



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 3 APRIL 2018 at 7.00PM**

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. Michael Craighead, Manager Administration & Corporate Projects Mr. Michael Papageorgiou, Manager Planning & Environment Mr. Stuart Caldwell, Coordinator Statutory Planning Mr. Taylor McVean, Communications Officer Social Media Ms. Michelle Tipton, Coordinator Council Business Support Ms. Vera Roberts, Executive Assistant to Mayor
EXTERNAL REPRESENTATIVES:	Ms. Prue Digby, Municipal Monitor

COUNCILLOR STATEMENT

Councillor Aitken 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 Bolam read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

Chairperson’s initials 

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Chairperson's initials *C. Hampton*

1. PRESENTATION TO COMMUNITY GROUPS

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM3 held on 13 March 2018.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor O'Connor

That the minutes of the Ordinary Meeting No. OM3 held on 13 March 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 Mayor declared an interest in Item 12.3: Outbound Delegation to Sister City – Susono, Japan. The Mayor advised that he will be representing Frankston City Council in the outbound delegation and will leave the chamber during the debate and voting.

The Chief Executive Officer, Dennis Hovenden, declared an interest in Item C.5 – CEO Performance Review Outcomes. The CEO advised that he will leave the chamber during debate and discussions.

5. PUBLIC QUESTION TIME

Nil.

6. HEARING OF PUBLIC SUBMISSIONS

Councillor Aitken left the chamber at 7:04 pm.

Councillor Aitken returned to the chamber at 7:05 pm.

Ms Hilary Poad, on behalf of Long Island Resident Group, made a submission to Council regarding Item 11.1: Frankston Planning Scheme Amendment C123 – Report on the findings and recommendations of the Panel Report and the submissions to FMAC Illustrative Guidelines;

Ms Joan Cavanagh, on behalf of Frankston Beach Association, made a submission to Council regarding Item 11.1: Frankston Planning Scheme Amendment C123 – Report on the findings and recommendations of the Panel Report and the submissions to FMAC Illustrative Guidelines;

Mr. Graeme Dickson, made a submission to Council regarding Item 11.2: Planning Permit Application 614/2016/P – 197 Karingal Drive, Frankston 3199 – To erect and display an internally illuminated, floodlit, electronic major promotion sign;

Mr. Robert Allsopp, made a submission to Council regarding Item 11.3: Planning Permit Application 481/2017/P – 3 McLean Court, Frankston South – To construct three (3) structures ancillary to the existing dwelling (garage, shed and alfresco area) and to build outside the registered building envelope (Section 173 agreement);

Mr. Peter Mills, made a submission to Council regarding Item 11.3: Planning Permit Application 481/2017/P – 3 McLean Court, Frankston South – To construct three (3) structures ancillary to the existing dwelling (garage, shed and alfresco area) and to build outside the registered building envelope (Section 173 agreement);

Councillor Bolam left the chamber at 7:27 pm.

Councillor Bolam returned to the chamber at 7:29 pm.

Ms Amanda Grills, speaking on behalf of McNeil family and herself, made a submission to Council regarding Item 11.3: Planning Permit Application 481/2017/P – 3 McLean Court, Frankston South – To construct three (3) structures ancillary to the existing dwelling (garage, shed and alfresco area) and to build outside the registered building envelope (Section 173 agreement);

Mr Roland Abrahams, on behalf of Southern Planning Consultants, made a submission to Council regarding Item 11.4: Planning Permit Application 424/2017/P – 21 Edward Street, Langwarrin – To construct six (6) dwellings (three (3) single storey and three (3) double storey);

Ms Angela Glen made a submission to Council regarding Item 11.4: Planning Permit Application 424/2017/P – 21 Edward Street, Langwarrin – To construct six (6) dwellings (three (3) single storey and three (3) double storey);

Ms Michelle Ebblewhite made a submission to Council regarding Item 11.4: Planning Permit Application 424/2017/P – 21 Edward Street, Langwarrin – To construct six (6) dwellings (three (3) single storey and three (3) double storey);

7. ITEMS BROUGHT FORWARD

Items Brought Forward

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Bolam

That the item of urgent business in Closed Council be brought into Open Council.

Lost

For the Motion: Crs Aitken, Bolam, McCormack and Toms

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

Items Brought Forward

Council Decision

Moved: Councillor Cunial

Seconded: Councillor Aitken

That Item 13.2: Response to 2018/NOM1 – Visitor Information Centre be brought forward.

Carried Unanimously

8. PRESENTATIONS / AWARDS

The Mayor presented a Letter under Seal to Michael Craighead, Manager Administration and Corporate Projects, for his 40 years of service to Frankston City Council.

The CEO, on behalf of the staff, congratulated Michael on his 40 years of service.

Chairperson's initials 

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Councillor Brian Cunial tabled a joint letter regarding the footpaths and associated works at Overport Road, Frankston South which contained 37 signatures.

10. DELEGATES' REPORTS

Nil.

ITEMS BROUGHT FORWARD**13.2 Response to 2018/NOM1 - Visitor Information Centre***(MB Corporate Development)***Council Decision****Moved: Councillor Mayer****Seconded: Councillor Toms**

That:

1. Council notes its previous decision on 16 October 2017 to realign tourism and visitor services to better support:
 - a. the promotion of Frankston City as a visitor destination;
 - b. the growth of the tourism business community to better assist with visitor support and dispersal;
 - c. the encouragement of more tourism attraction operators and tourism event organisers to invest in Frankston;
 - d. the provision of information and services to our visitors – including enhanced digital information to assist with trip planning and word of mouth promotion.
2. Council notes the feedback provided by the Frankston Visitor Information Centre volunteers and their concerns regarding the proposal to relocate the centre from Frankston Waterfront.
3. Council resolves to retain the Frankston Visitor Information Centre at the Frankston Waterfront.
4. Council notes that changes need to be made to Council's current visitor servicing model for it to remain relevant, functional and effective in light of modern day travelling expectations and information & visitor dispersal.
5. A Visitor Services Sub-Committee is to be established to:
 - a. Identify opportunities for improvement – including essential services, delivery models, centre layout improvements, marketing and digital initiatives
 - b. Suggest Key Performance Indicators (against which the performance of the Frankston Visitor Information Centre is to be measured)
6. The Visitor Services sub-committee is to be comprised of:
 - a. Two Councillors, including the Mayor, Cr Hampton
 - b. Two Volunteers
 - c. Manager Community Relations and Coordinator Tourism & Visitor Services
7. Council notes Volunteers concerns that a protracted decision making process will further exacerbate uncertainty in the sector and that the recommendations of the sub-committee to be presented to Council at its meeting on 14 May 2018.
8. Officers will provide a report to Council no later than June 2019 as to the performance of the Frankston Visitor Information Centre against the KPI's and to determine if further modifications are needed
9. Council endorses the reallocation of \$100,000 of the draft 2018-2019 Capital Works funding originally allocated towards the relocation of the Frankston Visitor Information Centre towards:
 - a. any reconfiguration required to better support co-location within the Centre at the Frankston Waterfront

