



FRANKSTON CITY
COUNCIL

Ordinary Meeting

A G E N D A

11 December 2017



COUNCIL CHAMBERS

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

Cr. O'Connor

Cr. McCormack

Cr. Cunial

Cr. O'Reilly

Cr Bolam

Cr. Mayer

EMT

Cr. Aitken

Cr. Toms

MEDIA

EMT

Guest Speaker

MEDIA

Gallery



THE COUNCIL MEETING

Welcome to this Meeting of the Frankston City Council

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

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

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

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

When are they held?

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

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

Governance Local Law No. 1 – Meeting Procedure

34. Chair's Duty

Any motion which is determined by the Chair to be:

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

must not be accepted by the Chair.

88. Chair May Remove

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

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

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

The Formal (Ordinary) Meeting Agenda

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

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

· **Items Brought Forward**

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

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

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

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

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

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

· **Presentation of Petitions and Joint Letters**

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

· **Presentation of Reports**

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

· **Presentation of Delegate Reports**

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

· **Urgent Business**

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

· **Closed Meetings**

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

· **Opportunity to address Council**

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

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

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

Disclosure of Conflict of Interest

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

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

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

Agenda Themes

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

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

MAYOR



NOTICE PAPER

ALL COUNCILLORS

NOTICE is hereby given that an Ordinary Meeting of the Council will be held at the Civic Centre, Davey Street, Frankston, on 11 December 2017 at 7pm.

COUNCILLOR STATEMENT

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

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

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

OPENING WITH PRAYER

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

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

BUSINESS

1. **PRESENTATION TO COMMUNITY GROUPS**
Frankston Youth Services – Kokoda on the Right Track
2. **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
Ordinary Meeting No. OM309 held on 20 November 2017.
3. **APOLOGIES**
Nil
4. **DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST**
5. **PUBLIC QUESTION TIME**
Nil
6. **HEARING OF SUBMISSIONS**
Nil
7. **ITEMS BROUGHT FORWARD**
8. **PRESENTATIONS / AWARDS**
Nil
9. **PRESENTATION OF PETITIONS AND JOINT LETTERS**
Nil
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Nil
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Dr Gillian Kay

ACTING CHIEF EXECUTIVE OFFICER

6/12/2017



Executive Summary**11.1 Planning Permit Application 614/2016/P - 197 Karingal Drive, Frankston 3199 - To erect and display an internally illuminated, floodlit, electronic major promotion sign**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.2 Development and Housing
Priority Action	1.2.3 Ensure built form, displays architectural excellence and embodies creative urban design

Purpose

This report considers the merits of the planning application to erect and display an internally illuminated, floodlit, electronic major promotion sign at 197 Karingal Drive Frankston

Recommendation (Director Community Development)

That consideration of the planning permit application 614/2016/P for 197 Karingal Drive Frankston be deferred to a future Ordinary Meeting of Council in 2018 pending future submissions by the applicant.

Key Points / Issues

- The applicant seeks approval for the construction of a Major Promotion Sign with an overall height of 25 metres to be sited on the eastern edge of the Karingal Hub Shopping Centre as a visual marker on the Peninsula Link for the purposes of identifying the centre to a broader catchment base.
- The application was previously reported to the OM309, 20 November 2017 Council meeting with a recommendation that the application be supported by the issue of the Notice of Decision to Grant a Planning Permit. Council resolved to defer consideration of the application to the 11 December 2017 Ordinary Meeting of Council pending further discussions with the applicant.
- Council officers have discussed the concerns raised by Councillors at the Council briefing regarding the height, amenity impact and precedent of the proposed sign with the applicant.
- The applicant has since written to Council officers indicating that they are prepared to undertake a review of the issues raised in the context of a future major redevelopment proposal for the Karingal Hub Shopping Centre.
- The applicant has requested that consideration of the matter be deferred until early 2018.

For further information, please refer to the officer's assessment contained within this report.

Financial Impact

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

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

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

The permit application fee paid to Council is \$1,456.70. The average cost to process a planning application is \$1,729 which in this case is a shortfall of \$272.30.

Consultation1. External Referrals

The application was referred to VicRoads who did not object to the proposal.

2. Internal Referrals

The application was referred internally to Council's Traffic Engineers, Environment Officer and Urban Designer who did not object to the proposal.

Notification of Proposal

Notification of the planning application was given pursuant to the requirements of Section 52 of the *Planning and Environment Act 1987*.

Notification was given in the form of:

- Mail to adjoining owners and occupiers; and
- Two(2) sign erected on the site frontage

As a result of the public notification, two(2) objections were received. The grounds of objection are summarised in the officer's assessment contained within this report.

Analysis (Environmental / Economic / Social Implications)

The proposed major promotion sign will be a significant marker and identifier for the Karingal Hub Major Activity Centre given the scale and profile of the sign. It will increase the prominence and awareness of the centre to a broader catchment base which is expected in turn to generate increased economic investment and vitality of the centre. The proposal is unlikely to have any negative impacts on the environment as a result of light spill or vegetation removal.

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

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

Legal

Council has complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987 in processing the planning application.

Policy Impacts

Council officers has assessed the planning permit applicant in accordance with the following State and Local Planning Policy provisions, zones, overlays, particular and general provisions of the Frankston Planning Scheme.

State and Local Policy Frameworks – Clauses 09, 11, 15, 21.04, 21.07 and 21.10.

Zone and Overlays – Clause 34.01 – Business 1 Zone, Clause 44.05 – Special Building Overlay and Clause 42.01 – Environmental Significance Overlay – Schedule 1

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

Particular Provisions – Clause 52.05 – Advertising
Council’s Outdoor Advertising Signage Guidelines
Karingal Major Activity Centre Structure Plan, February 2013

Officer’s Declaration of Interests

Under Section 80C of the *Local Government Act 1989*, officers providing advice or a report to Council must disclose any direct or indirect interest they have in a matter.

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

Risk Mitigation

There are no particular risks associated with this application.

Conclusion

The current proposal is considered satisfactory and should be supported by the issue of a Notice of Decision to Grant a Planning Permit.

However, the applicant has indicated a willingness to consider the concerns raised in relation to the overall height of the sign, amenity impact and precedent of the proposal in the context of the major redevelopment proposal currently being considered for the Karingal Hub Shopping Centre by the owners of the centre.

The applicant has advised that further time is required to finalise the major redevelopment proposal for the centre and has requested that consideration of the sign proposal be deferred until early next year.

ATTACHMENTS

- Attachment A: [↓](#) Locality Map - Aerial
- Attachment B: [↓](#) Locality Map - Zoning
- Attachment C: [↓](#) Development Plans

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

Officers' Assessment

Summary

Existing Use	Karingal Hub Shopping Centre
Site Area	12 hectares
Proposal	To erect and display an internally illuminated, floodlit, electronic major promotion sign
Zoning	Business 1 Zone
Overlays	<ul style="list-style-type: none"> • Special Building Overlay • Environmental Significant Overlay – Schedule 1
Reason for Reporting to Council	Councillor interest

Background

Subject Site

The Karingal Hub Shopping Centre is situated on the south side of Cranbourne Road between Peninsula Link freeway and Karingal Drive. Residential development abuts its northern boundary and beyond.

Karingal Hub Shopping Centre is identified as a Major Activity Centre providing a full range of retail, commercial and community facilities together with access to regular public transport services.

The shopping centre comprises two main precincts; the Karingal Hub retail centre and the Star Zone Village Cinema complex. Car parking facilities surround these precincts with access from Cranbourne Road and Karingal Drive.

Cranbourne Road is the primary address for the shopping centre. There are three major stores located to the east of Karingal Hub that are accessed from Cranbourne Road.

The development extends across a large portion of the site which has an overall area of some 12 hectares, some of which is undeveloped with part of this containing native vegetation.

The land falls steeply from the Cranbourne Road frontage to the north and from the eastern boundary towards the centre of the site. The Peninsula Link sits approximately seven metres below Cranbourne Road.

Locality

The Karingal Hub Shopping Centre is located 4km to the east of Frankston Major Activity Centre. A small neighbourhood centre is located further to the east and north in Langwarrin.

Land surrounding the centre and further afield has primarily been developed for housing. Other regional recreational and health facilities are located within close proximity of the shopping centre including Ballam Park and the Peninsula Private Hospital.

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

Peninsula Link Freeway has entry and exit ramps on the north and south bound carriageways providing access onto Cranbourne Road.

Site History

Various planning permits have been issued since the development of the land as the Karingal Hub Shopping Centre.

Proposal

It is proposed to erect and display internally illuminated, floodlit, electronic major promotion sign within the landscaped area along the eastern boundary of the Karingal Hub Shopping centre adjacent to the Peninsula Link Freeway.

The sign is triangular in shape, comprising of three independently visible surfaces enabling it to address both north and south bound motorists on the freeway, the centre car park and beyond to the west.

The overall height of the sign is 25 metres with a maximum width of 4.93 metres.

The sign comprises of three distinct parts as follows:

- The bottom section of the sign has a total height of 9.7 metres and comprises of two parts; a vandal proof "kick" panel with a graffiti resistant coating, 3 metres high and the section above is to be clad in native hardwood slats with a height of 6.7 metres. This section of the sign will contain no advertising and will be flood light by baffled lighting from four light sources in vandal proof housing;
- The central panel comprises an LED screen to display tenant logos and centre related information (the two surfaces facing the freeway), including promotions and community events. This component will be 7.8 metres high and 4.5 metres wide with an advertising area of 35.1m². The images on the LED screens will be displayed for a minimum duration of 30 seconds with an instantaneous transition between slides. No animated or moving images will be displayed.
- The top section will carry the centre's new branding and name and will be internally illuminated, allowing multiple colour combinations of the logo, on an alucobond panel, 7.5 metres high and 4.5 metres wide (freeway faces) with an advertising area of 33.75m². The inward face is lightly wider and extends to the central panel as there is not electronic component on this face.

The sign components are integrated by an LED strip on the east facing edge of the sign displaying the centre logo colours, and other promotion, charity or seasonal colours.

All light sources will be controlled by an ambient light sensor automatically adjusting the light intensity according to ambient light conditions and be capable of being set to a maximum LUX level.

State and Local Planning Policy Frameworks

State Planning Policy Framework relevant to this application are summarised as follows:

- Clause 11 - Settlement
- Clause 17 – Economic Development
- Clause 18 – 02-4 – Management of Road System

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

Local Planning Policy Framework relevant to this application are summarised as follows:

- Clause 21.04 - Settlement
- Clause 21.08 – Economic Development
- Clause 21.10 – Built Environment and Heritage

Planning Scheme Controls

A Planning Permit is required pursuant to:

- Clause 34.01 – Commercial 1 Zone – Category 1
- Clause 52.05 – Advertising Signs

Particular and General Provisions

- Clause 52.05 – Advertising Signs

Strategic documents

- Karingal Major Activity Centre Structure Plan, February 2013
- Frankston City Council Outdoor Advertising Signage Guidelines, February 2017

Notification of Proposal

Notice of the application was provided by means of signs on site and mail notices to nearby properties.

Two objections were received. The grounds of objection are summarised as follows:

- Potential impact on motorists accessing the shopping centre;
- The sign will contribute to an excessive amount of light pollution impacting on amenity and will attract wildlife which will result in noise at night time.

A Residents Discussion Meeting was not held as the concerns raised were not likely to be able to be addressed by the applicant.

External Referrals

The application has been referred to VicRoads who are a S55 referral authority in accordance with the Frankston Planning Scheme.

VicRoads requested further information to be provided to enable an assessment of the level of impact the proposed pylon sign may have on motorist behaviour and safety of the arterial road network.

The following information was requested:

1. Further details on what can be visually expected on the proposed LED screen on typical days as opposed to special seasons or events;
2. Further details on the frequency and the manner in which the internally illuminated logo colours will change or transition. Similar clarification is also required for the LED tiled detail strip.

The applicant provided a Lighting Report prepared by NDYLIGHT dated September 2017 in response to VicRoads further information request.

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VicRoads reviewed the lighting report and advises in their response that they do not object to the proposal subject to conditions being included on any permit issued.

While VicRoads did not object to the proposal it made the following comments:

“VicRoads notes while the proposed development is not without some merit, there are a number of deficiencies as follows:

- It is noted that the proposed sign is located at a major decision point where southbound vehicles are likely to be changing lanes as per the directions provided on the nearby gantry to continue on the freeway or to enter the Cranbourne Road exit. In order to minimise the likelihood of involuntary attention capture of motorists at this major decision point, VicRoads considered it appropriate for Council to consider including a note on permit to limit text within the advertising content to no more than 4-6 words.”*

While a Note can be included on a permit it is not enforceable in accordance with the Planning and Environment Act 1987.

Information regarding the advertising displays on the sign could be provided through the preparation of advertising signage guidelines for approval and to the satisfaction of Council. Council could include this as a condition of permit.

Internal Referrals

The application has been referred to Council's Traffic Engineers, Environment officer and Urban Designer who provided the following comments:

Traffic Engineer

Council's Traffic Engineers does not object to the proposal.

Environment officer

Council's Environment officer does not object to the proposal and provided the following comments (summarised):

- The current plans show that no tree removal is required for installation of the sign or the power cable
- Movement of vehicles and materials on site may impact on retained trees. No indication of proposed access points, storage areas or vehicle movement alignments has been provided.
- The current proposal is generally supported subject to the inclusion of conditions relating to tree protection and replacement.

Urban Design Advice

Council officers referred the proposal to SJB Urban Design who reviewed the Preliminary Concept Design, Clause 22.09 Outdoor Advertising Signage Policy, Outdoor advertising Signage, Frankston City Council (2014) and the Karingal Major Activity Centre Structure Plan, 2013.

SJB provided the following urban design advice on the proposal (summarised):

- The sign has been designed to focus on motorists travelling along Peninsula Link both north and south bound traffic.

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

- The height of the proposed sign ensures the top most portion of the sign is visible to northbound traffic approaching the off-ramp. The rail and road overpasses, topography and substantial amount of established vegetation obstruct sightlines from this direction significantly.
- The proposal does not capture any view points from Cranbourne Road and the on ramp to the Peninsula Link. Views from these aspects would be most likely at intersections and lower travelling speeds.
- A balance should be achieved between the need to increase the visibility of the shopping centre and maintaining the intended experience of the Peninsula Link.
- While a visual example of the material has not been provided, it is envisaged that various tenant logos will clutter and dominant the display. Considered without the LED component and additional information, the pylon design could be considered streamlined, modest and not disruptive to the existing designed aspects in the vicinity.
- The pylon has the potential to offer the dual functionality of providing wayfinding and information to Trail users of pedestrian/cycle paths along the freeway. The design of the sign has accounted for safety in terms of lighting and materiality choices at this scale.
- Consideration has not been given to the impact of the proposed internal illumination on the adjacent roadway safety. This is a matter for VicRoads, the relevant referral authority.
- The location and purpose of the sign is supported subject to a number of recommendations including a set of guidelines on the maximum amount of information to be displayed on the LED screen at one time.

Discussion***State and Local Planning Policy***

The proposal is considered to be consistent with the broader State and Local planning policy objectives and strategies relating to economic wellbeing and prosperity of communities.

Karingal Hub Shopping Centre is identified as a Major Activity Centre at Clause 21.08 of the Frankston Planning Scheme and provides a full range of retail, office, commercial and community facilities with good access to public transport.

Clause 21.08 – Economic objective is to *“reinforce existing activity centres and to encourage them to provide a wide range of goods and services, consistent with their role in the activity centre hierarchy.”*

One of the strategies in achieving the above objective is to: *“require a high standard of architectural design, external finishes, identification and advertising signs and landscaping”* when considering development proposals including signage.

The Karingal Hub Major Activity Centre Structure Plan, 2013 provides a vision for a period of 15 to 20 years, the Structure Plan seeks to outline key policy directions, and important physical outcomes as it relates to the Activity Centre’s built form and activity, recreation and environment, and access and mobility.

The Structure Plan is to be used as a guide in assessing planning permit applications.

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

The Structure Plan recognises opportunities for the future integration and consolidation of the shopping centre through redevelopment opportunities. With projected floor space demand within the shopping centre of 15,600m², the Structure Plan identifies that future growth needs to be accommodated through more efficient use of surface car park land and redevelopment of poorly configured buildings.

The Structure Plan recognises three nodes identified for 'place identity markers' which are situated at Cranbourne Road/Peninsula Link intersection, Karingal Drive/Cranbourne Road and on Karingal Drive between Naranga Crescent and Star Zone. The Structure Plan advocates that these should be the focal points for improving landscape and urban design treatments within the public space and encouraging new development to provide a high quality built form profile and presentation within these areas. A strengthened building presentation along Cranbourne Road is to be achieved through more prominent building forms which are architecturally distinctive, attractive and proudly 'announce' the presence of the Town Centre.

