutes of this meeting.

The motion was put and Carried

C.5 Microsoft Licensing Agreement and Services Renewal (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 O'Reilly****Seconded: Councillor Bolam**

That:

1. Council approves the acceptance of the contract renewal from Winc for the *Microsoft Licensing Agreement and Services Renewal* for \$611,979.51 (exclusive of GST).
2. The Contract/s be signed and sealed; and,
3. The recommendation (without commercially sensitive information) be included in the public minutes of this meeting.

The motion was put and Carried

The meeting was closed to the public at 9.18 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 Tuesday 13 March 2018, confirmed on Tuesday 3 April 2018.

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

Dated this

day of

2018