Chairperson's initials



- b. the development of infrastructure for mobile/pop-up visitor services that can be used at events or other locations within the City.
10. Council notes that there is a further allocation in the draft 2018-2019 Capital Works budget of \$100,000 to assist with provision of improved digital visitor information and services.
 11. The Head Petitioner be advised of Council's decision.

Carried Unanimously

Chairperson's initials *C. Hampton*

11. CONSIDERATION OF TOWN PLANNING REPORTS

11.1 Frankston Planning Scheme Amendment C123 - Report on the findings and recommendations of the Panel Report and the submissions to FMAC Illustrative Guidelines

(MP Community Development)

Council Decision

Moved: Councillor Mayer

Seconded: Councillor Toms

That Council:

1. Notes the summary of responses from the community consultation process for the *FMAC Illustrative Guidelines – Neighbourhood Character & Urban Design Outcomes for Precincts 1A and 1B (2017)*.
2. Adopts the *FMAC Illustrative Guidelines – Neighbourhood Character & Urban Design Outcomes for Precincts 1A and 1B (2017)* to allow for the documents to be referenced within the Frankston Planning Scheme as part of current Planning Scheme Amendment C123.
3. Notes the Amendment C123 Panel Report and authorises officers to request the Minister for Planning to adopt Frankston Planning Scheme Amendment C123 as exhibited, subject to the following changes:
 - a) Amends the Precinct Map in Clause 5.1-1 of Schedule 1 to the Activity Centre Zone to designate the western and southern boundaries of Precinct 1B as 'sensitive interface' areas.
 - b) Amends the Precinct objectives in Clause 5.1-2 of Schedule 1 to the Activity Centre Zone to include the following:

To ensure that development along the western and southern boundaries of Sub-precinct 1B responds to the sensitive interfaces with Kananook Creek and the surrounding foreshore and established residential areas.
 - c) Amend the Precinct guidelines in Clause 5.1-4 of Schedule 1 to the Activity Centre Zone to include guidelines (to be developed by Frankston City Council) that guide development in the sensitive interface areas of Precinct 1B.
 - d) Amend the Precinct objectives in Clause 5.2-2 of Schedule 1 to the Activity Centre Zone to include the following:

To ensure that use and development is responsive to current and planned railway operations, having regard to the primacy of the transport of the railway land.
 - e) Include the following application requirement in Clause 6.0 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B:

VicTrack land – potential contamination

An application for a sensitive use (residential use, child care centre, pre-school centre or primary school), or the construction or carrying out of buildings and works in association with a sensitive use, on land owned or formerly owned by VicTrack must be accompanied by an Environmental Site Assessment detailing the likelihood on contamination on the land, to the satisfaction of the responsible authority.

- f) Inserts a new subsection in the table to Clause 5.1.3 Precinct requirements that stipulates a mandatory maximum building height of 20 metres in sub-precinct 1B for the area bounded by Wells Street, Kananook Creek, Beach Street and Nepean Highway.
- g) Makes other policy neutral drafting changes to improve the operation of Schedule 1 to the Activity Centre Zone.
- h) Amends the Precinct Guidelines listed in Clause 5.1-4 of Schedule 1 to the Activity Centre Zone to include the following residential character guideline statements:

In locations identified as 'Sensitive Interface Areas' on the Precinct 1 – City Centre Precinct Map, new development should avoid visually dominant building forms, respond appropriately to adjacent residential, foreshore and creek interfaces, consider the impact of overshadowing, sun glare and nightlight on adjacent viewpoints, and ensure that development is respectful of the sharing of amenity with adjacent residential areas and foreshore.

New development should be consistent with the design, form, layout, proportion and scale of the development outlined in the FMAC Illustrative Guidelines – Neighbourhood Character & Urban Design Outcomes for Precincts 1A and 1B (2017).

New development is designed to enhance the quality of the public realm and to safeguard residential amenity for future residents, consistent with the delivery of a functional and attractive mixed use residential environment.

Within the interface between the residential area of Gould Street and Precinct 1B, new development is to be specifically designed to protect the amenity of this residential area. The overall design intent is to articulate frontages, avoid dominant built form and to appropriately celebrate and respect the foreshore and creek interface.

- i) Amends the Decision Guidelines in Clause 8 of Schedule 1 to the Activity Centre Zone to include the following:

Whether new development within Precincts 1A and 1B is consistent with the design, form, layout, proportion and scale of the development is compatible with the FMAC Illustrative Guidelines – Neighbourhood Character & Urban Design Outcomes for Precincts 1A and 1B (2017).

- j) That a mandatory maximum building height of 20 metres apply to that part of Precinct 1(b) between the Nepean Highway and Kananook Creek.

Carried

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

Against the Motion: Cr Aitken

11.2 Planning Permit Application 614/2016/P - 197 Karingal Drive, Frankston 3199 - To erect and display an internally illuminated, floodlit, electronic major promotion sign

(MP Community Development)

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

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 614/2016/P to erect and display an internally illuminated, floodlit, electronic major promotion sign at 197 Karingal Drive, Frankston, subject to the following conditions:

Plans

1. Before the commencement of any works, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application prepared by Studio at Large, dated 7/2/17, identified as ISPT, issue 1.2 and 2.1, but modified to show:
 - (a) The base of the sign to provide some way-finding information for trail users of the pedestrian/cycle link along the freeway to the centre;
 - (b) Advertising Signage Management Plan in accordance with Condition 4.
 - (c) The Tree Protection Fence locations for all retained vegetation must be illustrated on all relevant plans.