Appropriate identification signage could be integral to achieving the vision sought by the Structure Plan.

Council has recently adopted Outdoor Advertising Signage Guidelines for the purposes of providing guidance in relation to the assessment of advertising signage proposals. These guidelines provide policy direction for signage within the municipality and will be implemented into the Frankston Planning Scheme at Clause 22.09 when Amendment C100 is approved.

Council's Outdoor Advertising Signage Guidelines encourage signage along freeways subject to balancing any amenity and safety issues, impacts on landscape character, and areas that interface with sensitive land uses, like residential areas.

For land adjacent to the Peninsula Link, the design guidelines apply as follows:

Signs along freeways are encouraged:

- *Away from on and off ramps, where drivers require extra concentration;*
- *At locations that interface with land with less restrict advertising sign requirements such as business areas;*
- *Where illumination or glare will not spill onto the road; and;*
- *To meet the requirements of any guidelines specific to a road corridor.*

Under the Business 1 Zone, advertising signage falls within Category 1 – Commercial areas where minimum limitation applies. The purpose of Clause 52.05 includes ensuring that signs 'do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road'. At clause 52.05-3 there are numerous decision guidelines, applicable to all types of signs, which must be considered, as appropriate, including:

- *The character of the area;*
- *Impacts on views and vistas;*
- *The relationship to the streetscape, setting or landscape;*
- *The relationship to the site and building;*
- *The impact of structures associated with the sign;*

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

- *The impact of any illumination;*
- *The impact of any logo box associated with the sign;*
- *The need for identification and the opportunities for adequate identification on the site or locality;*
- *The impact on road safety.*

Major promotion signs are also subject to the specific permit requirements and decision guidelines at Clause 52.05-6.

The purpose of Clause 52.05-6 is:

- *To achieve high quality visual standards for the siting of major promotion signs;*
- *To ensure that the signs are not detrimental to the appearance of their surroundings or the safe and efficient operation of the route through the application of consistent planning controls.*

The decision guidelines at Clause 52.05-6 require consideration to be given to the effect of the proposed major promotion sign on:

- *Significant streetscapes, buildings and skylines;*
- *The visual appearance of a significant view corridor, viewline, gateway location or landmark site identified in a framework plan or local policy;*
- *Residential areas and heritage places;*
- *Open space and waterways.*

The following locational principles must also be taken into account:

- *Major promotion signs are encouraged in commercial and industrial locations in a manner which complements or enhances the character of the area;*
- *Major promotion signs are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways;*
- *Major promotion signs are discouraged within open space reserves or corridors and around waterways;*
- *Major promotion signs are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant viewlines;*
- *In areas with a strong built form character, major promotion signs are encouraged only where they are not a dominant element in the streetscape and except for transparent feature signs (such as neon signs), are discouraged from being erected on the roof of a building.*

Is there policy support for the sign?

The sign is located at the edge of land that forms part of a major activity centre, within a business zone and positioned adjacent to the Peninsula Link freeway, approximately 60 metres from the on/off ramps to the Cranbourne Road intersection. The location of the sign is considered consistent with the locational requirements of Council's Outdoor Advertising Signage Guidelines and where Major Promotion Signs are encouraged in accordance with Clause 52.05-6 of the Frankston Planning Scheme.

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

The Karingal Hub Shopping Centre has a number of identification signs positioned along Cranbourne Road and Karingal Drive. This includes a 16 metre promotion sign on Cranbourne Road which identifies the site from the Frankston and Cranbourne approaches along Cranbourne Road; and a promotion sign on Karingal Drive identifying the access points into the various retail and entertainment areas.

The location of the current signage is concentrated on a localised catchment with visibility concentrated on motorists travelling in an east-west direction. The current signage is not visible from the freeway.

The proposed major promotion sign is proposed to be located on the eastern side of the Karingal Hub shopping centre where no identification signage for the shopping centre currently exists.

One of the key purposes of the sign is to provide a visual marker on the freeway to identify the shopping centre, its location and promote the activities of the centre to a wider audience and catchment.

The structure plan for Karingal Hub recognises the benefits that may be derived from increased accessibility brought about by the completion of Peninsula Link to the shopping centre.

The structure plan also recognises that there are substantial opportunities for redevelopment and revitalisation of the centre, lifting the profile and promoting the centre through appropriate mechanisms, one of which being appropriate signage.

The proposed sign is located adjacent to the Peninsula Link freeway, a major arterial road, to the north of a major road intersection with Cranbourne Road. The sign is located in an elevated position above the roadway and an acceptable distance from the off-ramps not to cause distraction for motorists heading in a northerly or southerly direction.

The subject site is not an open space reserve or located along a forest, tourist road or scenic route but is adjacent to a landscaped section of the freeway.

No vegetation is proposed to be removed in order to provide for the works associated with the base of the sign and the sign will be partly screened by the existing canopy vegetation existing within the freeway reserve.

There are no other major promotion signs in this section of the freeway, on the north or south approaches, although it is not uncommon to find artwork, industrial buildings, acoustic walls, bridges, etc along sections of Peninsula Link.

The proposed sign would mark a transition from a more urban experience travelling along the freeway from the north to a rural experience to the south, beyond Cranbourne Road where much of the land use is rural in nature.

The sign also has the potential to assist in way-finding along the freeway given its proximity to the existing pedestrian/cycle pathway along the freeway. This could be achieved by way of a condition should a permit be issued.

It is considered the proposal is consistent with the many of the policy requirements

Is the scale, location and form of the sign acceptable relative to its physical setting?

While the Karingal Hub Major Activity Centre is located on a topographical high point in the landscape it is largely unseen from the freeway and the residential areas to the north and south-east aspects.

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

The commercial buildings that comprise the centre combined with the relatively steep slope of the topography to the north result in minimal exposure of the centre unless travelling along Cranbourne Road or Karingal Drive.

Due to the topographical constraints of the centre, the applicant is seeking to raise the profile and awareness of the centre through signage situated at a vantage point to capture passing trade along the freeway. The applicant has advised that the proposed major promotion sign is part of a re-branding strategy for the shopping centre aimed at improving the centre's profile and increase its catchment area.

For the sign to be seen along the approaches of the freeway it needs to sit above the existing tree line of the vegetation along the western freeway reservation.

The sign has been designed to achieve maximum exposure to the freeway. At an overall height of 25 m, it is the top portion of the sign that will be visible above the canopy of the trees, most of the remainder of the sign will be screened due to the existing vegetation, the rail and road overpasses and topography of the area. Therefore, the sign is less likely to be a dominant feature of the freeway from north and south bound approaches.

The sign has been architecturally designed, in a triangular shape to maximise exposure but minimise impact on the natural setting.

The triangular shape of the sign promotes a style of elegance and sophistication that demonstrates a high standard of design which is encouraged by policy objectives of the planning scheme.

The proposed sign is likely to be similar to the prominence of the 9m high silver gnome located to the south of Cranbourne Road which acts as a marker of place at this section of the freeway.

A review of signage of major activity centres nearby shows that large promotion signs are commonly used to promote such centres. Examples can be seen at the Cranbourne Park Shopping Centre, Knox City Shopping Centre and Fountain Gate Shopping Centre.

The applicant has advised that there are a number of non-site related 'advertising promotion' signs at around 18 metres on Peninsula Link and on Eastlink in various locations including service centre signs that are in the order of 25 metres high and constructed on raised ground, where sight lines are more difficult.

Will the sign have an impact on road safety?

Montages of the visual impact of the sign to the east, along both approaches of the freeway and to the west have been provided.

The montages show that the logo will be visible from the north and south approaches to varying degrees, depending on the distance of the approach. Visibility of the sign increases as motorists approach the on/off ramps at the Cranbourne Road intersection, however, it is only the upper two sections of the sign that are visible.

The applicant provided a Lighting Report prepared by NDYLIGHT at the request of VicRoads. This report makes an assessment of the level of illumination and whether it complies with VicRoads requirements.

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

This report recommends the dimming of the LED screen to be permanently set at a level so that the veiling illuminance at the worst case scenario will be less than the VicRoads requirement of signage not providing a veiling luminance greater than 0.25 cd/m² to drivers using Peninsula Link. The addition of coloured sections of LED in the branding and sign content will reduce the veiling luminance to lower levels.

The above report, however, does not detail what can be visually expected on the proposed LED screen on typical days, as opposed to special seasons or events, nor the frequency and the manner in which the internally illuminated logo colours will change or transition.

Given the scale and prominence of the proposed sign it is considered important that this information be provided as part of any approval process. Council can require the preparation of Advertising Signage Guidelines as a condition of permit which would enable a review and sign off process to be maintained.

Will the sign unreasonably impact on the amenity of the residential areas nearby?

Given the overall height of the sign, parts of the sign are likely to be visible from surrounding residential areas, particularly at night, as the sign is proposed to be internally illuminated. However, it is unlikely the proposed major promotion sign will have a detrimental impact on the amenity of residential areas nearby.

From the location of the proposed sign there is a distance of 300m to the nearest dwelling on the east side of McClelland Drive. Between the freeway and McClelland Drive there is a heavily vegetated strip of land that obscures any view from dwellings in this location to the freeway.

It is possible that dwellings to the east of McClelland Drive may be able to obtain glimpses of the logo of the sign given the overall height of the sign at 25 metres and there may be some light glow, particularly at night, but the limited exposure of the sign at this distance, and beyond, in an easterly direction is unlikely to cause any material detriment to residents.

The sign will be more visible to the residential areas to the north, south and west but unlikely to cause any unreasonable material detriment to residents.

There is a distance of 200m from the location of the sign to the nearest residence to the north, 400m from the sign to the dwellings to the west and 450m from the sign to the dwellings to the south.

Although the sign is proposed to be sited on a high point in the topography, the existing commercial buildings within the shopping centre will screen much of the sign from view from the west and south.

From the dwellings to the north, the sign will be more visible given the topography and absence of any buildings between the dwellings and the site of the proposed sign. However, existing trees will provide some screening and when the vacant commercially zoned parcel of land is developed, any future building will provide further screening to the sign from the north.

While residents may be able to see the logo and some light glow, the limited exposure of the sign at these distances is unlikely to cause any material detriment to residents.

Further to this the sign has been designed in a triangular shape with three exposed advertising faces directed towards the approaches along the freeway and to the west, to assist in minimising any impact on sensitive uses nearby.

11.1 Planning Permit Application 614/2016/P - 197 Karingal Drive, Frankston 3199 - To erect and display an internally illuminated, floodlit, electronic major promotion sign**Officers' Assessment*****Will the sign attract wildlife?***

No evidence has been supplied by the objector to support the contention that the illuminated sign will attract Lorikeets. In any regard the sign is located at significant distance to nearby dwellings and accordingly any Lorikeets which are attracted by the lights are likely to congregate well away from dwellings.

Conclusion

The current proposal is considered satisfactory and should be supported by the issue of a Notice of Decision to Grant a Planning Permit.

However, the applicant has indicated a willingness to consider the concerns raised in relation to the overall height of the sign, amenity impact and precedent of the proposal in the context of the major redevelopment proposal currently being considered for the Karingal Hub Shopping Centre by the owners of the centre.

The applicant has advised that further time is required to finalise the major redevelopment proposal for the centre and has requested that consideration of the sign proposal be deferred until early next year

Recommendation (Director Community DevelopmentCommunity Development)

That consideration of the application be deferred to a future Ordinary Meeting of Council in 2018 pending further submissions made by the applicant on the concerns raised in context of a major redevelopment proposal for the Karingal Hub Shopping Centre.

Town Planning Application 613/2016/P
Karingal Hub – 197 Karingal Drive Frankston



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Projection: GDA94 / MGA zone 55

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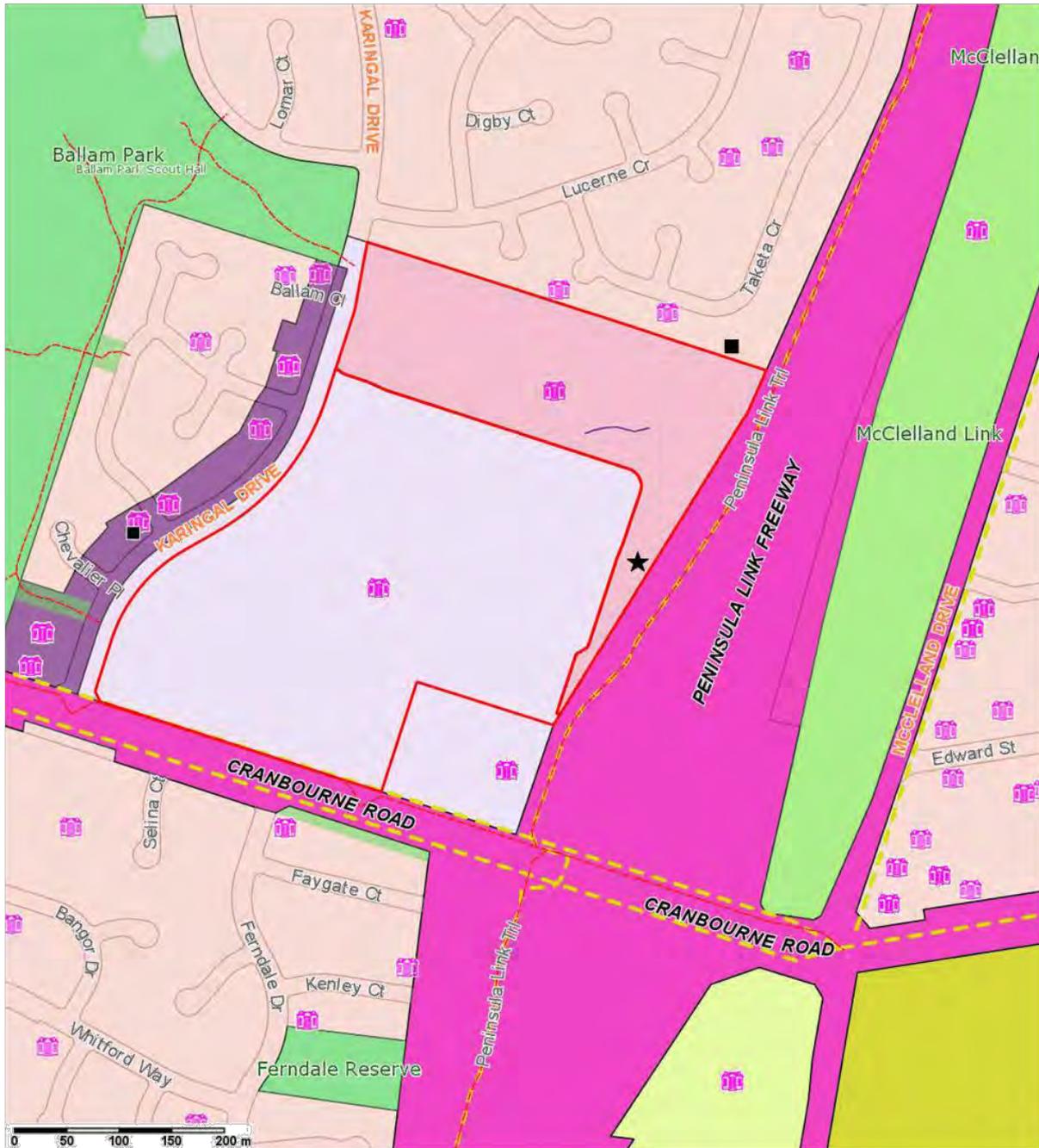
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Time Printed: 12:14 PM

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Town Planning Application 614/2016/P
Karingal Hub - 197 Karingal Drive Frankston
★ Subject Site ■ Objectors (2)