No Alterations

2. The location and details of signs including those of the supporting structure, as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Signage Requirements

3. The sign must be located wholly within the boundary of the land and must not exceed 25 metres in height.
4. Prior to the commencement of any works associated with the installation of the sign, the applicant must submit an advertising signage management plan for the approval and to the satisfaction of the Responsible Authority in consultation with VicRoads. When approved the advertising signage plan will form part of the planning permit. The advertising signage management plan must demonstrate that the content of the electronic sign, particularly in relation to text and colours, will be management in such a way to reduce any offsite impact. The plan must be prepared for the LED screen and must include as a minimum the following:
 - a) Details of tenant signage;
 - b) Details of event signage;
 - c) Day and night displays;
 - d) Daytime centre logo graphic and border including colours and frequency of changes;
 - e) Night-time centre logo graphic and border colours and frequency of changes.

The guidelines must be prepared and submitted to the satisfaction of the Responsible Authority. When approved the guidelines will form part of the planning permit.

5. External sign lighting must be designed, baffled and located so that no direct light is emitted beyond the boundaries of the site so as to prevent any adverse effect on adjoining land or adverse spillage of light onto the roadway, to the satisfaction of the Responsible Authority.
6. The sign and its displayed image must not:
 - a. Be animated;
 - b. Be moving or rotating;
7. The signs hereby permitted must be constructed and maintained to the satisfaction of the Responsible Authority.

VicRoads Requirements

8. The luminance of the advertising signs must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver's approach to the advertising sign.
9. The control of the electronic sign must be in accordance with the submitted Lighting Report prepared by NDYLIGHT Lighting Design issued on 6 September 2017.
10. No image may be displayed on the electronic sign for less than 30 continuous seconds.
11. The transition between images must be instantaneous.
12. The advertising content of the sign must not:
 - a) Consist of more than one static image at a time;
 - b) Contain or consist of video, movie or television broadcast;
 - c) Contain any flashing or blinking elements that create the illusion of movement;
 - d) Be capable of being mistaken for a traffic signal or traffic control device. This includes the use of red, amber or green circles, octagon, crosses or triangles;
 - e) Be a traffic instruction, or be capable of being mistaken as, an instruction to a road user. This includes use of the wording, stop, give way, slow turn left or turn right;
 - f) Be predominantly green, amber or red in colour.
13. The sign and advertising content must not dazzle or distract road users due to its colouring or content.
14. In the event of a malfunction of the electronic sign or advertising content, the electronic sign must be shut down and cease visual output until the malfunction is rectified.

Satisfactorily Completed

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

Permit Expiry

16. This permit will expire if the sign is not erected within two years of the date of issue of the permit.

Chairperson's initials 

17. The permit expires 15 years from 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.

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

On the casting vote of the Chair

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

Chairperson's initials 

11.3 Planning Permit Application 481/2017/P - 3 McLean Court, Frankston South - To construct three (3) structures ancillary to the existing dwelling (garage, shed and alfresco area) and to build outside the registered building envelope (section 173 agreement)

(MP Community Development)

Recommendation (Director Community Development)

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 481/2017/P to construct three (3) structures ancillary to the existing dwelling (garage, shed and alfresco area) and to build outside the registered building envelope (Section 173 agreement) at 3 McLean Court, Frankston South, 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) Proposed site plan to show the existing approved building envelope under Planning Permit 263/1998/P and delete the enlarged building envelope.
 - (b) The maximum height of the shed reduced to 3.47 metres.
 - (c) Elevation plans of all three (3) structures to include clear information about which elevation they relate to.
 - (d) Alfresco area to be open on either the south west or north west elevations and enclosed on the south east elevation.
 - (e) A landscape plan in accordance with Condition 3.

No Alterations

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

Landscaping

3. Prior to commencement of the development a Landscape Plan must be submitted to and approved by the Responsible Authority. The Landscape Plan must show a row of planting of native vegetation in the form of Lilly Pillies along the southern and northern property boundaries where no vegetation currently exists to a minimum mature height of 3.4 metres to provide screening of the north and south side of the proposed shed. The trees must be of a minimum pot size of 30cm when planted and maintained to the satisfaction of the Responsible Authority.

Use

4. The three (3) structures (garage, shed and alfresco area) hereby approved must be used only for the purpose of domestic storage/hobby purposes. It must not be used for human habitation, or as a workshop for any commercial enterprise or the storage of equipment, goods or motor vehicles used in conjunction with the occupation of a resident of the dwelling on the land other than in accordance with the provisions of Clause 52.11 (Home Occupation) of the Frankston Planning Scheme.

Amenity

5. The amenity of the area must not be detrimentally affected by the development and/or use through the:-
 - (a) Transport of materials, goods or commodities to or from the land;
 - (b) Appearance of any building, works or materials;
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (d) Presence of vermin;
 - (e) Others as appropriate; or
 - (f) In any other way.
6. The external finishes to the three (3) structures (garage, shed and alfresco) must be of muted natural colours and tones that are consistent with the surrounding landscape to the satisfaction of the Responsible Authority.

Satisfactorily Completed

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

Permit Expiry

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

- a. If the 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.

Deferral Motion to another Council Meeting

Moved: Councillor Toms

Seconded: Councillor Aitken

That the matter be deferred to the next Council Meeting on 23rd April 2018.

Carried Unanimously

11.4 Planning Permit Application 424/2017/P - 21 Edward Street, Langwarrin - To construct six (6) dwellings (three (3) single storey and three (3) double storey)
(MP Community Development)

Recommendation (Director Community Development Community Development)

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 424/2017/P for the construction of six (6) dwellings (three (3) single storey and three (3) double storey) at 21 Edward Street, Langwarrin, subject to the following conditions:

Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application but modified to show:
 - (a) All trees growing on the site and on the adjoining properties within 3m of the boundaries to demonstrate canopy width, trunk location and clearly labelled in accordance with the Tree Assessment Report prepared by Adam Hamilton dated Oct 2017, and is to state whether the tree is to be retained or removed to the satisfaction of the Responsible Authority.
 - (b) The Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) for all trees to be retained and the tree protection fence locations to the satisfaction of the Responsible Authority.
 - (c) The retention of Tree No 2 (*Eucalyptus elata*).
 - (d) Dwelling 3 has no more than a 10% encroachment of the Tree Protection Zone of Tree No 9 (located on the neighbouring property to the north).
 - (e) Reconfiguration of the central driveway and visitor car space so that it is clear of the structural root zone of Tree No 2 (*Eucalyptus elata*).
 - (f) The west wall of the garage to Dwelling 1 setback 1.2m minimum from the shared boundary.
 - (g) Dwelling 3 – upper level north elevation wall to bedroom 2 and ensuite, and the south elevation wall to the master bedroom and walk-in-robe, recessed back no less than 500mm from the ground floor building footprint.
 - (h) Dwelling 5 – upper level east elevation wall to bedroom 3 and the sitting room to be recessed back no less than 500mm from the ground floor building footprint.
 - (i) Dwelling 3 - upper level master bedroom window in the west elevation to comply with the requirements of Clause 55.04-6, Overlooking objective, to the Frankston Planning Scheme.
 - (j) A Freestanding Trellis in accordance with Condition 25.
 - (k) A Tree Protection Plan, including the existing street tree, in accordance with Condition 3.
 - (l) A Landscaping Plan in accordance with Condition 9.

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 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 ;
 - Details of exploratory root investigation
 - Alternative construction techniques
 - Root pruning
 - Supervision
 - 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 AS4970-2009 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 5.88m (tree 1), 7.1m (tree 2), 5.28m (tree 9) 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 1, 2, 9, 10 and 11 as identified in the arborist report prepared by Adam Hamilton dated October 2017. 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

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

Landscape Plans

- 9. 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, Tree Protection Zone, Structural Root Zone 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) within the private open space of (all) dwellings minimum mature height 6m
- m) 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.
- n) All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use

Prior to Occupation

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

Landscape Maintenance

11. 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

12. The legal point of discharge for a site is to the existing 375mm diameter pipe that runs along the valley of the property at a depth of approximately 750mm.
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) must be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:

Chairperson's initials 

- On-site stormwater detention
 - Rainwater tanks for harvesting and re-use of stormwater for laundry, toilet flushing, landscape irrigation, etc.
 - Soil percolation
 - Rain gardens providing extended detention and on-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
16. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
17. Existing vehicle layback to be removed, then kerb & channel to be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
18. Prior to occupation of the dwellings hereby permitted by this permit starts, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be :
- Constructed to the satisfaction of the Responsible Authority;
 - Properly formed to such levels that they can be used in accordance with the plans;
 - Surfaced with an all-weather sealcoat; and
 - Drained and maintained to the satisfaction of the Responsible Authority.
19. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
20. Where the development involves work on or access to Council controlled land including roads, reserves and right of way, the owner, operator and their agents under this permit must at all times take adequate precautions to maintain works to the highest public safety standards, to the satisfaction of the Responsible Authority.

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

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

Urban Design

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

Freestanding Trellis

25. Prior to the occupation of the development, a freestanding trellis (maximum 25% openings) must be erected 500mm above the existing fences in the following locations:
- a) The western property boundary of Dwellings 2 and 3, adjacent to the main living area windows.
 - b) The northern property boundary of Dwellings 3 and 4, adjacent to the main living area windows.
 - c) The eastern property boundary of Dwelling 4, adjacent to the main living area and master bedroom windows.

Satisfactorily Completed

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

Permit Expiry

27. 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.

Deferral Motion to another Council Meeting**Moved: Councillor Aitken****Seconded: Councillor Mayer**That the matter be deferred to the next Council Meeting on 23rd April 2018.**Carried Unanimously**

11.5 February 2018 Town Planning Progress Report

(MP Community Development)

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

That Council receives and notes the February 2018 Town Planning Progress Report.

Carried Unanimously

The Mayor adjourned the meeting at 8.57pm.

The Meeting resumed at 9.11pm

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

(MC Corporate Development)

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

That Council:

1. Receives the Notices of Motion Report as at 3 April 2018.
2. Approves the archiving of the following Notice of Motion from the Notices of Motion Report:
 - NOM 1226 - Seaford Football Club
 - NOM 1316 - Frankston Ambassador
 - NOM 1377 - McClelland Gallery
 - NOM 1382 - Increased Community Gardens in Frankston City
 - NOM 1389 - Ballam Park Precinct Improvements
 - NOM 1390 - Exploration of Local Laws
 - 2018/NOM 2 - Election Advocacy
 - 2018/NOM10 - Federal Advocacy
 - 2018/NOM11 - Community Safety
3. Notes that since 13 March 2018, 33 resolutions have been completed, as detailed in the Notices of Motion Report.
4. Notes that at this point in time all resolutions are on track for their expected due dates.

Carried Unanimously

12.2 Advocacy - Victorian Election and ALGA National General Assembly

(SJ Corporate Development)

Recommendation (Director Corporate Development)

That:

1. Council endorses the recommendation of the Advocacy Sub-Committee that the following three priorities are the focus of Council's advocacy in the lead up to the 2018 Victorian State Election:
 - a. Continued revitalisation of the Frankston city centre, incorporating stage two of the Frankston Station precinct redevelopment and the relocation of government departments in a catalyst development;
 - b. Regional tennis and gymnastics facility at Centenary Park;
 - c. Jubilee Park indoor stadium.
2. Council requests meetings with relevant federal MPs and Senators, during the ALGA National General Assembly in Canberra in June, to provide briefings on the above priorities, plus:
 - a. Improving marine safety and new Coast Guard building
 - b. Electrification of the rail line to Baxter
 - c. Health hub

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Toms

That:

1. Council endorses the recommendation of the Advocacy Sub-Committee that the following three priorities are the focus of Council's advocacy in the lead up to the 2018 Victorian State Election:
 - a. Continued revitalisation of the Frankston city centre, incorporating stage two of the Frankston Station precinct redevelopment and the relocation of government departments in a catalyst development;
 - b. Regional tennis and gymnastics facility at Centenary Park;
 - c. Jubilee Park indoor stadium.
2. Council requests meetings with relevant federal MPs and Senators, during the ALGA National General Assembly in Canberra in June, to provide briefings on the above priorities, plus:
 - a. Improving marine safety and new Coast Guard building
 - b. Electrification of the rail line to Baxter
 - c. Health hub
 - d. Belvedere Sporting Precinct (Capital Works based priority)

Carried

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

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

Chairperson's initials 

12.3 Outbound Delegation to Sister City - Susono, Japan

(DH Chief Executive Office)

The Mayor declared an interest as he intends to attend the Australian Fair in Susono, Japan and asked for Deputy Mayor, Cr Lillian O'Connor to assume the chair.