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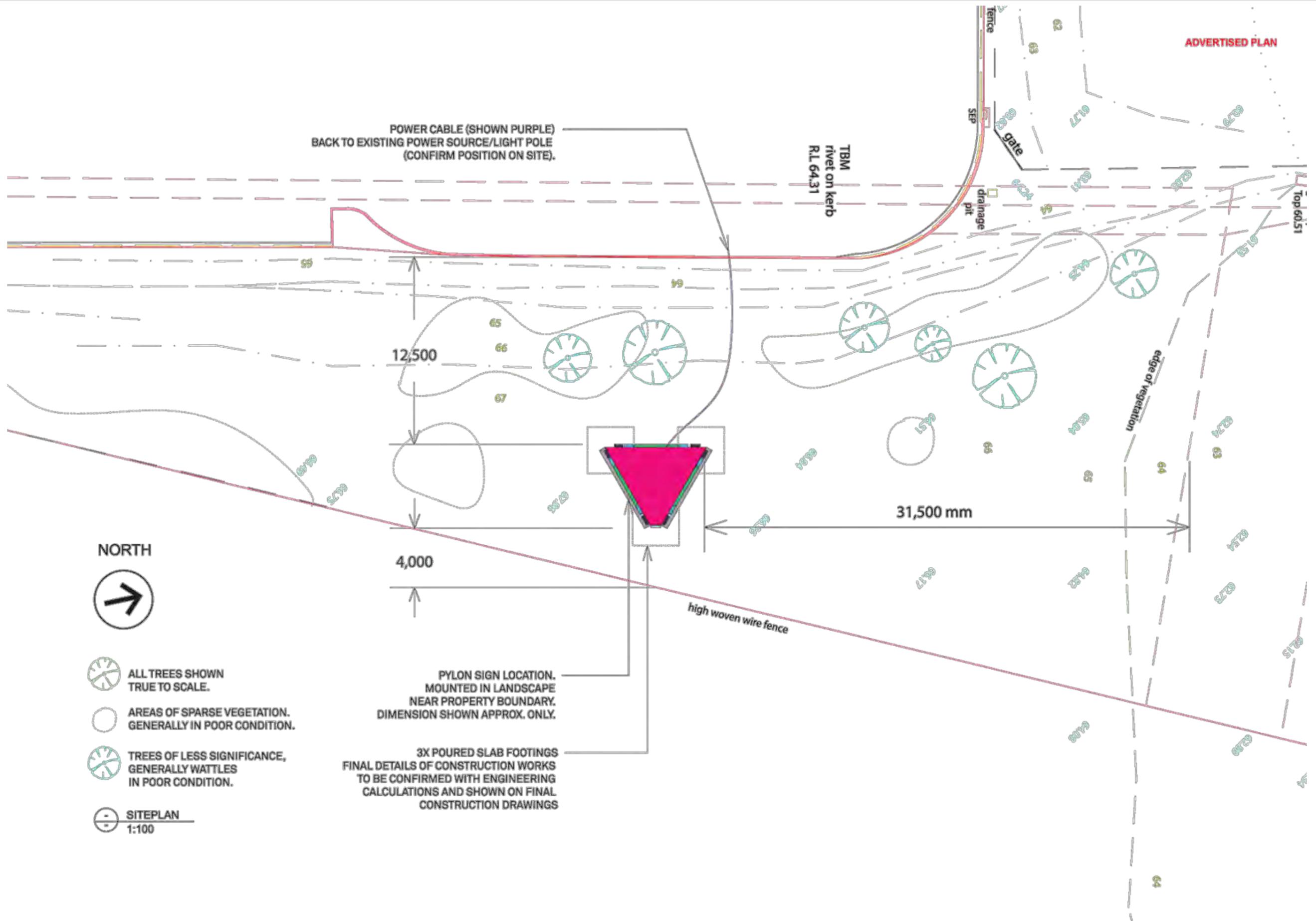
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ISPT - Karingal Hub

Pylon Sign - Development Application Package

Issue 2.1 — 21st November 2016

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PO Box 1358,
Collingwood, VIC, 3066

Studio 3
73a Rupert Street,
Collingwood, Victoria 3066

T: 03 9097 7744
E: studio@studioatlarge.com.au

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3
ADVERTISED PLAN

Overview

This package gives an overview of the proposed location and construction of a new pylon sign at Karingal Hub shopping centre.

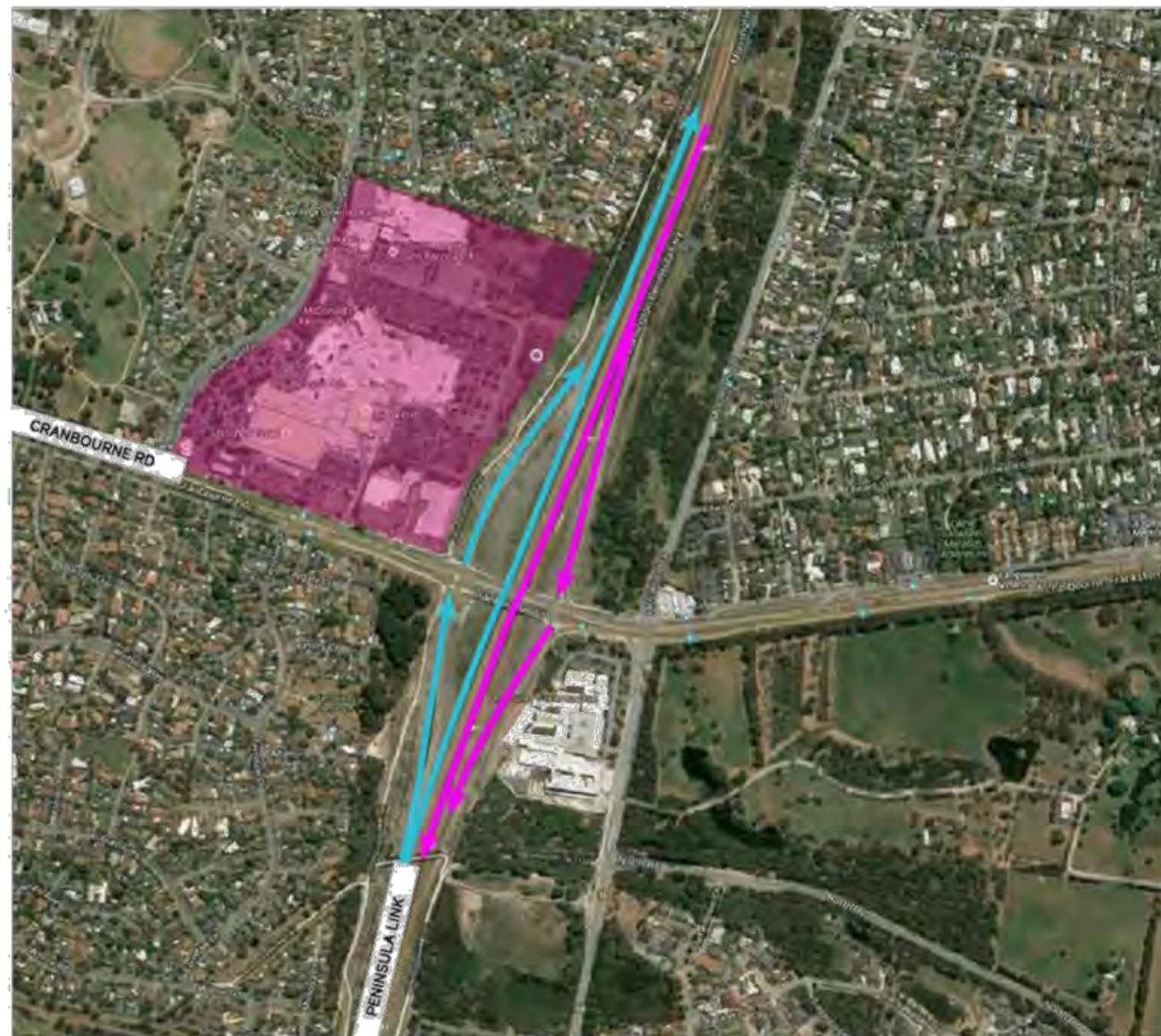
A preliminary site inspection on Tuesday 14th June, 2016 revealed a preferred location for the sign on the South-Eastern boundary of the site.

This preference is informed by sight-lines from the ground which we believe would provide good visibility of the sign for southbound traffic and adequate visibility for northbound traffic on the northern side of the Cranbourne Rd overpass.

A Viewing Distance Analysis was undertaken on Monday 4th July 2016, the findings are documented in the following pages.

A new brand has been developed for the centre which will be represented on the new pylon sign. The sign will act as a beacon to denote the location of the centre to motorists travelling primarily in a North-South direction.

-  Proposed sign location
-  Site Extent
-  Southbound Lanes
-  Northbound Lanes



SITE CONTEXT

PROJECT
Karingal Hub Pylon Sign

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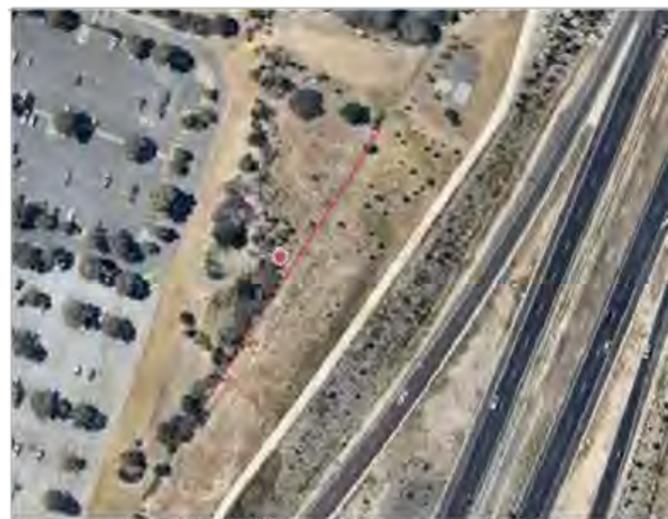
STAGE
Preliminary Concept Design

DATE
21.11.16

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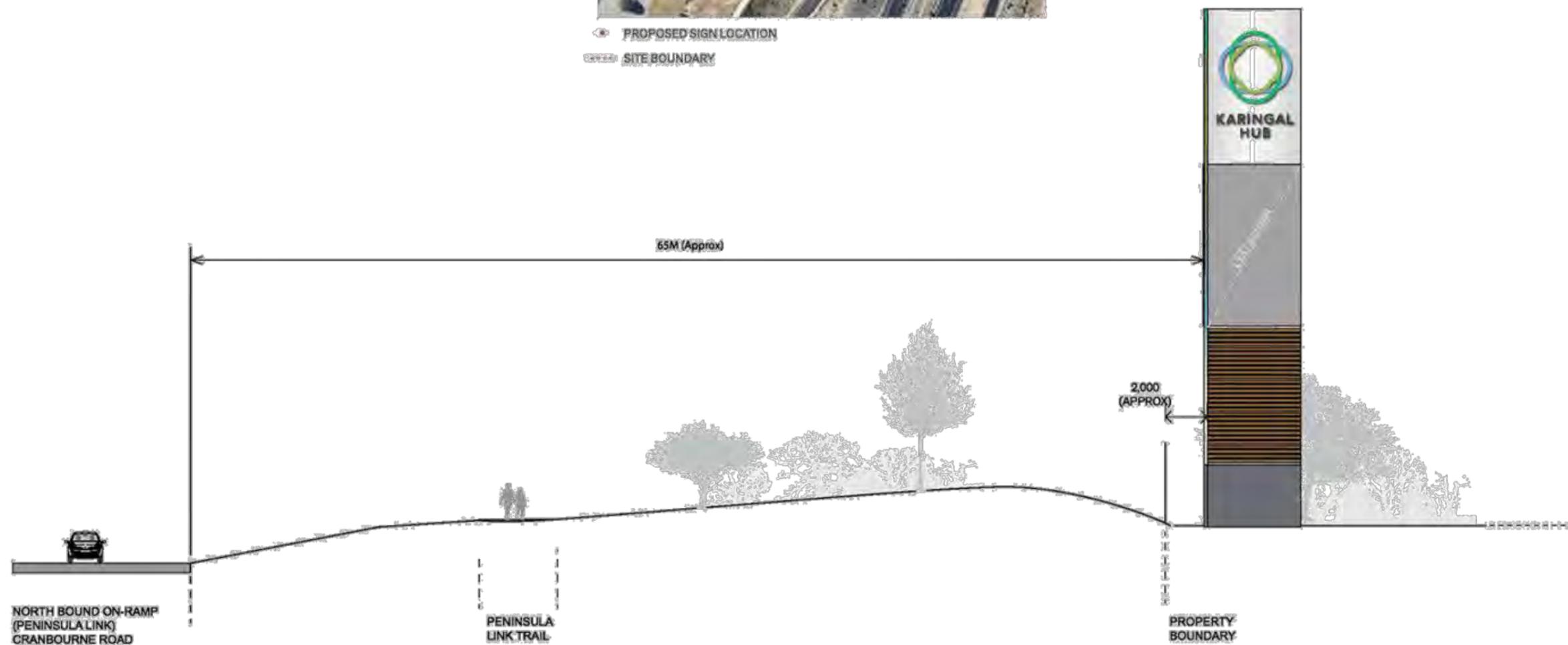
Sign Placement

It is proposed that the sign be located on the Eastern edge of the Karingal Hub site (within the boundary). The sign is configured in a triangle shape to allow maximum visibility to North and Southbound traffic, taking into account it's considerable distance from the roadway.



PROPOSED SIGN LOCATION
 SITE BOUNDARY

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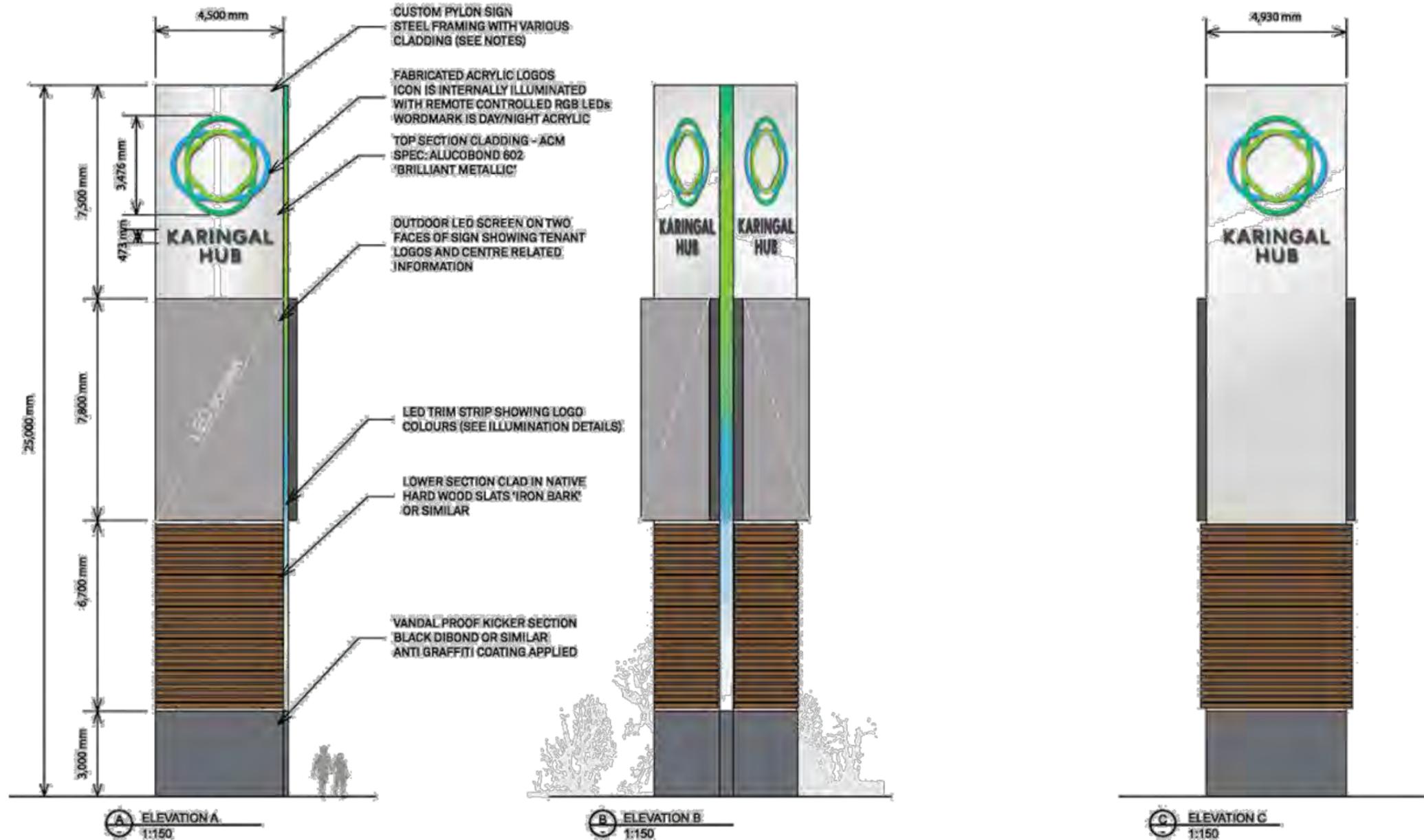
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Sign Details

The sign is comprised of three main sections. The upper section shows the centre logo and is clad in a uniform aluminium composite material. The middle section houses an LED screen (on two faces), which will be remote controlled. The screen will show centre specific information, as well as information relating to the local community. The lower part of the sign is designed to be viewed from the peninsula link trail. Using natural native hardwood to reflect the environment, with a vandal-proof 'kicker' section below.