The Mayor left the chamber at 9.20 pm.

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

That:

1. Council endorses the participation of the Mayor to attend the Australian Fair in Susono, Japan in September 2018.
2. The expenditure for the Mayor's attendance is approved.

Lost
On the casting vote of the Chair

For the Motion: Crs Bolam, Cunial, Mayer and Toms

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

The Mayor returned to the Chamber at 9.35 pm and assumed the chair.


12.4 Audit and Risk Management Committee Charter

(KJ Corporate Development)

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

That Council adopts the updated Audit and Risk Committee Charter, as recommended by the Committee.

Carried Unanimously

Chairperson's initials 

12.5 Establishment of a Facade Improvement Grant and Green Wall Proof of Concept (SJ Corporate Development)

Recommendation (Director Corporate Development)

That Council:

1. Notes this report.
2. Notes Council officers are currently working with the State Government on the opportunity for a green roof and wall to be incorporated onto the new Young Street toilet block (adjacent to Frankston Station), and supports Officers to continue advocating for funding to be allocated to a greening initiative.
3. Notes that any Frankston City Centre Façade Improvement Program that offers matched fund Grants should not be considered until after the conclusion of the first six months of maintenance of the green roof and wall of the Young Street toilet block.
4. Notes that there has been no allocation in the 2017-2018 budget or draft 2018-2019 budget for installation or ongoing maintenance costs for Green Walls.

Council Decision

Moved: Councillor Toms

Seconded: Councillor Cunial

That Council:

1. Notes this report.
2. Notes Council officers are currently working with the State Government on the opportunity for a green roof and wall to be incorporated onto the new Young Street toilet block (adjacent to Frankston Station), and supports Officers to continue advocating for funding to be allocated to a greening initiative.
3. Endorses Frankston Civic Centre as a proof of concept for a green wall to be established.
4. Commits the funding of \$54K towards the Green Walls Proof of Concept Project installation and authorises the Chief Executive Officer to make the necessary adjustments to the draft 2018-2019 Annual Budget (Capital Works).
5. Commits the funding of \$5K towards the annual maintenance of the Green Walls Proof of Concept Project and authorises the Chief Executive Officer to make the necessary adjustments to the draft 2018-2019 Annual Budget.
6. Notes that detailed costings be made available to Councillors to approve at a Council Meeting before the commencement of the works.

Carried

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

Against the Motion: Cr O'Reilly

Abstained: Cr Bolam

Chairperson's initials 

12.6 Cranhaven Road Stage 2 - Warrandyte Road to Lapwing Court - Special Charge Scheme - Consultation Results and Declaration of Scheme

(DD Community Assets)

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

That:

1. Council, having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the *Local Government Act 1989 (Act)*, and otherwise according to law, and having, so far as can be ascertained from available records and can be reasonably concluded, ascertained that the Road or any component of the Road for which it is proposed the Special Charge will be declared has not previously been constructed by way of a Special Rate or Special Charge, hereby declares a Special Charge Scheme (**Special Charge**) under section 163(1) of the Act for the purposes of defraying expenses incurred or to be incurred by Council in relation to the construction of Cranhaven Road, Langwarrin, between Warrandyte Road and Lapwing Court and the provision of any ancillary works including drainage (**Road or Scheme**).
2. The criteria which form the basis of the declaration of the Special Charge are the ownership of rateable land in the area of the Scheme having regard to the abuttal of the land to the road(s), which rateable land is situated within the geographical area in which the properties described in paragraphs 8 and 9 of this declaration are included.
3. In declaring the Special Charge, Council is performing functions and exercising powers in relation to the peace, order and good government of the municipal district of Frankston City Council, in particular the provision of proper, safe and suitable roads and property services within the area for which the Special Charge is declared.
4. The total cost of the performance of the function and the exercise of the power by Council (in relation to the provision of proper, safe and suitable roads and property services within the area for which the Special Charge is declared) is \$372,000. This being the estimated cost of the works to be undertaken.
5. The total estimated amount to be levied under the Scheme as the Special Charge is \$235,300.
6. Council notes funding of **\$352,000** allocated over the 2017/18 and proposed 2018/19 Capital Works Programs to complete construction of Cranhaven Road (Stage 2) between Warrandyte Road and Lapwing Court.
7. The Special Charge will remain in force for a period of ten years.
8. The area for which the Special Charge is declared is all of the land shown on the plan set out in the attachment forming a part of this declaration (**Attachment A**).
9. The land in relation to which the Special Charge is declared is all that rateable land described in the listing of rateable properties set out in the attachment forming a part of this declaration (**Attachment B**).
10. The Special Charge will be declared and assessed in accordance with the amounts set out in the attachment forming a part of this declaration (**Attachment B**), such amounts having respectively been assessed based on Benefit Unit (33.33%), Frontage (33.33%) and Area (33.33%).

11. The Special Charge will be levied by sending a notice of levy in the prescribed form annually to the person who is liable to pay the Special Charge.
12. Because the performance of the function and the exercise of the power in respect of which the Special Charge is declared and levied relates substantially to capital works, the Special Charge will be levied on the basis of an instalment plan being given to ratepayers whereby –
 - a) Quarterly instalments are to be paid over a 10 year period, or other period as negotiated;
 - b) Quarterly instalments will include a component for reasonable interest costs, the total of which will not exceed the estimated borrowing costs of Council in respect of the construction of the Road by more than 1%.
13. Council will consider cases of financial and other hardship and may reconsider other payment options for the Special Charge.
14. No incentives will be given for payment of the Special Charge before the due date for payment.
15. Council considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the Special Charge, and directly and indirectly as a result of the expenditure of the Special Charge the value and the use, occupation and enjoyment of the properties included in the Special Charge Scheme area will be maintained or enhanced through the provision of proper, safe and suitable roads and property services. Without limitation, Council considers that the works to be provided under the Special Charge Scheme will –
 - a) Improve vehicular access to and from the properties abutting on or accessing the Road via the works;
 - b) Improve safety and amenity for motorists, cyclists and pedestrians;
 - c) Reduce wear and tear on vehicles;
 - d) Eliminate dust on the Road, being an unmade Road;
 - e) Reduce the need for future grading and associated maintenance of the Road;
 - f) Reduce erosion and sediment transfer; and
 - g) Enhance the amenity and character of the land and the local area.
16. For the purposes of having determined the total amount of the Special Charge to be levied under the Scheme, Council further considers and formally determines for the purposes of sections 163(2)(a), 2A and 2B of the Act that the estimated proportion of the total benefits of the Scheme to which the performance of the function and exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Charge is in a ratio of 65% (**Attachment C**).
17. Notice be given to all owners of properties included in the Scheme and all persons who have lodged a submission and/or an objection in writing of the decision of Council to declare and levy the Special Charge commencing on 10 April 2018 and the reasons for the decision.
18. For the purposes of paragraph 16, the reasons for the decision of Council to declare the Special Charge are that –

- a) There is moderate objection to the Scheme and it is otherwise considered that there is a broad level of support for the Special Charge from all property owners;
 - b) Council considers that it is acting in accordance with the functions and powers conferred on it under the *Local Government Act 1989*, having regard to its role, purposes and objectives under the Act, particularly in relation to the provision of proper, safe and suitable roads and property services in the Scheme area;
 - c) All persons who are liable or required to pay the Special Charge and the properties respectively owned by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance in the use, occupation and enjoyment of the properties;
 - d) The basis of distribution of the Special Charge amongst those persons who are liable or required to pay the Special Charge is considered to be fair and reasonable; **(Attachment C)**
 - e) The works proposed by the Scheme are consistent with the policies and objectives set out in the Planning Scheme for the area; and
19. The works proposed for the construction of the Road are necessary, reasonable, not excessive, sufficient, suitable and not costly having regard to the locality or environment and to the probable use of the Road. **(Plans - Attachment D)**.

Carried Unanimously

12.7 Kananook Creek Management and Sediment Control

(DD Community Assets)

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

That Council:

1. Notes this updated report and allocates \$50,000 in the 2018/19 Capital Works Program for a project to investigate and develop a preferred option to better manage sediment build-up at the mouth of Kananook Creek.
2. Notes the ongoing discussions with relevant authorities and key stakeholders to clarify the governance arrangements proposed as a part of the Kananook Creek Ministerial Advisory Committee (KCMAC) Final Report.
3. Notes that management of siltation in Kananook Creek itself requires agreement between stakeholders on governance and responsibilities for Kananook Creek with a future update to Council planned when further information is available.

Carried Unanimously


12.8 Minutes of the Frankston Arts Board - 20 March 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 March 2018
2. Endorses the statement to LXRA regarding the Skye/Overton Road artwork

Carried UnanimouslyChairperson's initials 

12.9 Councillor Representatives to the Mornington Peninsula and Western Port Biosphere Reserve Foundation Board

(DF Community Development)

Recommendation (Director Community Development)

That Council:

1. Notes the nomination of Cr David Gill, Mornington Peninsula Shire, as the delegate to the Western Port Biosphere Foundation Board and Cr Quinn McCormack, Frankston City Council, as Alternate Director.
2. Writes to the Board of the Westernport Biosphere Foundation confirming its support of Cr Gill and Cr McCormack as the approved delegates to the Board.

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

That Council:

1. Notes that as part of the governance structure of the Western Port Biosphere Foundation, a Council Liaison Committee has been established for the member Councils. The purpose of the Council Liaison Committee is to provide a forum for open communication and two way engagement between the Western Port Biosphere Foundation and the member Councils.
2. Notes that the Council Liaison Committee is responsible for providing:
 - a) input to the strategic direction and operational plans to be pursued by the Foundation;
 - b) a sounding board for the Foundation's ideas, plans, policies and objectives on such things as research, education and fundraising opportunities, projects, organisational structure, governance, membership, communications, public relations and community engagement;
 - c) direct feedback to Councils on the Foundation's plans and performance in relation to 'a' and 'b'; and
 - d) a forum for member Councils to "benchmark" existing and planned environmental, ecological, energy saving, advocacy and branding opportunities and projects, and any innovative land-use.
3. Notes that under the Terms of Reference of the Council Liaison Committee, Councillors representing the member Councils are to determine which Councillor is to be appointed to the Biosphere Board to represent the views of the Councils to the Board. This doesn't preclude a Council from independently representing its issues or ideas directly to the Board.
4. Notes that the Council Liaison Committee recently met and discussed the matter of Councillor Representation to the Board. All Councillors present agreed that Cr David Gill of the Mornington Peninsula Shire will be the delegate to the Board, and Cr Quinn McCormack of the Frankston Council will be the Alternate Director.
5. Nominates Cr David Gill, Mornington Peninsula Shire, as the delegate to the Western Port Biosphere Foundation Board and Cr Quinn McCormack, Frankston City Council, as Alternate Director, until further advised.
6. Writes to the Board of the Westernport Biosphere Foundation confirming the approved delegates to the Board.

Carried Unanimously

12.10 MAV State Council Motions

(MT Chief Executive Office)

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

That Council endorses the proposed Municipal Association of Victoria (MAV) State Council Motions and that the motions be forwarded to the MAV prior to the deadline date.

Carried Unanimously

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

(MB Corporate Development)

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

That:

1. Council notes this report.
2. A further report on the South East Regional Skills Study be brought back to Council pending release of the skills survey results and finalisation of the Victorian Skills Commissioner report.
3. Council continues to support organisations within the municipality, such as Brotherhood of St Laurence, White Lion, and Salvation Army which work either exclusively or in partnership with other youth support programs to assist young people into stable employment through training and supported pathways.
4. Council endorses the proposed Frankston City Council Student Workplace Scholarship.
5. Council endorses the proposed expansion and promotion of available work experience placements for secondary and tertiary students.
6. Further investigation is undertaken into developing a Student Scholarship Program, with a report on findings to be presented to Council for consideration in July 2018.