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Illumination and Animation

A key feature of the sign is the configurable internal illumination of the logo. The colour scheme can be customised to suit the season or local events. A dynamic colour scheme will create an ongoing point of interest and supports the local appreciation for public art and community engagement.

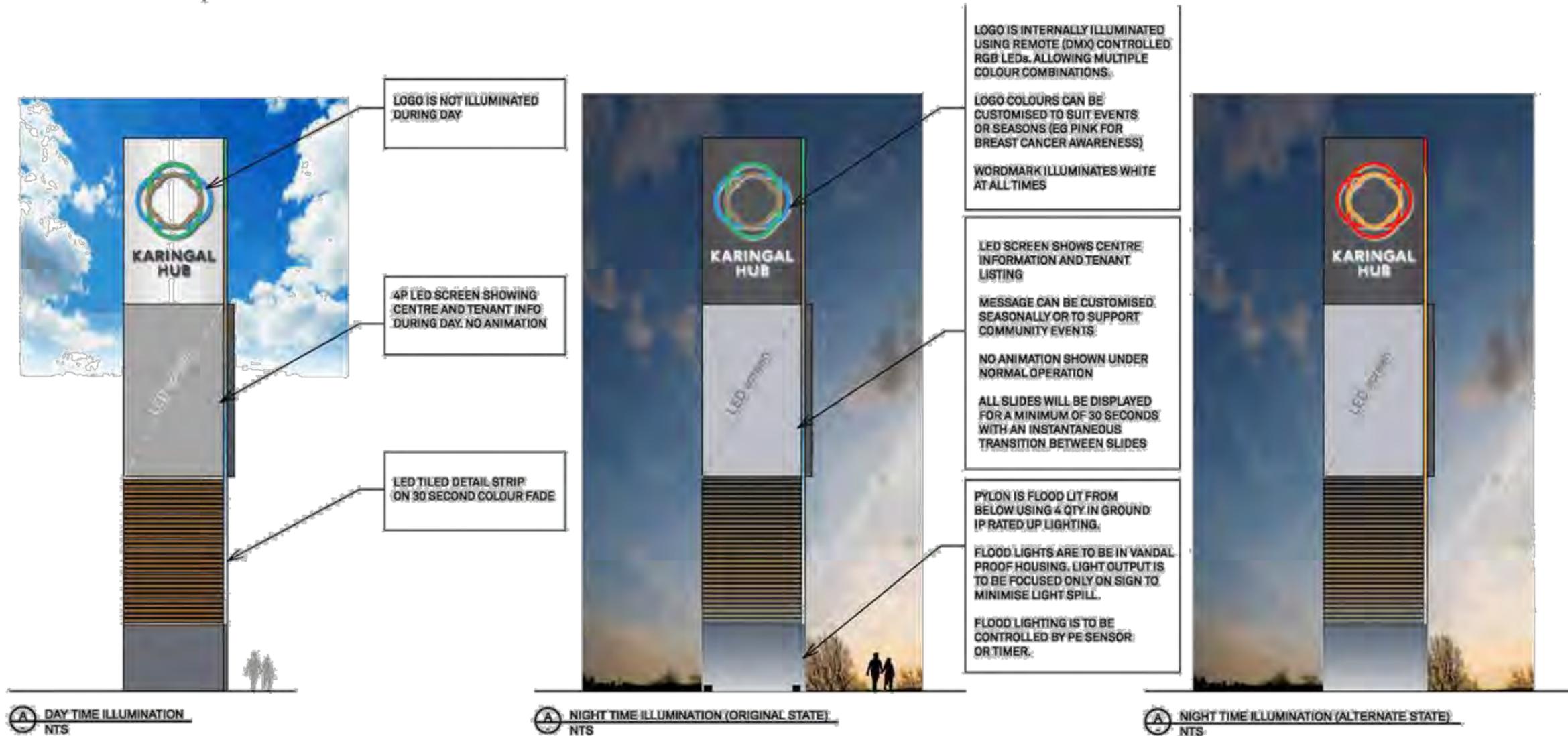
The lower section of the sign will be externally illuminated from the ground using 'up light' flood lighting. Flood lighting will ensure visual consistency of the sign particularly from a pedestrian / cyclist level. Illuminating the sign at ground level will also ensure vandalism is kept to a minimum.

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GENERAL SPECIFICATION:

SIGN WILL BE FITTED WITH AUTOMATIC AMBIENT LIGHT CONDITIONS SENSORS (PE CELL OR SIMILAR) TO CONTROL LIGHT OUTPUT AND INTENSITY. LIGHT OUTPUT OF THE SIGN MUST AUTOMATICALLY ADJUST TO SUIT MEASURED AMBIENT LIGHT, AND MUST BE ABLE TO BE SET TO A MAXIMUM LUMINANCE LEVEL.

CONTROL SYSTEM WILL RECORD LIGHT LEVELS NO LESS FREQUENTLY THAN EVERY TEN MINUTES, AND ADJUST OUTPUT TO PRESET LEVEL OF CD/M2.



Viewing Distance Overlay

Southbound overview.

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SOUTHBOUND VIEW

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Viewing Distance Overlay

Southbound viewpoints.

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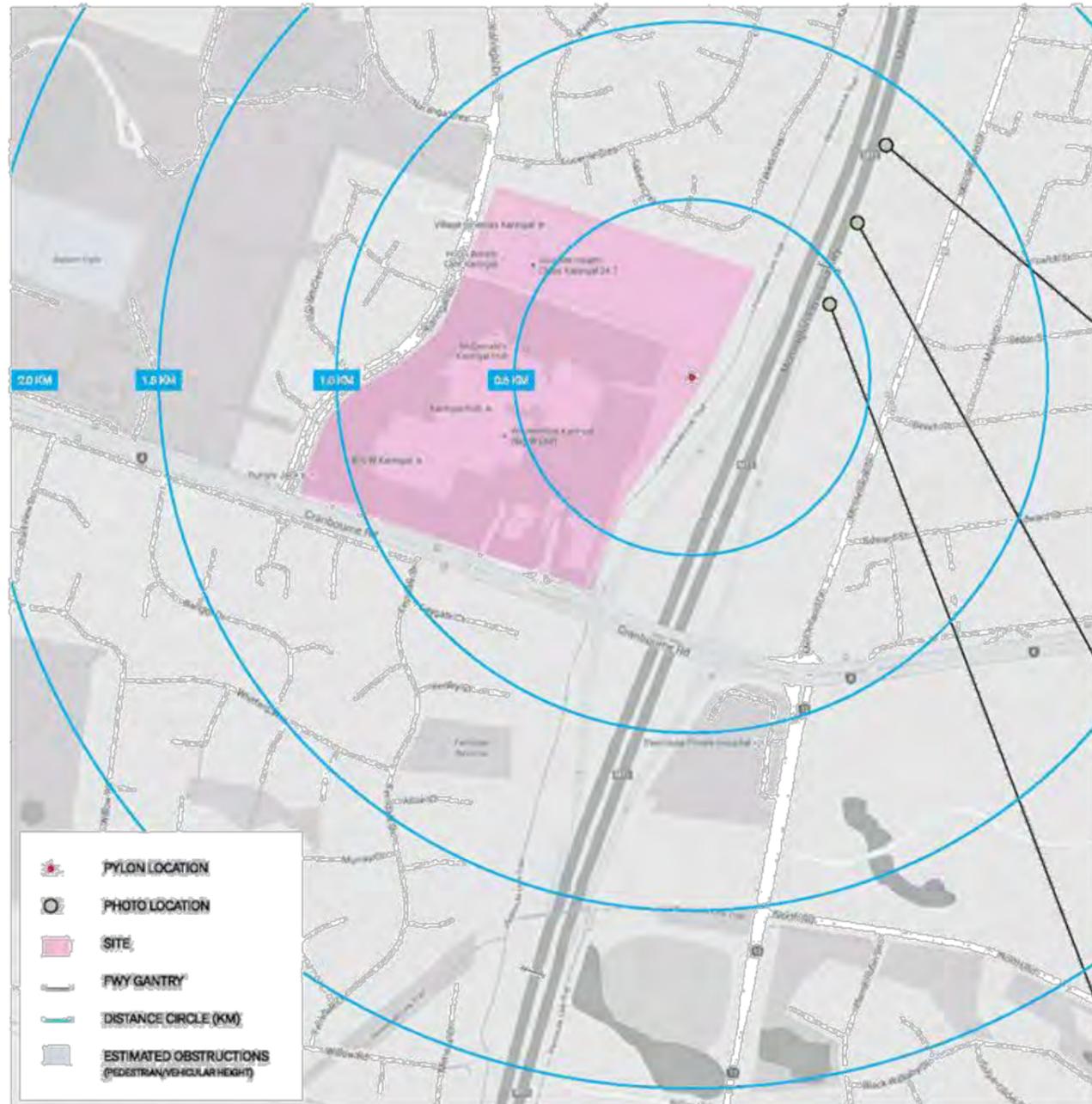


PHOTO 01



PHOTO 02



PHOTO 03

SITE DETAIL - PHOTO LOCATIONS
 SCALE: 1:7500

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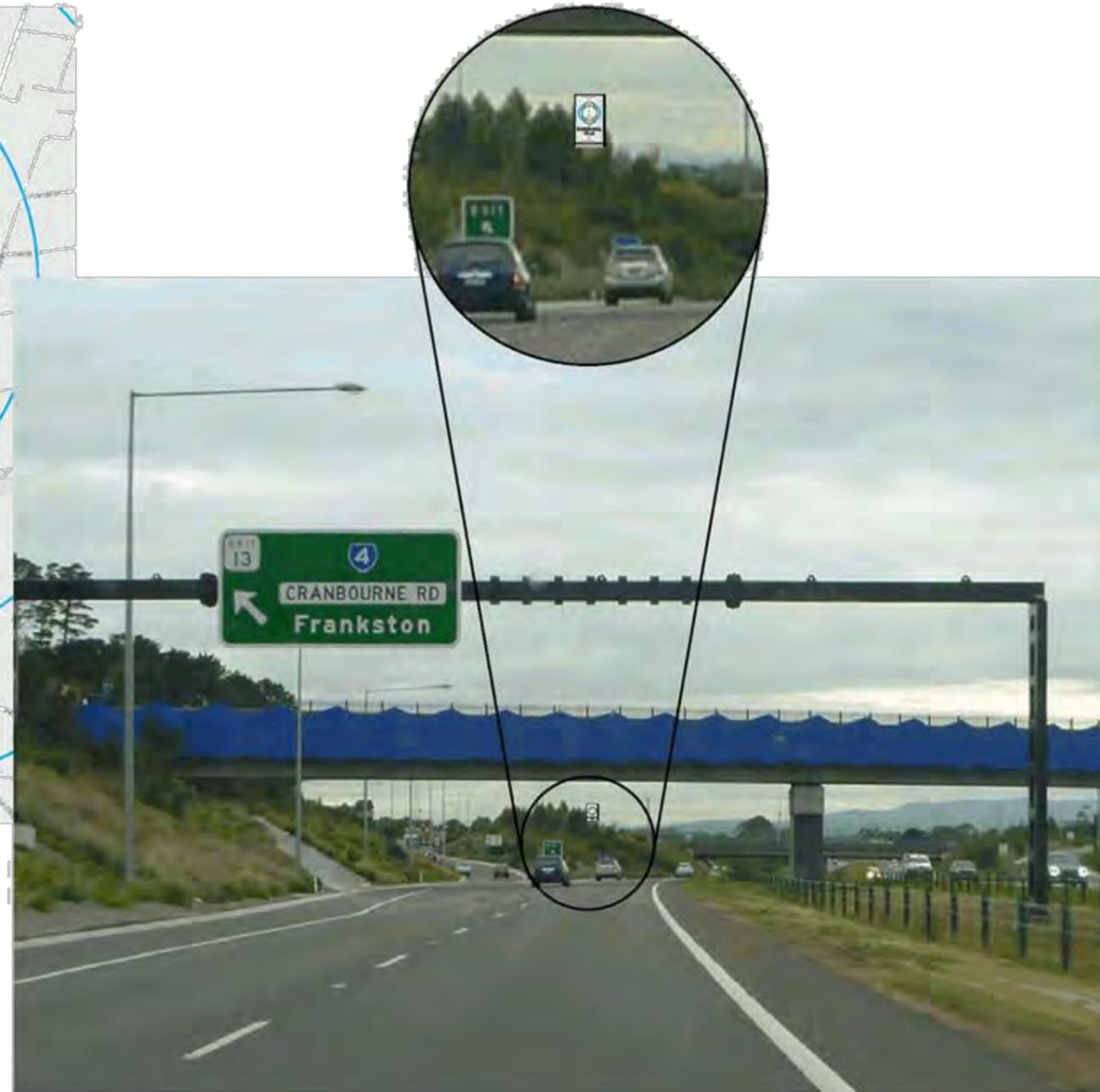
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Viewing Distance Overlay

Northbound overview:

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NORTHBOUND VIEW

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Viewing Distance Overlay

Northbound viewpoints:

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SITE DETAIL - PHOTO LOCATIONS
 SCALE: 1:7500

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Viewing Distance Overlay

Existing Site Conditions

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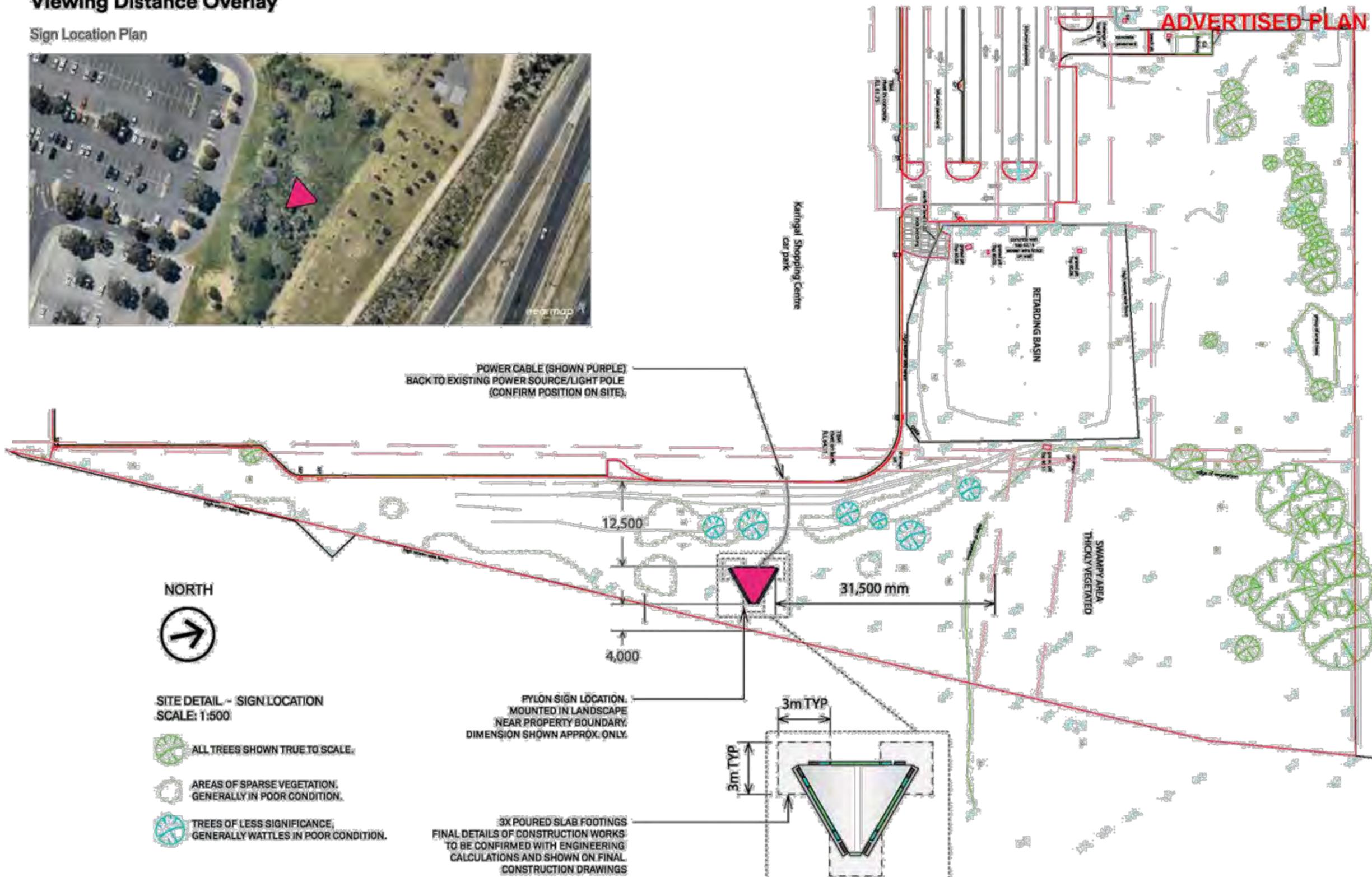
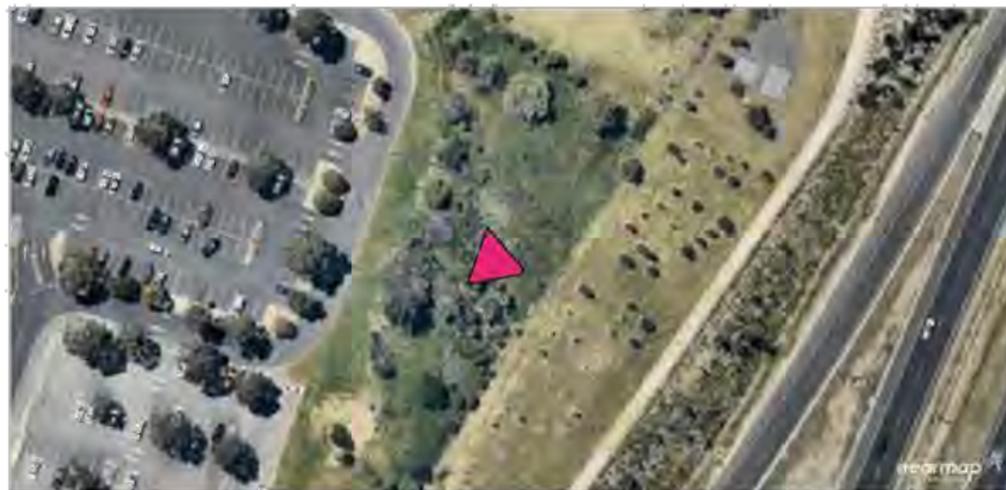
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Viewing Distance Overlay

Sign Location Plan



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Viewing Distance Overlay

Site & Car Park Section views

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Viewing Distance Overlay

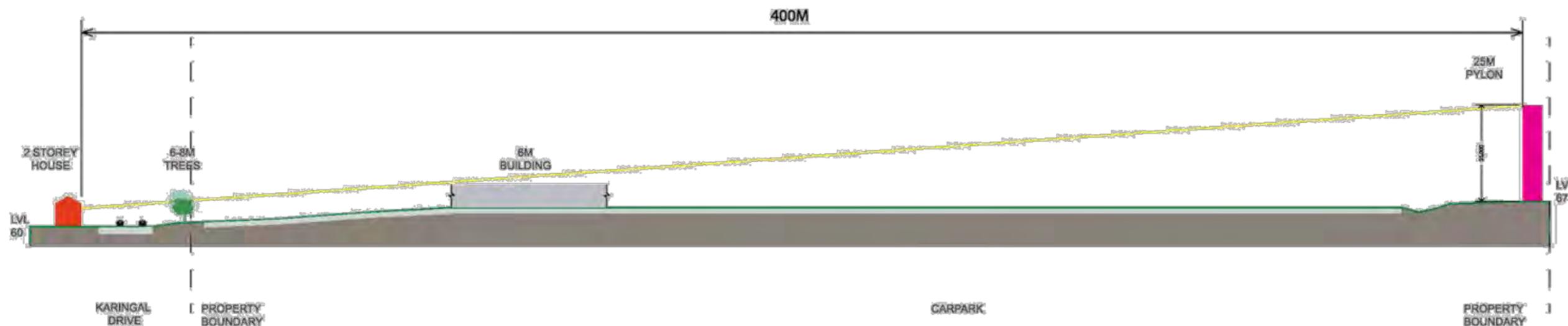
View from 202 Karingal Drive (400M)

Section view shown is typical and prepared from general topographical information provided by Council.



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6



SECTION A
1:1000

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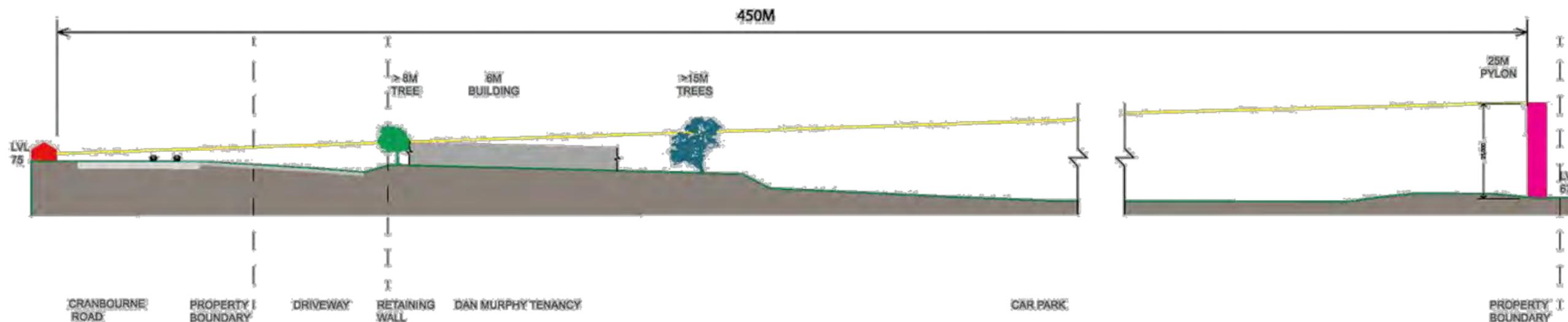
Viewing Distance Overlay

View north from 3 Faygate Court (450M)

Section view shown is typical and prepared from general topographical information provided by Council.



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B SECTION B
 1:1000

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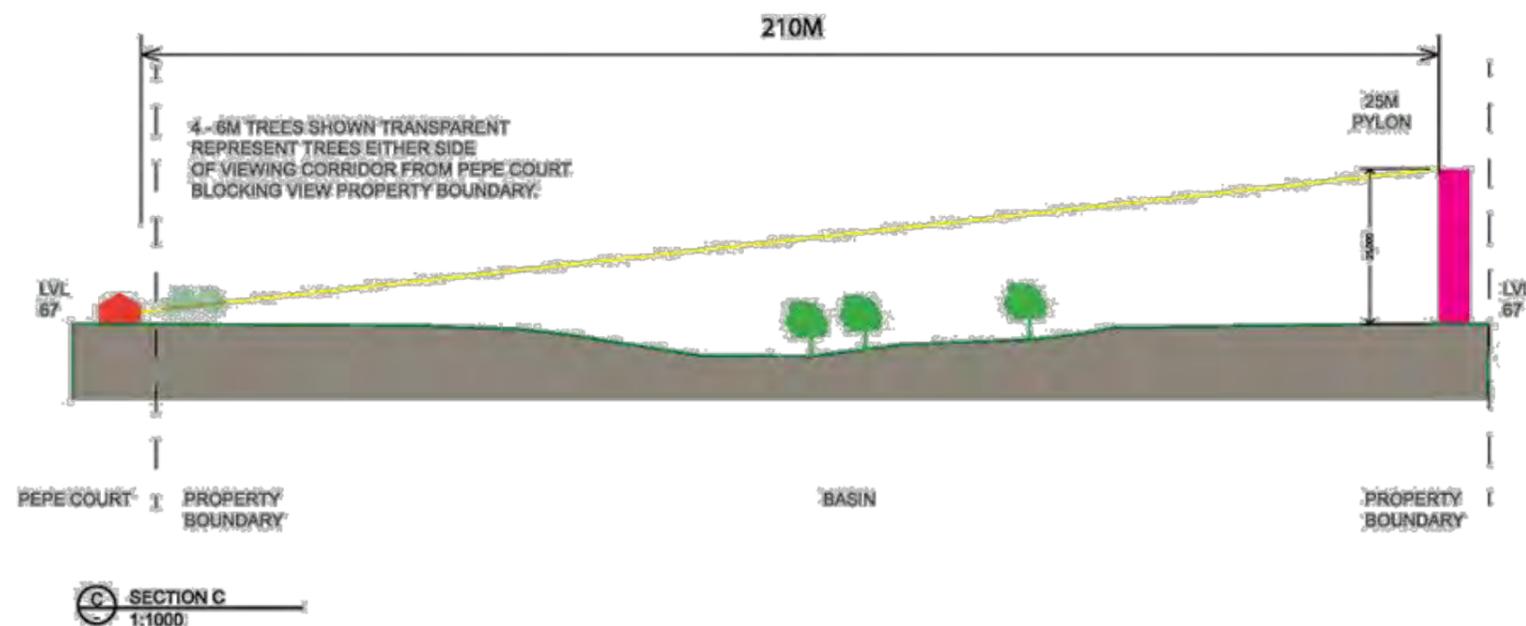
Viewing Distance Overlay

View from 2 Pepe Court (210M)

Section view shown is typical and prepared from general topographical information provided by Council.



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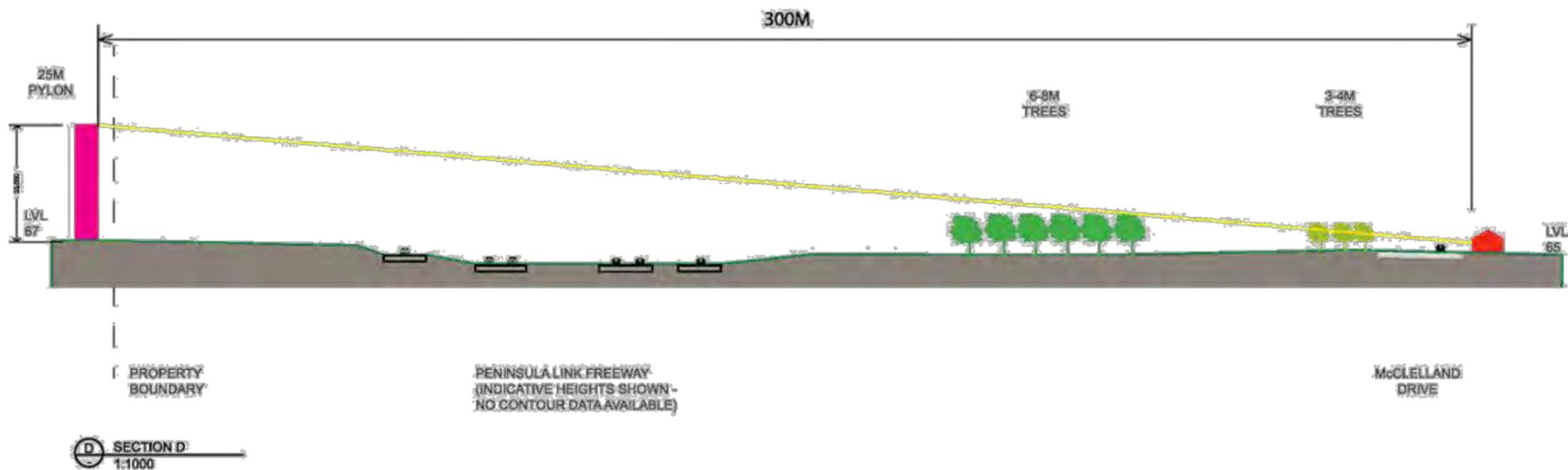
Viewing Distance Overlay

View from 484 McClelland Drive (300M)

Section view shown is typical and prepared from general topographical information provided by Council.



ADVERTISED PLAN



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For further information:

Sam Allan

sam@studioatlarge.com.au

(03) 9097 7744

0410 459 941

Signage

Wayfinding

Branding & Identity

Environmental Branding

Exhibition Design

Digital Design

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Executive Summary

11.2 Town Planning Application 936/2005/P/D - 12 Hi-Tech Place Seaford - To amend the planning permit to increase the patron numbers, hours of operation, red line area, use the land for food and drink premises (cafe) and car parking reduction

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.1 Community Infrastructure
Priority Action	1.1.6 Ensure community infrastructure and services match community need

Purpose

This report considers the merits of the planning application to amend Planning Permit 936/2005/P for 12 Hi-Tech Place Seaford to increase the patron numbers, hours of operation, red line area, and use the land for food and drink premises (cafe) with a car parking reduction.

Recommendation (Director Community Development)

That an Amended Planning Permit 936/2005/P be issued subject to the conditions contained in the officers assessment.

Key Points / Issues

- The applicant seeks permission to vary the restrictions which apply to a planning permit which authorises the sale of liquor from the land.
- The application was previously reported to the OM307, 16 October, 2017 meeting of Council with a recommendation that application be refused. Council resolved to defer consideration of the application to the November 2017 Ordinary Meeting of Council pending further negotiations with the applicant. Council further resolved at its meeting of November 20 to defer consideration of the application to a future Council meeting.
- Council officers have since met with the applicant and provided further explanation of the concerns set out in the report to OM307. Discussion occurred about a more limited extent of operation targeted more to tourist visitors than local customers.
- The applicant has now since written to Council seeking to amend the amendment application, essentially reducing operating times and patron numbers and re-orientating the operation to include greater tourist visitation.
- It is considered that the revised application for amendment is a satisfactory outcome, which will support economic development without significant amenity impacts to the area.

Financial Impact

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

11.2 Town Planning Application 936/2005/P/D - 12 Hi-Tech Place Seaford - To amend the planning permit to increase the patron numbers, hours of operation, red line area, use the land for food and drink premises (cafe) and car parking reduction**Executive Summary**

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

The permit amendment fee paid to Council is \$1,241. The average cost to process a planning application is \$1,729.00 indicating a shortfall in this case of \$488.00.

Consultation**1. External Referrals**

The application was referred externally to Victoria Police.

2. Internal Referrals

The initial application was referred internally to Council's Traffic Engineer and to the Community Strengthening Team.

Notification of Proposal

Notification of the planning application was given pursuant to the requirements of Section 52 of the *Planning and Environment Act 1987*.

Notification was given in the form of:

- Mail to adjoining owners and occupiers; and
- One (1) sign erected on the site frontage

As a result of the public notification, no objections were received.

Analysis (Environmental / Economic / Social Implications)

It is considered that the existing brewery may bring some economic growth and employment opportunities in the area. The potential for social impacts has been reduced by the reduction in the proposed number of patrons and operating hours of the proposed use.

Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities**

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

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

Legal

The proposal requires a planning permit under Clause 33.01-1 (Industrial 1 zone), Clause 52.27 (Licensed Premises) and Clause 52.06 (Car Parking) of the Frankston Planning Scheme.

Policy Impacts

The relevant State and Local Planning Policies are Clause 11 (Settlement), 17 (Economic Development) and 21.08 (Economic Development).

11.2 Town Planning Application 936/2005/P/D - 12 Hi-Tech Place Seaford - To amend the planning permit to increase the patron numbers, hours of operation, red line area, use the land for food and drink premises (cafe) and car parking reduction**Executive Summary**

Should a permit be issued, the application will be recommended to become a member of Council's Liquor Accord.

Officer's Declaration of Interests

Under Section 80C of the *Local Government Act 1989*, officers providing advice or a report to Council must disclose any direct or indirect interest they have in a matter.

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

Risk Mitigation

N/A

Conclusion

The original proposal was not satisfactory and was considered for refusal. However the applicant has now provided some revisions to the proposal to achieve Council's support for the proposal.

It is considered that the revised application for amendment is a satisfactory outcome, which will support economic development without significant amenity impacts to the area.

ATTACHMENTS

- Attachment A: [↓](#) Locality Map (aerial)
- Attachment B: [↓](#) Locality Map
- Attachment C: [↓](#) Existing Groud Floor Plan
- Attachment D: [↓](#) Existing Redline Plan
- Attachment E: [↓](#) Proposed Redline Plan

11.2 Town Planning Application 936/2005/P/D - 12 Hi-Tech Place Seaford - To amend the planning permit to increase the patron numbers, hours of operation, red line area, use the land for food and drink premises (cafe) and car parking reduction

Executive Summary

Summary

Existing Use	Micro brewery
Site Area	1409.36sqm
Proposal	To amend Planning Permit 936/2015/P to increase the patron numbers, hours of operation, red line area and use the land for food and drink premises (cafe) with a car parking reduction.
Site Cover	N/A
Permeability	N/A
Zoning	Industrial 1 Zone
Overlays	Nil
Neighbourhood Character Precinct	N/A
Reason for Reporting to Council	Application associated with Liquor

Background

Subject Site

The subject site consists of an existing two storey building within the Industrial 1 Zone and associated car parking within the front yard. The site is currently occupied by the *Mr Banks Brewing Co.*, a privately owned micro-brewery that manufactures beer.