Carried Unanimously

14. NOTICES OF MOTION**14.1 2018/NOM13 - Rescission Motion - Response to NOM 1391 - Apsley Place**

(MT Chief Executive Office)

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

We, Councillors Bolam, O'Connor and Aitken, hereby give notice that at the next appropriate meeting of Council, we will move that the following decision of Council made at Ordinary Meeting 2018/OM3 held on Tuesday 13 March 2018 regarding Response to NOM 1391 – Apsley Place be rescinded:

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.*

Should the rescission be carried, we give notice of our intention to move the following motion:

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.*
4. *That a letter be sent to all residents and ratepayers within the proximity of Apsley Place at thirty days (outcomes and commitments from the recent public meeting) and ninety days (VCAT update – proceeding or not).*
5. *That all factories and businesses within close proximity to residential properties be reminded – in the form of a mail out -of their obligations in relation to both Frankston City Council and Environmental Protection Agency (EPA) rules and regulations (i.e. noise, presentation, disposal of substances etc.).*
6. *That the CEO be requested to provide a report on the following:*
 - a) *Update on 6-7 Apsley Place, Seaford;*
 - b) *Audit of all existing factories and businesses (without reasonable buffer and/or neighbouring residential zones) to determine whether they possess existing permits;*
 - c) *The creation and maintenance of a 'red flag' system to keep track of properties and factories, operating without permits and/or properties and factories where ongoing grievances have been recorded due to activities at a given commercial/industrial address;*
 - d) *How to improve Frankston City Council's relationship, and information sharing, with/between the EPA; and*
 - e) *Frankston City Council performing its own independent and thorough site audits in 'extenuating circumstances' where either (or all) environment, wellbeing and amenity are being undoubtedly impacted upon by a commercial/industrial entity. The CEO should report to Council what funding and resources might be required to enable the organisation to have this ability in 'extenuating circumstances'.*

This report is to be presented by the June 2018 Ordinary Meeting.

7. *Writes to the appropriate Minister and Shadow Minister, outlining the need for clear legislative direction to ensure that complaints in relation to all aspects of discharge from industries be investigated in a timely and thorough manner.*

Carried

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

Chairperson's initials 

14.2 2018/NOM14 - National and International Accreditation

(VR Chief Executive Office)

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

That a report investigating gaining municipal accreditation for the following schemes be provided back to Council at the June Ordinary Meeting:

- a) World Health Organisation (WHO) 'Safe City' Accreditation;
- b) The United Nations Children's Fund (UNICEF) 'Child Friendly City' Accreditation;
- c) Ramsar 'Wetland City' Accreditation;
- d) Fair Trade Association of Australia and New Zealand 'Fair Trade Council/Town' Accreditation;
- e) White Ribbon Workplace Accreditation; and
- f) The United Nations Educational, Scientific and Cultural Organization (UNESCO) 'Learning City Award'.

Councillor Aitken left the chamber at 10:36 pm.

Councillor Aitken returned to the chamber at 10:37 pm.

In accordance with Section 88 of the Governance Local Law, the Mayor asked for Councillor Bolam to leave the chamber for an hour for disrupting the meeting by raising a point of order. The Mayor asked Cr Bolam to desist and he failed to desist and in accordance with Section 88 the Mayor asked Councillor Bolam to leave the Chamber.

Cr Bolam left the chamber at 10.39 pm.

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

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 at 10.41 pm.

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 moved the motion of dissent against the Mayor of Frankston City is because a Councillor of this Council called a point of order. That point of order was not even heard. That Councillor was not given the chance to articulate properly that point of order and the Mayor refused to hear it and I believe that the Mayor or a Chair or any responsible person chairing a meeting is required and should rightfully hear the point of order before dismissing a person from the room because they failed to stay quiet when they asked to leave in that context.

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 asked the Councillor, when he moved the point of order not to do so because in my opinion it was moved to disrupt me speaking. I asked him not to move that point of order and he refused. And as consequence under Section 88 of our Local Law I asked him to withdraw from the meeting. I did not want him to move the point of order because it was only just disrupt by debate.

**The Dissent Motion was then Put
and Lost**

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

The Motion of dissent was defeated.

The Mayor resumed the Chair and the Meeting proceeded.

Councillor McCormack left the chamber at 10:43 pm.

Councillor McCormack returned to the chamber at 10:45 pm.

**The Motion was then Put
and Lost**

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

14.3 2018/NOM15 - Seaford Wetlands Stakeholders Meeting

(VR Chief Executive Office)

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

That a meeting is to be organised – comprised of interested councillors, relevant officers, State Member of Carrum, Ms Sonya Kilkenny MP, appropriate representatives of Melbourne Water, appropriate representatives of any liaison committee/s that have the Frankston portion of the Seaford Wetlands within their remit and Victoria Police – in relation to anti-social behaviour within the Seaford Wetlands. The meeting is to also consider resumption of wholesale public access to the Seaford Wetlands.

A report is to be provided to Council upon the completion of the aforementioned meeting. The meeting should be in the same vein as NOM 1385.

Lost on casting vote of the Mayor

For the Motion: Crs Aitken, McCormack and Toms

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

Absent: Cr Bolam

Councillor Toms left the chamber at 10:46 pm.

Councillor Toms returned to the chamber at 10:48 pm.

14.4 2018/NOM16 - Seaford RSL Advocacy

(VR Chief Executive Office)

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

That on the basis that the Seaford RSL is located on State Government owned land and that the Seaford RSL are intending to upgrade its facilities, Council is to formally request in conjunction with the Seaford RSL, that the State Member for Carrum, Ms Sonya Kilkenny MP is to provide bona fide clarity on the future of the Seaford RSL at its present site (Station Street, Seaford).

Carried

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

Against the Motion: Crs Cunial and O'Reilly

Absent: Cr Bolam

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

That the meeting granted an extension of time to 11.30 pm.

Carried Unanimously

14.5 2018/NOM17 - Support Neighbourhood Houses Funding Campaign

(MT Chief Executive Office)

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

That Council, in recognition of the assistance Neighbourhood Houses provide to communities, through the development and delivery of services and programs that specifically respond to the needs of their communities, supports the Neighbourhood Houses Budget and Electoral Campaign, by:

1. Writing to Hon Jenny Mikakos MP, Minister for Families and Children, Minister for Early Childhood Education and Minister for Youth Affairs; Georgie Crozier MP, Shadow Minister for Families and Children, Prevention of Family Violence and Housing; and all local State Members of the Legislative Assembly and Legislative Council, seeking increased funding for Neighbourhood Houses so they can meet their community's needs; support for the 35 Neighbourhood Houses who currently do not receive any Neighbourhood House funding; and increased funding for Neighbourhood House networks to provide vital support to Neighbourhood Houses and volunteer committees.
2. Showing support for the Neighbourhood Houses campaign for increased State Government funding by advertising Council's support on Council's website and social media sites.