Locality

The site is adjacent to the Frankston Freeway and located at the end of Hi-Tech Place and sited within an irregular court bowl that is shared with adjoining industrial land uses.

Site History

Planning Permit 936/2005/P was issued 2 March 2006 for '*The construction of buildings and works for an industrial development (two factories and associated offices and car parking), and reduction in car parking (pursuant to Clause 52.06), in accordance with the endorsed plans*'.

Plans were endorsed pursuant to Condition 1 of the permit on 21 April 2006.

The Planning Permit was amended under Section 72 of the *Planning and Environment Act 1987* on 15 April 2015 to include a portion of the existing warehouse for use as a micro-brewery.

11.2 Town Planning Application 936/2005/P/D - 12 Hi-Tech Place Seaford - To amend the planning permit to increase the patron numbers, hours of operation, red line area, use the land for food and drink premises (cafe) and car parking reduction

Executive Summary

The planning permit was further amended on 19 September 2016 to allow sale and consume liquor produced in association with the primary use of the land. This was to provide capacity for tasting and selling of craft beer produced on the site. The area provided for this was approximately 67sqm with indoor and outdoor seating area and a 20 patron limit.

Proposal

The current proposal is to increase the patron numbers, extend the hours of operation, increase the red line area, use the land for food and drink premises (café) and allow a car parking reduction.

The proposed extended hours are as follows:

Existing hours	Proposed hours
Monday to Sunday 12:00 pm – 6:00 pm	Monday to Thursday - Midday to 8 pm Friday to Sunday (and public holidays) - Midday to 9 pm

The red line area is proposed to be increased to include the whole of the front section of the building and the open area in front of the building. The total red line area will be approximately 352sqm which accounts for more than the half of the ground floor area of the building (approximately 55%).

The patron numbers are proposed to be increased from 20 to 50.

11 car parking spaces are available within the site and no additional car parking is proposed within the site.

State and Local Planning Policy Frameworks

State Planning Policy Framework relevant to this application are summarised as follows:

- Clause 11 Settlement
- Clause 17 Economic Development

Local Planning Policy Framework relevant to this application are summarised as follows:

- Clause 21.04 Settlement
- Clause 21.08 Economic Development

Planning Scheme Controls

A Planning Permit is required pursuant to Clause 52.27 (Licensed Premises) as;

- The hours of trading allowed under a licence are to be extended.
- The number of patrons allowed under a licence is to be increased.
- The area that liquor is allowed to be consumed or supplied under a licence is to be increased.

A planning permit is required pursuant to Clause 33.01-1 to use the land for food and drink premises (Café) and pursuant to Clause 52.06 (Car Parking), a permit is required for reduction of car parking spaces.

11.2 Town Planning Application 936/2005/P/D - 12 Hi-Tech Place Seaford - To amend the planning permit to increase the patron numbers, hours of operation, red line area, use the land for food and drink premises (cafe) and car parking reduction**Executive Summary****Notification of Proposal**

Notification of the planning application was given pursuant to the requirements of Section 52 of the *Planning and Environment Act 1987*.

Notification was given in the form of:

- Mail to adjoining owners and occupiers; and
- One (1) sign erected on the site frontage

As a result of the public notification, no objections were received.

External and Internal Referrals

The application was sent externally to Victoria Police who stated that the application will be assessed when it will be formally forwarded from Victorian Commission for Gambling and Liquor Regulation.

The application was referred internally to Council's Traffic Engineer and to the Community Strengthening Team.

Council's Traffic Engineer has raised concerns regarding the increase of the patron numbers during the extended service hours and the volume of car parking spaces required.

While approximately 30 on- street car parking spaces are available within 150m of walking distance Council's Traffic Engineer advises that only 8 spaces are considered reasonable to be appropriated by the patrons of the brewery during the extended hours. This on-street 'allocation' would account for some 20 patrons, while the 11 available car parking spaces within the site account for 28 patrons. Therefore, from the traffic impact point of view, it is suggested that the limit for an increase would see the total patron numbers being 48.

The Community Strengthening Team initially commented that the extended hours with limited food service does not encourage responsible alcohol consumption. Further, it is stated that the venue is not ideal for a tavern type of use as the area is not well activated at night and there is a lack of public transport to this location. The application has since been modified to reduce the patron numbers and hours of operation proposed, operating in a more complementary manner with the existing brewery use.

Discussion***State and Local Planning Policy***

It is considered that this proposal will not appropriately respond to State and Local Planning Policies as discussed below;

Clause 17.02-1 Industrial Land Development:

The objective of this clause is to ensure availability of land for industrial uses.

The relevant strategies are to;

- *Provide an adequate supply of industrial land in appropriate locations including sufficient stocks of large sites for strategic investment.*
- *Protect industrial activity in industrial zones from the encroachment of unplanned commercial, residential and other sensitive uses which would adversely affect industry viability.*

11.2 Town Planning Application 936/2005/P/D - 12 Hi-Tech Place Seaford - To amend the planning permit to increase the patron numbers, hours of operation, red line area, use the land for food and drink premises (cafe) and car parking reduction**Executive Summary**

- *Avoid approving non-industrial land uses, which will prejudice the availability of land for future industrial requirements, in identified industrial areas.*

Clause 21.04 Settlement

Objective 5 - *to strengthen existing activity centres and reflect the role of different centres in the hierarchy of activity centres.*

The location of retail, commercial and service business activities within the existing activity centres is encouraged and out-of-centre development is discouraged.

The subject site is within the designated industrial area of Seaford. The proposed extension to the existing micro-brewery will lead the operation of the site substantially as a liquor serving premises during the proposed extended hours.

It is further considered that the proposed expansion is likely to detract from the productive use of surrounding land for industrial purposes particularly due to the reliance on car parking to be provided within the streets nearby.

It is therefore, considered that this proposal fails to respond appropriately to State and Local Planning Policies.

Industrial 1 Zone

The purpose of the zone is as follows;

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

It is proposed to extend the operating hours generally from 6pm to 9pm, increase the patron numbers to 50 people at any one time, increase the red line area of the premises and use the land for food and drink premises (café).

The existing micro-brewery provides for consumption of liquor on site and this is intended to provide opportunities for tasting and sales of the produce on site. Thus, it allows for a reasonable 20 total number of patrons at any one time and an adequate licenced floor area.

The amended amendment application is less intense than that previously contemplated (up to 80 patrons), and is said by the applicant to reflect a desire to expand provision of brewery tours and tastings for visitors, including tourists visiting the Mornington Peninsula.

The site does not have direct access to a main road, being accessed through the industrial court. The proposed expansion would generate more car parking demand beyond normal working hours and on weekends. However at the lesser patronage numbers and with some coming by bus, the car parking and access outcome will be acceptable.

Clause 52.27 Licence Premises

The purpose of the clause is as follows;

- *To ensure that licensed premises are situated in appropriate locations.*
- *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*

11.2 Town Planning Application 936/2005/P/D - 12 Hi-Tech Place Seaford - To amend the planning permit to increase the patron numbers, hours of operation, red line area, use the land for food and drink premises (cafe) and car parking reduction**Executive Summary**

It is stated that no food will be prepared on premises but will allow for the service of light food such as chips and nuts, cheese platters, pies, etc. from the designated existing bar area. It is therefore clear that the serving of alcohol is the more dominant activity during the expanded hours. This will introduce a new element of commercial activity into an industrial area.

This site is not suitable for substantial liquor service use. It is relatively remote and isolated. It is 'tucked away' from public view and is at the end of a court where vehicle movements and parking issues can have significant adverse impacts on other uses.

However, the 'scaled back' use is acceptable on the basis that it is more in keeping with being a related component to the industrial brewery use, which will provide another visitation option for tourists consistent with Council's policy objectives.

Clause 52.06 Car Parking

It is considered that the most relevant land use category to calculate the car parking for the proposed expansion of the brewery is a tavern. It is proposed to increase the patron numbers by 30 and pursuant to Clause 52.06-5, this requires 19 car parking spaces to be provided on site at the rate of 0.4 spaces per patron. No additional car parking spaces are proposed and thus, a car parking waiver is required for 8 spaces.

Council's traffic engineer agrees that it is acceptable for the use to 'access' up to 8 spaces on street. It is less likely that this level of patron parking will impact upon vehicle movements associated with nearby industry.

Cumulative Impact

The State Government has prepared Practice Note 61 ('Licensed premises: Assessing cumulative impact') which provides guidance for assessing the cumulative impact of licensed premises as part of a planning permit application under Clause 52.27 of the planning scheme. According to the Practice Note, 'Cumulative Impact' refers to both the positive and negative impacts that can result from the clustering of licensed premises. It is a product of the number and type of venues present, the way they are managed, and the capacity of the local area to accommodate these venues.

The Practice Note states that it should be used for a new or expanded licensed premises that will trade past 11pm and is located in a 'cluster' of licensed premises, i.e. where there are three or more licensed premises within a radius of 100m from the subject land; or, 15 or more licensed premises within a radius of 500m from the subject land.

The proposal will not trade after 9pm and there are no other licenced venues within 100m. Therefore it is considered an assessment of the cumulative impact of the proposal is not required.

Analysis (Economic and Social Implications)

The proposed expansion may bring some economic growth and additional employment opportunities to the area. As above, the reduced form of the use has diminished potential impacts to the operation of nearby industrial businesses. The proposed use has also been modified to improve the links between visitation and the brewery operation with tours – appealing more to tourists.

11.2 Town Planning Application 936/2005/P/D - 12 Hi-Tech Place Seaford - To amend the planning permit to increase the patron numbers, hours of operation, red line area, use the land for food and drink premises (cafe) and car parking reduction**Executive Summary****Recommendation (Director Community Development)**

That an Amended Planning Permit 936/2005/P be issued to 12 Hi-Tech Place Seaford, to amend the planning permit to increase the patron numbers, hours of operation, red line area, use the land for food and drink premises (café) and car parking reduction, subject to the following conditions:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:-
 - (a) A landscape plan and associated planting schedule that is in accordance with Council's Industrial Development Policy to the satisfaction of Council's Landscape Architect.
 - (b) Site levels and nominate a Finished Floor Level to AHD (Australian Height Datum) to achieve the applicable minimum Finished Floor Level that is set at 3.85m AHD to the satisfaction of the Responsible Authority (Infrastructure Manager).

No Alterations

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. Parking spaces shall be clearly delineated with pavement line markings and signs to differentiate between staff/visitor/disabled parking.
4. Under this permit activities undertaken at the site must at all times satisfy the as-of-right industrial use zone provisions under the Frankston Planning Scheme.

Liquor Licence

5. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place at the premises during the following hours:
 - Midday to 8:00pm Monday-Thursday
 - Midday to 9:00pm Friday-Sunday and Public Holidays
6. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of, or in connection with the use of the premises to which the licence/permit relates during or immediately after trading hours authorised by the licence/permit.
7. A maximum of fifty (50) patrons will be permitted at any one time on the premises unless with the prior written consent of the Responsible Authority.

Amenity

8. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence/permit relates during or immediately after trading hours authorised by the licence/permit.

11.2 Town Planning Application 936/2005/P/D - 12 Hi-Tech Place Seaford - To amend the planning permit to increase the patron numbers, hours of operation, red line area, use the land for food and drink premises (cafe) and car parking reduction**Executive Summary**

9. The food and drink premises (café) hereby approved must be operated in conjunction with the operation of the MicroBrewery (industry) use at all times to the satisfaction of the Responsible Authority.

Engineering

10. Prior to commencement of development detailed design plans and drainage computations of the internal stormwater drainage including method of connection to the existing Council drainage infrastructure are to be submitted and approval to the satisfaction of the Responsible Authority (Infrastructure Manager).
11. The buildings hereby approved shall not be occupied until all the areas set aside for parked vehicles and access lanes as shown on the endorsed plans have been:-
- (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 to the satisfaction of the Responsible Authority.
 - (d) Drained and maintained to the satisfaction of the Responsible Authority.
 - (e) Line-marked to indicate each car space (including line-marking and signage of disabled spaces) and all access lanes to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.

12. The development shall be provided with access ramps for pedestrians and wheelchair access at changes of grade, entry to buildings and from the car park to the front of the building.
13. The amenity of the area must not be detrimentally affected by the use & development, through:-
- (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.
14. The loading and unloading of goods from vehicles must only be carried out on the land.
15. No goods, materials or equipment shall be stored or left outside the buildings on the site at any time, where they are readily visible to the public.
16. All vehicle crossings are to be constructed to Frankston City Council standards and specifications to the satisfaction of the Responsible Authority (Infrastructure Manager).
17. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority (Infrastructure Manager).
18. Concrete kerbs and barriers shall be provided to the satisfaction of the Responsible Authority (Infrastructure Manager).

11.2 Town Planning Application 936/2005/P/D - 12 Hi-Tech Place Seaford - To amend the planning permit to increase the patron numbers, hours of operation, red line area, use the land for food and drink premises (cafe) and car parking reduction

Executive Summary

19. Where the development involves work on or access to Council controlled land including roads, reserves and rights of way, the owner, operator and their agents under this permit shall at all times take adequate precautions to maintain works to the highest public safety standards.

Precautions are to 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 are to be obtained from Council for works within the existing road reserves in addition to the planning permit.

20. Power and telecommunication lines shall be placed underground from the main points of service outside the boundaries of the site.
21. Before the use allowed starts, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

EPA

22. The proponent must apply for and be issued with a works approval from the Environment Protection Authority with respect to the use and development of the site for a micro-brewery prior to any works beginning.
23. All wastewater must be connected to reticulated sewer, in accordance with a Trade Waste Agreement with the relevant authority.
24. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policies (Control of Noise from Commerce, Industry and Trade) No. N-1.
25. Odours offensive to the sense of human beings must not be discharged beyond the boundaries of the premises.
26. There must be no discharge of wastewater or contaminated stormwater to the stormwater drainage system or surface waters. Suitable drains, interceptor pits, water treatment facilities, pumps and sumps must be installed to ensure any wastewater or contaminated stormwater generated at the premises is:
- (a) Connected to reticulated sewer, in accordance with a Trade Waste Agreement with South East Water; or
 - (b) Collected by an EPA permitted contractor, as appropriate.
27. A secondary containment system must be provided for liquids and chemicals which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the Bunding Guidelines (EPA Publication No. 347, 1992).
28. There must be no visible discharge of dust beyond the boundary of the premises. All waste discharges to the external atmosphere must be:
- Discharged from a stack outlet at least 3 metres above the roofline of any building or
 - Obstruction within a 15 metre radius;
 - Discharged with an efflux velocity of at least 10 metres per second; and

11.2 Town Planning Application 936/2005/P/D - 12 Hi-Tech Place Seaford - To amend the planning permit to increase the patron numbers, hours of operation, red line area, use the land for food and drink premises (cafe) and car parking reduction

Executive Summary

- Not be obstructed at the stack outlet by a weather cap, cowl or other obstruction.
29. All putrescible waste (including spent grains/yeast intended for livestock feed) must be stored in sealed and lidded bins and removed from the premises as frequently as required to prevent the discharge of offensive odours.
30. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Expiry

31. This permit will expire if one of the following applies:
- The use of the land for a micro-brewery is not commenced within two (2) years of the date of this permit.
 - The use (micro-brewery) is discontinued for a continuous period of two (2) years.

In accordance with Section 69 of the Planning and Environment Act 1987 a request may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Notes:

- A. Section 69 of the Planning and Environment Act, 1987 provides that before the permit expires or within 6 months afterwards, the owner or occupier of the land to which the permit applies may ask the responsible authority for an extension of time. Please note, if a request is made out of time, the Responsible Authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.
- B. Any request for time extension or variation / amendment of this Permit or any condition must be lodged with the relevant fee.
- C. External lighting of the carpark must be in accordance with AS1680.2.1.
- D. Unless no permit is required under the Frankston Planning Scheme, no advertising signs must be constructed or displayed without a further permit.
- E. A \$130.00 non-refundable Asset Protection Permit is required from Council's Infrastructure Department prior to the commencement of works.
- F. The owner/applicant of the subject site should join and comply with the Frankston Liquor Industry Accord, which requires the member to serve liquor in a responsible manner.

Locality Map - Town Planning application 936/2005/P
12 Hi-Tech Place Carrum Downs – Melways Ref 99 G6



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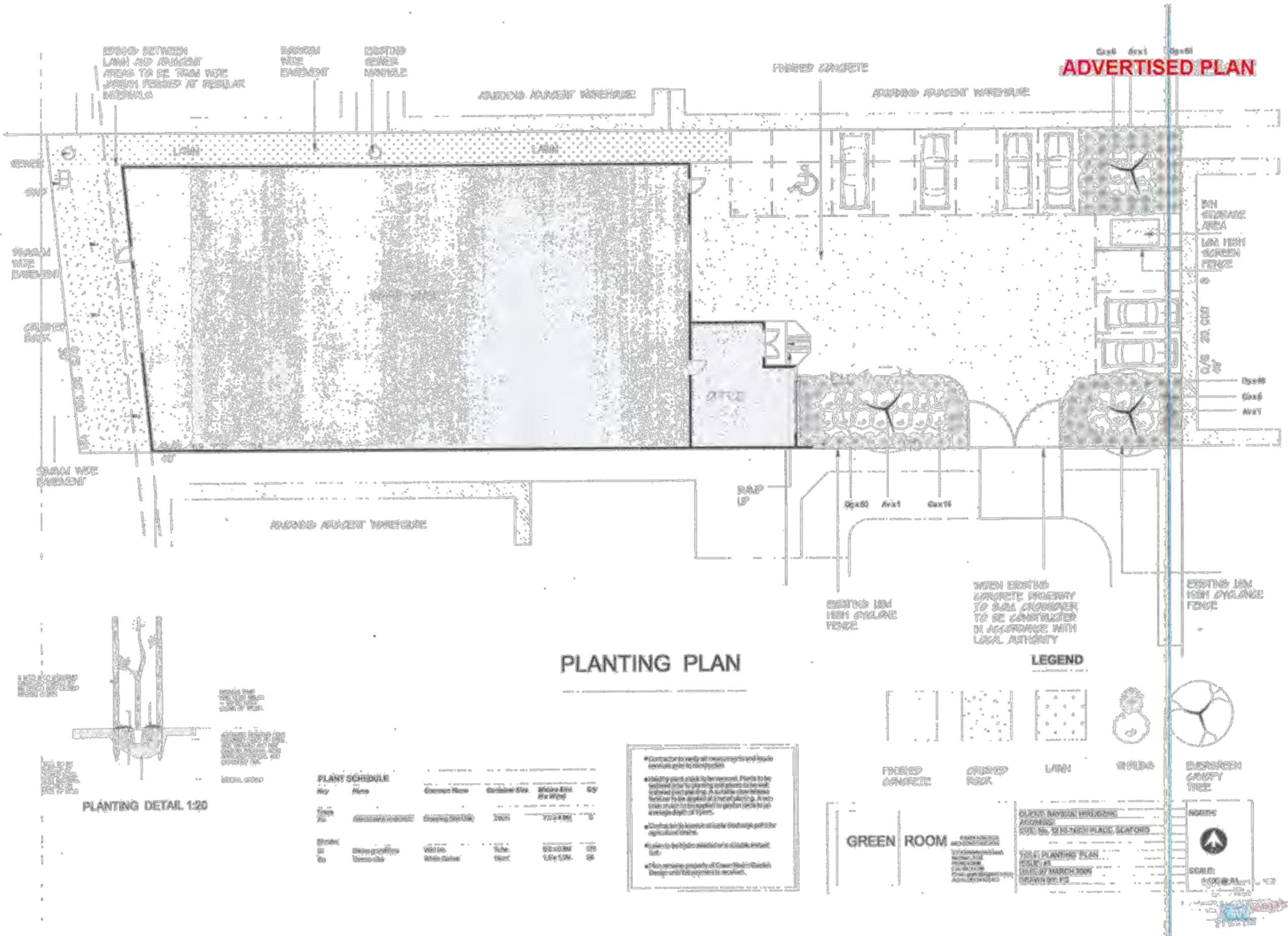
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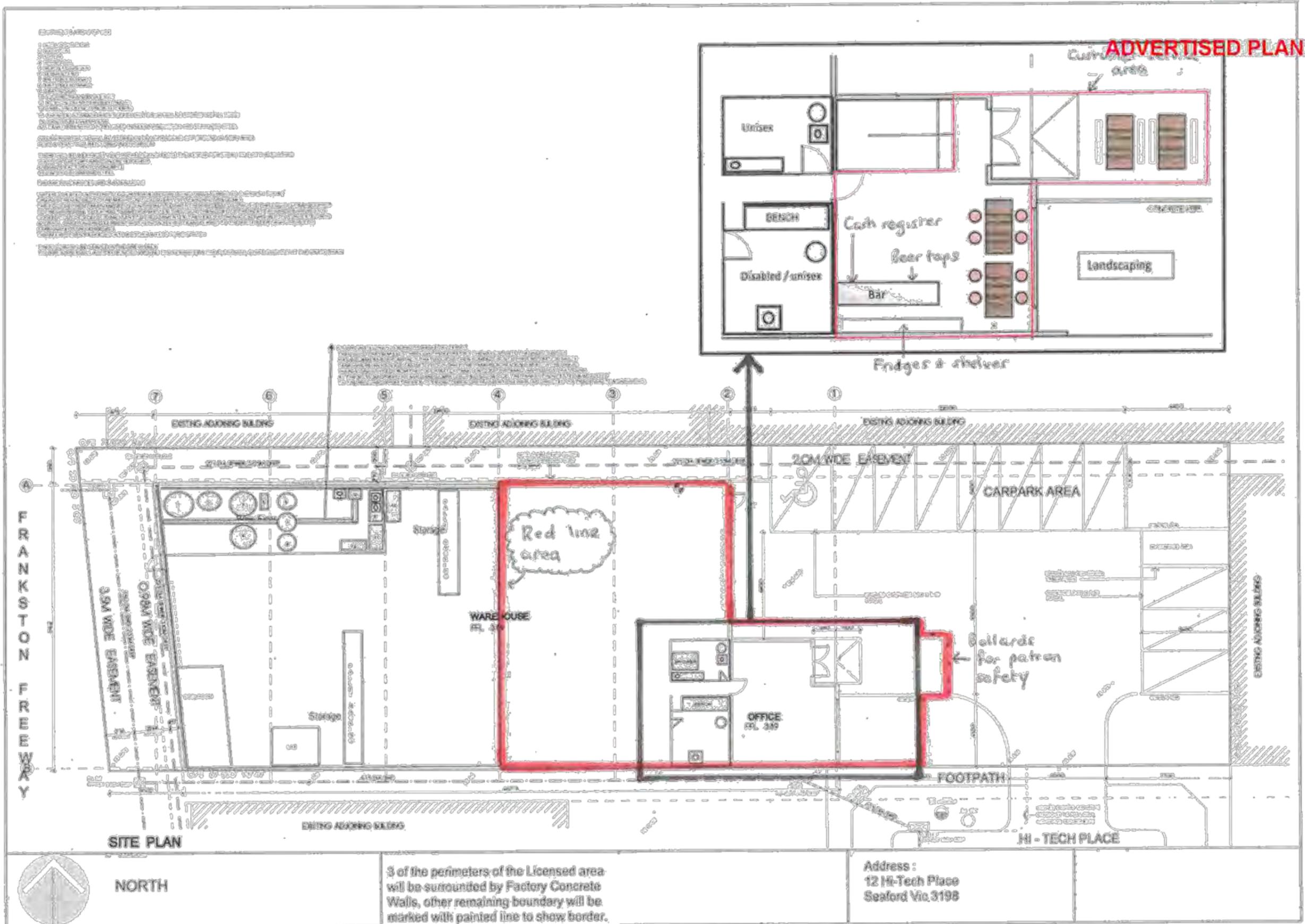


Locality Map - Town Planning application 936/2005/P/D - 12 Hi-Tech Place Carrum Downs
No Objections Subject Site ★



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Executive Summary

11.3 Proposed GC (Group of Councils) Planning Scheme Amendment to introduce a Packaged Liquor Policy into the Frankston Planning Scheme.

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.3 Health and Well-being
Priority Action	2.3.5 Adopt a Health and Wellbeing Plan 2017-2021

Purpose

To seek Council approval for commencement of the GC (Group of Councils) amendment process to introduce a Packaged Liquor Policy into the Frankston Planning Scheme.

Recommendation (Director Community Development)

That Council requests authorisation from the Minister for Planning under Section 9 of the *Planning and Environment Act 1987* to prepare a GC amendment to introduce a Local Planning Policy into the Planning Schemes for Frankston, Casey, Cardinia, Mornington Peninsula, Bass Coast, Kingston, Knox, Maroondah and Greater Dandenong.

Key Points / Issues

- Pursuant to Clause 52.27 of the Frankston Planning Scheme, a planning permit is required for new packaged liquor outlets or amendments relating to floor space and hours of operation. Council planning officers have little statutory weight to rely on when making decision on cumulative impact and transferred harm resulting from excessive alcohol consumption.
- The South-East Melbourne region of Melbourne has a population of 750,000 adults and represents some of the city's most socially and environmentally diverse, economically significant, and rapidly growing areas. While these are positive attributes, the region's municipalities also experience significant levels of alcohol-related harm.
- In August 2012 the South-East Melbourne Council Group (SEMCG) CEO Forum received a presentation from the Assistant Commissioner of Victoria Police, Mr. Luke Cornelius on the alarming rates of family violence affecting the SEMCG region. The presentation looked at the role alcohol has in influencing family violence and discussion was had with the CEO Group on solutions / interventions that Local Government can assist with.
- A project team was subsequently established to investigate the role packaged liquor has in relation to family violence and the role of the *Planning and Environment Act 1987* and the *Liquor Control Reform Act*.
- The project team has recently completed a research project which aims to better understand the relationships between packaged liquor outlet density and increases in alcohol related harms taking place, particularly focusing on family violence.

11.3 Proposed GC (Group of Councils) Planning Scheme Amendment to introduce a Packaged Liquor Policy into the Frankston Planning Scheme.**Executive Summary**

- The final project report 'South East Melbourne Councils Alliance (2015) – *Addressing the Cumulative Impact of Outlet Density and Alcohol Related Harms: Final Report*' (The Report), achieved a 'proof of concept' where it was found that the increase of packaged liquor outlets (floor area) led to increases in the rates of family violence (including severity) particularly in low socioeconomic areas. Specifically in relation to Frankston City Council the report has found that the suburb of Frankston ranked No. 6 with the greatest access to packaged liquor floor space within a 5 minute drive, the suburb of Frankston North has the highest rate of alcohol related harm and alcohol related family harm in the SEMCG and the suburb of Frankston had the second highest Vulnerability Index score (access to packaged liquor floor space, numbers of bars and pubs and socioeconomic disadvantage) in the SEMCG.
- The research has aided the team in developing a suite of responses to address the increasing impacts which include advocacy strategies, statutory planning reference toolkits, planning scheme amendments and the implementation of planning policies.
- The proposed GC planning scheme amendment seeks to include a new Local Planning Policy within the group of Council's respective planning schemes.
- The Licensed Premises (Packaged Liquor Outlets) Policy will apply to all applications for a new packaged liquor premises, the expansion of the licensed area for a packaged liquor premises, or the extension of trading hours of an existing packaged liquor premises.
- The Policy objectives seek to:
 - Ensure the cumulative impact of packaged liquor floor space is assessed;
 - Manage location, floor area and type of outlet so as to avoid and mitigate amenity impacts;
 - To ensure the assessment of amenity impacts includes consideration of health, wellbeing and safety; and
 - Minimise the potential for alcohol transferred related harm associated with off premises consumption of products from packaged liquor outlets.

Financial Impact

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

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

In February 2013 the SEMCG CEO Forum committed \$245k (\$15,000 per the seven SEMCG Councils) to fund the project.

Frankston's share of the expense to exhibit the GC Amendment and progress to a Planning Panel (including expert legal and town planning advice) is \$22,000 incl. GST. This expense is accounted for within the Strategic Planning Department budget.

11.3 Proposed GC (Group of Councils) Planning Scheme Amendment to introduce a Packaged Liquor Policy into the Frankston Planning Scheme.**Executive Summary****Consultation**

The project team has met with various representatives of the State Government including DELWP Town Planning officers and Ministerial Advisers on several occasions to discuss the work that the group has undertaken and how to effectively implement it to SEMCG planning schemes.

Subject to the exhibition of the GC Planning Scheme Amendment seeking to include the Licensed Premises (Packaged Liquor Outlets) Policy to the Frankston Planning Scheme, all relevant stakeholders will be formally notified of the proposed changes to the Frankston Planning Scheme.

Analysis (Environmental / Economic / Social Implications)

As stated above the Licensed Premises (Packaged Liquor Outlets) Policy seeks to ensure that Council officers can assess new packaged liquor outlets planning applications to ensure that outlets:

- Are appropriately located.
- Won't result in an oversupply within a retail catchment (cumulative impact).
- Are located to minimise the potential for alcohol transferred related harm associated with off premises consumption of products from packaged liquor outlets.

It is considered that the proposed GC amendment and new planning scheme policy will have positive economic and social implications.

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

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

Legal

Procurement procedures and protocols are not relevant to this matter.

Policy Impacts

Section 2, 'A Liveable City' of the Frankston City Council Plan 2017 – 2021, seeks that the Frankston community is 'active and healthy'.

More specifically in relation to alcohol related harm the Frankston City Health and Wellbeing Plan 2017 – 2021, states that 'local statistics show that there are above Victorian averages of crime and harmful behaviours associated with alcohol and drug misuse, violence and problem gambling. Just over one-third of people in Frankston City are identified as being at risk of short-term harm from alcohol consumption (five drinks or more drinks on a single occasion) and 10.8% at high risk of short-term harm each month (11 or more drinks on a single occasion). A much higher rate of people in Frankston City are hospitalised each month resulting from harms associated with alcohol and drugs compared to the State average'.

A 'Health and Wellbeing Priority' of the Frankston City Health and Wellbeing Plan 2017 – 2021 is to enable 'Healthy and safe behaviours that minimise harm to themselves and others from alcohol and drug misuse, gambling, violence and crime'.

11.3 Proposed GC (Group of Councils) Planning Scheme Amendment to introduce a Packaged Liquor Policy into the Frankston Planning Scheme.**Executive Summary**

It is considered that the proposed Licensed Premises (Packaged Liquor Outlets) Policy accords with the objectives and priorities of the Frankston City Health and Wellbeing Plan 2017 – 2021 as an objective of this policy is to ensure the assessment of amenity impacts includes consideration of health, wellbeing and safety in all new packaged liquor outlet planning applications.

Officer's Declaration of Interests

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

Risk Mitigation

As stated above the Frankston City Health and Wellbeing Plan 2017 – 2021 seeks to enable 'Healthy and safe behaviours that minimise harm to themselves and others from alcohol and drug misuse, gambling, violence and crime'.

The proposed GC planning scheme amendment that seeks the addition of Licensed Premises (Packaged Liquor Outlets) Policy to the Frankston Planning Scheme will mitigate risk associated with excessive alcohol consumption that occurs away from the packaged liquor outlet (transferred harm).

It is considered the following requirements within the Policy mitigate risk against transferred harm:

- Direct large-format (over 1,000sqm of floor space) packaged liquor outlets to higher-order activity centres, where they are accessible but not convenient.
- Limit trading hours to no later than 11.00pm.
- Application requirement for large format packaged liquor outlets to provide a Social Impact Assessments.
- Avoid the establishment of large-format packaged liquor outlets in neighbourhood and local activity centres.
- Discourage stand-alone packaged liquor outlets in out-of-centre locations.
- Discourage the location of outlets within 400 metre walking distance of:
 - Socio-economically disadvantaged areas (statistical area that is within the most socio-economically disadvantaged 20 per cent as defined by the Australian Bureau of Statistics SEIFA index of relative disadvantage).
 - Health services that provide drug, alcohol or mental health treatment.
 - Facilities that are predominantly used by persons under 18 years of age.

Conclusion

Pursuant to Clause 52.27 of the Frankston Planning Scheme, a planning permit is required for new packaged liquor outlets or amendments relating to floor space and hours of operation. Council planning officers have little statutory weight when making decision on cumulative impact and transferred harm resulting from excessive alcohol consumption.

11.3 Proposed GC (Group of Councils) Planning Scheme Amendment to introduce a Packaged Liquor Policy into the Frankston Planning Scheme.**Executive Summary**

The South-East Melbourne Council Group (SEMCG) municipalities experience significant levels of alcohol-related harm. The SEMCG CEO Group resolved to establish a project team that was to investigate the role packaged liquor has in relation to family violence. The final project report - *Addressing the Cumulative Impact of Outlet Density and Alcohol Related Harms: Final Report*, achieved a 'proof of concept' where it was found that the increase of packaged liquor outlets (floor area) led to increases in the rates of family violence (including severity) particularly in low socioeconomic areas. The report also finds that areas of Frankston have higher than average rates alcohol related family harm, high levels of packaged liquor floor space and convenient access to that floor space.