Carried Unanimously

15. LATE REPORTS

Nil.

16. URGENT BUSINESS

Nil.

Chairperson's initials *C. Hampton*

17. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Cunial****Seconded: Councillor Mayer**

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 Outcomes of the Audit and Risk Management Committee meetings

Agenda Item C.1 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.2 Peninsula Leisure Pty Ltd - Management Services Agreement

Agenda Item C.2 Peninsula Leisure Pty Ltd - Management Services Agreement is designated confidential as it relates to contractual matters (s89 2d), and legal advice (s89 2f)

C.3 Advertising and Frankston City News

Agenda Item C.3 Advertising and Frankston City News is designated confidential as it relates to contractual matters (s89 2d)

C.4 Frankston Basketball Stadium Expansion Project - Alternate Proposal for Redirection of Funds

Agenda Item C.4 Frankston Basketball Stadium Expansion Project - Alternate Proposal for Redirection of Funds is designated confidential as it relates to contractual matters (s89 2d)

C.5 Chief Executive Officer Performance Review Outcomes

Agenda Item C.5 Chief Executive Officer Performance Review Outcomes 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.1 Visitor Information and Services Delivery Options (considered at OM308 – 16 October 2017)**

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

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

That Council:

1. Notes that recommendations of this report stem from a Best Value Service Review of the Tourism and Visitor Services team, which commenced in September 2015 (26 months ago) and has been presented and discussed at Councillor Briefings on five occasions during this period seeking direction and a decision.
2. Notes that usage of the current visitor centre on the waterfront is declining by an average of 8,000 visitors annually, in line with state-wide trends in visitor information and servicing, resulting in the centre connecting with only 6% of visitors to Frankston.
3. Notes that while the number of visits to the centre is declining, costs to operate the facility are continuing to increase well above state and industry averages.
4. Notes that, in light of the declining relevance of traditional visitor information centres and changing consumer preferences being seen across the state, along with the ongoing declining usage of Frankston's centre in its current format, no change to the service will likely result in the future closure of the service and loss of the associated volunteer opportunities.
5. Notes that relocating visitor information and services to a central community based location supports ongoing community engagement to ensure the future relevance and long-term viability of the service; the existing volunteer positions associated with the service; and potentially create additional volunteer opportunities into the future.
6. Supports the ongoing viability of visitor services while enhancing volunteering options through:
 - a) The relocation of visitor information and services to the Frankston Library precinct to improve resident, visitor and business engagement
 - b) The reallocation of \$50,000 to the implementation of expanded and enhanced visitor information and services throughout the municipality
7. Notes that any further savings as a result of altering the service will be redirected to delivering strategic outcomes including industry engagement, destination marketing and the development of Frankston as a destination.
8. Supports relocation of visitor information and services to commence 1 May 2018.
9. Allocates \$25,000 in the 2017-2018 mid-year capital work budget review to develop a clear project scope for the relocation works.
10. Endorses the commencement of market testing for the future use of the waterfront building for tourism opportunities to enhance the resident and visitor experience.
11. Approves a late 2018-2019 Capital Works submission to undertake works to relocate the service and vacate the existing building ready for future tenant/s.
12. Endorses the release of this report and its recommendations no earlier than 31 January 2018 to allow for adequate time for consultation with staff and volunteers.

The motion was put and Carried

C.3 Advertising and Frankston City News (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. Notes this report.
2. Notes that increasing frequency of Frankston City News (FCN) to:
 - a. Eight editions per year incurs an additional unbudgeted cost of \$141,259
 - b. 12 editions per year incurs an additional unbudgeted cost of \$207,531
3. Retains the current frequency of FCN, in consideration of the excessive costs of increasing it and resourcing impacts.
4. Resolves that regular local newspaper advertising will continue to be primarily directed into the Frankston Leader, considering its significant market penetration.
5. Retains the current advertising frequency within the Frankston Leader, to enable Council to reach the community via print on a weekly basis.
6. Notes that a decrease of advertising in the Frankston Leader would not achieve cost savings as the fortnightly rate would be double the current negotiated weekly rate, and would also jeopardise current discounts Council receives.
7. Notes that the draft 2018-2019 Annual Budget includes the allocation of an additional \$5,200 specifically for social media advertising to supplement regular print advertising.
8. Notes the ongoing promotion of Council's existing fortnightly e-newsletter to increase awareness and the subscriber base for this very low-cost digital communications method.
9. Publicly releases only the resolution of this report with the meeting minutes.

The motion was put and Carried

C.4 Frankston Basketball Stadium Expansion Project - Alternate Proposal for Redirection of Funds (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. Ratifies the proposal provided to the Councillors on 26 March 2018 and forwarded on the 28 March 2018 under the signature of the Mayor, to meet the Federal Governments deadline of 30 March 2018.
2. Releases this recommendation immediately following Council meeting with the report to remain confidential.

The motion was put and Carried

C.5 Chief Executive Officer Performance Review Outcomes (considered at this meeting)

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

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

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

That Council:

1. Endorses the outcomes of the Chief Executive Officer's annual performance review that the CEO's performance for the period 1 July 2016 to 30 June 2017, was satisfactory.

The motion was put and Carried

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

That Council:

2. Approves an increase in the Chief Executive Officer's total remuneration package of 2% effective immediately and notes the verbal advice received today from the CEO that he will not accept the proposed increase.

The motion was put and Carried

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

That Council

3. Acknowledges that a report will be presented to the Ordinary Meeting held on 23 April 2018 setting out the Chief Executive Officer's performance objectives for the current review period.

The motion was put and Carried

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

That Council:

4. Releases the resolution only in the Minutes of this meeting.

The motion was put and Carried

The meeting was closed to the public at 11.08 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 3 April 2018, confirmed on Monday 23 April 2018.

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

Dated this

day of

2018