The proposed GC planning scheme amendment seeks to include a new Local Planning Policy within the group of Council's respective planning schemes.

The Licensed Premises (Packaged Liquor Outlets) Policy seeks to ensure that Council officers can assess new packaged liquor outlets planning applications to ensure that outlets:

- Are appropriately located.
- Won't result in an oversupply within a retail catchment (cumulative impact).
- Are located to minimise the potential for alcohol transferred related harm associated with off premises consumption of products from packaged liquor outlets.

The Frankston City Health and Wellbeing Plan 2017 – 2021, provides evidence that alcohol related harm within the municipality is above the Victorian state average A 'Health and Wellbeing Priority' of the Frankston City Health and Wellbeing Plan 2017 – 2021 is to enable 'Healthy and safe behaviours that minimise harm to themselves and others from alcohol and drug misuse, gambling, violence and crime'.

It is considered that the proposed Licensed Premises (Packaged Liquor Outlets) Policy accords with the objectives and priorities of the Frankston City Health and Wellbeing Plan 2017 – 2021 and will aid in addressing alcohol transferred related harm and oversupply of packaged liquor outlets within retail catchments within Frankston City Council.

Recommendation

That authorisation is sought from the Minister for Planning under Section 9 of the *Planning and Environment Act 1987* to prepare a GC amendment to introduce a Local Planning Policy into the Planning Schemes for Frankston, Casey, Cardinia, Mornington Peninsula, Bass Coast, Kingston, Knox, Maroondah and Greater Dandenong.

ATTACHMENTS

Attachment A: [↓](#) SEMCG - Cumulative Impacts of Outlet Density and Alcohol-Related Harm - Final Report July 2015.

Attachment B: [↓](#) SEMCG - Report Addendum Cumulative Impacts of Outlet Density and Alcohol-Related Harms - November 2017

11.3 Proposed GC (Group of Councils) Planning Scheme Amendment to introduce a Packaged Liquor Policy into the Frankston Planning Scheme.**Officers' Assessment****Summary**

The South-East Melbourne Council Group (SEMCG) have recently completed a research project which aims to better understand the relationships between packaged liquor outlet density and increases in alcohol related harms taking place, particularly focusing on family violence.

The research has aided the group in developing a suite of responses to address the increasing impacts which range from advocacy strategies and office reference toolkits to amendments to the planning scheme through the implementation of planning policies.

The purpose of this report is to seek authorisation to undertake a Group of Councils (GC) Planning Scheme Amendment to introduce a local policy in to each Council's Planning Scheme to address Package Liquor Outlets.

Background

The South-East Melbourne (SEM) region of Melbourne has a population of 750,000 adults and represents some of the city's most socially and environmentally diverse, economically significant, and rapidly growing areas. While these are positive attributes, the region's municipalities also experience significant levels of alcohol-related harm.

The SEMCG consists of the seven Chief Executive Officers and Mayors from the Shires of Bass Coast, Cardinia and Mornington Peninsula, and the Cities of Casey, Greater Dandenong, Kingston and Frankston.

Victoria Police data has highlighted that these municipalities experience some of the highest levels of alcohol-related harm in Victoria, particularly in respects of family violence with statistics increasing rapidly.

The SEMCG have noted that off-premises outlets (packaged liquor outlets) now significantly out-number on-premises venues (bars/hotels). It is believed that packaged liquor outlet density is contributing to higher levels of alcohol consumption, particularly in the home and other private settings.

In 2013/14 an SEMGC project team was established to investigate links between licensed venue outlet density, particularly packaged liquor outlets and alcohol-related harms, with the aim of reducing violence in the home (family violence), in and around licensed venues, and associated public places.

The Project Team is comprised of representatives from each Council and included officers from Strategic, Statutory and Social Planning, Community Development, Community Safety, and Health Promotion across these Councils. Each Council made an equal financial contribution and agreed to provide Council Officer time to work on the project.

The project involved the appointment of a number of expert consultants from a range of fields including land use and social planning, economic analysis, and spatial mapping and demography and a number of reports were produced

Key stakeholders from Victoria Police, Ambulance Victoria, Turning Point Drug and Alcohol Research and the Department of Justice also partnered in support of the work. The SEMCG were granted access to unique and highly sensitive crime data sets through an MOU with Victoria Police. This agreement has provided Councils with unprecedented access to data that reveals crime hot spots at a highly localised level.

11.3 Proposed GC (Group of Councils) Planning Scheme Amendment to introduce a Packaged Liquor Policy into the Frankston Planning Scheme.

Officers' Assessment

Upon completion of phase one it was identified that there would be benefits in including an additional two Councils to ensure the proof of concept in applying a planning policy had broader application. As a result, the Cities of Knox and Maroondah partnered with the South-East Melbourne Council Group and have made a financial contribution to the project, which includes updating relevant data sets and having them spatially mapped alongside a range of harm indicators.

The project is the first of its type in Australia where detailed consideration has been given towards better understanding at a localised level the correlations between packaged alcohol and increase in alcohol related crime and violence. Councils have partnered with agencies and academia to explore the relationships and find appropriate responses.

Issues and Discussion

Evidence, Research and Key Findings

The 'South East Melbourne Councils Alliance (2015) – *Addressing the Cumulative Impact of Outlet Density and Alcohol Related Harms: Final Report*' (The Report), has found that nearly 80% of alcohol consumed in Australia is sold at packaged liquor outlets, and this proportion has steadily increased over time. The density of packaged liquor outlets in Victoria has grown steadily since the early 2000s, as have rates of alcohol-related harm among both adults and young people. The Report states that: *These broadly correlated trends are consistent with the substantial international research literature linking the density of alcohol outlets in a neighbourhood to the rate of alcohol-related problems experienced in that neighbourhood.*

Further academic evidence stated in the Report has also found that:

- Packaged liquor outlets have been found to be consistently associated with violence in suburban areas;
- Major changes in the retail availability of alcohol have been found to change drinking behaviour. Increases in supply have been shown to lead to increases in consumption while, conversely, decreased supply has reduced risky behaviour;
- Increasing regular strength beer sales in a given geographical area is associated with a greater rate of increase in assaults in private premises compared with those on licensed premises.

The purpose of the SEMCG project team was to collect sound evidence on the extent to which the sale of alcohol for consumption off the premises (i.e. packaged liquor) is a determinant of the social, economic, and physical health and wellbeing of a community.

The Report aims to provide an insight into the relationship between packaged liquor licences, other types of licences and the role of Local Government, including the following:

- General alcohol consumption patterns in the South-East Melbourne Council areas.
- Factors that could make the South-East Melbourne Council areas more vulnerable to an increase in the number of packaged liquor licences within the community e.g. population growth, socio-demographic profile.
- Factors that are contributing to the increase in applications for packaged liquor licences.

11.3 Proposed GC (Group of Councils) Planning Scheme Amendment to introduce a Packaged Liquor Policy into the Frankston Planning Scheme.**Officers' Assessment**

- The relationship between alcohol consumption and discretionary spend, particularly in relation to basic needs such as food, health and housing.
- The relationship between the location of packaged liquor outlets, alcohol incidents and family violence.

The Report also found that the key packaged liquor statistics in the region were as follows:

- Average spending per adult on packaged liquor is \$800 per year (compared to \$820 in metropolitan Melbourne).
- 361 packaged liquor outlets.
- Estimated 58,250sqm leasable retail floor space of packaged liquor outlets.
- Average size of packaged liquor outlet is 160sqm.
- Spending supports 79sqm floor space per 1,000 adults.
- Total sales of packaged liquor estimated to be \$675 million per year.
- Total sales forecast to be \$720 million in 2021.

In relation to Frankston City Council key packaged liquor statistics were as follows:

- Average packaged liquor floor space per suburb – 1,973sqm (No. 1 rank in SEMCG).
- Average packaged liquor floor space per suburb per 1,000 residents – 377sqm (No. 3 rank in SEMCG area).
- The suburb of Frankston ranked No. 6 within the SEMCG area for the greatest access to packaged liquor floor space within a 5 minute drive.

Alcohol Related Harm

Spatial statistics were used to provide rigorous assessment methods for analysing patterns of harm within the study area and it was possible to identify broad problem areas (hotspots).

Frankston North had the highest rate of alcohol related harm in the SEMCG and was in the top 10% in every statistical measure (incl. average bars/hotels, packaged liquor outlets, floor space, income, socioeconomic disadvantage).

The top 10% of suburbs with the highest rates of harm also had significantly greater alcohol availability. On average, these places (when compared to the bottom 90% of suburbs with the lowest rates of harm) had:

- 65% more packaged liquor floor space.
- 60% more access to packaged liquor.
- 60% more access to bars/hotels.

The top 10% of suburbs with the highest rates of harm were also considerably more disadvantaged than the bottom 90% of suburbs as measured by key socio-economic variables (incl. lower household incomes, more unemployment).

Vulnerability

The concept of vulnerability considers a range of factors to identify communities that may be more at risk to alcohol related harm.

11.3 Proposed GC (Group of Councils) Planning Scheme Amendment to introduce a Packaged Liquor Policy into the Frankston Planning Scheme.

Officers' Assessment

A Vulnerability Index (VI) was created to show the relative vulnerability of a given location to all other locations in the study area based on four key indicators:

- Access to packaged liquor floor space.
- Harm Index score.
- Number of bars/hotels.
- Socioeconomic disadvantage.

The vulnerability analysis revealed several distinct clusters of high relative vulnerability including large areas around Frankston and identifies the suburb of Frankston North as the seventh most vulnerable within SEMCG.

Legislative and Policy Gaps

The research undertaken found that there are legislative and policy gaps when it comes to addressing the harms from Packaged Liquor.

The regulation of liquor sales and consumption in Victoria is primarily directed by the *Liquor Control Reform Act 1998* and the *Planning and Environment Act 1987*.

The *Liquor Control Reform Act 1998* regulates the sale and consumption of liquor through the issuing of liquor licences. The Act aims to minimise harm and ensure that the supply of liquor contributes to, and does not detract from, the amenity of community life.

The *Planning and Environment Act 1987* provides a framework for the use, development and protection of land in Victoria. In determining planning permit applications responsible authorities have an obligation to consider any significant social and economic effects of a proposed use or development.

The *Victoria Planning Provisions* include State-standard strategies and provisions that apply to every planning scheme in the State. They include a provision relating to Licensed Premises (Clause 52.27) which seeks to ensure that licensed premises are appropriately located and that their impact on the amenity of the surrounding area is considered in decision-making. A planning permit is required for many types of licensed premises, including packaged liquor licenses.

The Licensed Premises provisions require the cumulative impact of licensed premises to be taken into account when making a decision. Nevertheless, the decision guidelines focus on the amenity rather than social or economic impacts of licensed premises. As such the provisions have been interpreted in a commensurately narrow manner.

In addition to the Licensed Premises provisions, planning zones determine where particular uses may be conducted without the need for a planning permit, with a planning permit, or where they are prohibited. Liquor Licences and planning permits for the sale and consumption of alcohol may only be issued in association with specifically defined land uses under the *Victoria Planning Provisions*.

The operation of the Licensed Premises provisions has been tested on a number of occasions during planning appeals before the Victorian Civil and Administrative Tribunal (VCAT). Key findings relevant to this study are:

- The use of land for a licensed premise is a lawful use, therefore cannot be considered unacceptable in a general sense (*Duxtar v Port Phillip CC*).

11.3 Proposed GC (Group of Councils) Planning Scheme Amendment to introduce a Packaged Liquor Policy into the Frankston Planning Scheme.

Officers' Assessment

- The Licensed Premises Clause 52.27 focuses on spatial and amenity considerations. As such, concerns about the social impact of an individual licensed premises will rarely be a relevant consideration in decision making (*Hunt Club v Casey CC (Red Dot)*).
- There are risks in relying on Practice Note 61 *Licensed Premises: Assessing Cumulative Impact* for the purposes of assessing packaged liquor outlet applications due to its emphasis on 'amenity' related impacts.
- The concept of amenity is not just limited to pleasantness; it includes all the features, benefits and advantages inherent in an environment (*Lobb v City of Waverley*).
- It is unhelpful to try and define the term 'amenity' for planning purposes, rather it should be assessed according to the circumstances of the case (*Swancom v Yarra CC*).
- The concept of harm minimisation is a relevant consideration under the *Liquor Control Reform Act 1998*. This concept is not extended into the *Victoria Planning Provisions*.
- The interpretation of the cumulative impact of licensed premises is heavily influenced by decisions relating to on-premises licenses and *Practice Note 61: Licensed Premises*. Given the narrow construction of Clause 52.27 the utility of the concept in relation to packaged liquor premises is currently limited (see *Hunt Club v Casey CC (Red Dot)*).
- The lack of need for a facility is unlikely to be a relevant consideration in deciding on a liquor application (*Barkersgrove v Greater Bendigo CC*).
- The decision guidelines of Clause 52.27 limit the capacity create an evidentiary link between the relative disadvantage of an area and the amenity impact of approving a licensed premise (*Coles Group v Mornington Peninsula*).
- A key challenge for decision-making is establishing evidence that is location-specific and accurately links harms to their source.

SEMCG Project Team research has found that the Licensed Premises provisions require the cumulative impact of licensed premises to be considered when making a decision. Nevertheless, the decision guidelines of Clause 52.27 focus on the amenity rather than social or economic impacts of licensed premises. As such the provisions have been interpreted in a commensurately narrow manner.

It is therefore considered that the existing planning framework for assessing packaged liquor outlets needs improvement. Existing policy and regulations provide insufficient basis for community health, wellbeing and safety to be considered in the assessment of licensed premises. Considerations are currently limited to the amenity of the area surrounding the application site. Assessment guidelines are geared towards inner city on-premises venues. Several of the current planning considerations are irrelevant or ill-fitted to packaged liquor outlet proposals. In addition to this, creating an evidentiary link between a proposed outlet and its potential harm as a basis for refusal is extremely challenging.

11.3 Proposed GC (Group of Councils) Planning Scheme Amendment to introduce a Packaged Liquor Policy into the Frankston Planning Scheme.

Officers' Assessment

Discussions with State Government

The project team has met with various representatives of the State Government on several occasions to discuss the work that the group has been undertaking and how to effectively implement it to address the gaps in planning. During discussions there has been concerns from the Department of Environment, Land, Water and Planning (DELWP) about whether planning has a role to play in this space or whether the *Liquor Control Reform Act 1998* is the vehicle to address these issues.

SEMCG project team research has found that planning has a legitimate role to play in liquor regulation. The liquor licensing system in isolation cannot adequately address strategic planning, local impact assessment and community engagement in its decisions. On the other hand, the planning system is able to consider the spatial context of an application including its relationship with other licensed venues and their cumulative impact.

More recently the project team has engaged in a briefing with the Senior Advisor to the Minister for Planning, to seek a way forward with a Group of Councils (GC) Planning Scheme Amendment. Officers within DELWP were also consulted about whether there would be support for the inclusion of a local policy in each of the involved Councils. The Department was unwilling to provide a recommendation about whether or not they would support this approach, but advised that the best way forward would be to seek authorisation to prepare a planning scheme amendment to introduce a local policy in to each of the Council's Planning Scheme.

The Project team has obtained legal advice to this effect:

"For the reasons expressed in this advice, it is my opinion that a local policy addressing social effects of packaged liquor outlets directed to reducing alcohol related harm by reference to geographic or spatial considerations is consistent with the Act, the Victorian Planning Provisions and relevant decisions of the Tribunal."

Policy Implications

The project team has found that the policy in the Planning Schemes for all Councils is broad, and is more concerned with addressing issues around on-premises liquor outlets, that is, pubs, clubs, taverns and the like, where the amenity impacts generally occur in the immediate area around these types of premises.

The State Planning Policy Framework (SPPF) at Clause 10 provides a general policy context without specific reference to licensed premises. It aims to concentrate retail functions in activity centres, with a greater variety of uses and functions to be available in higher order activity centres.

Consistent with the objectives of Local Government under the *Local Government Act 1989*, municipal planning authorities are required to identify the potential for regional impacts in their decision-making and co-ordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources.

Clause 52.27 (Licensed Premises) is a provision that provides policy in all Planning Schemes for licensed premises, and lists requirement regarding when a planning permit is required for a liquor license as well as decision guidelines for consideration of these type of applications. Interestingly, a planning permit is required for a package liquor outlet, but there is very little policy guidance about how to assess the cumulative impacts from packaged liquor outlets as the decision guidelines are only applicable to On-premises liquor licenses.

11.3 Proposed GC (Group of Councils) Planning Scheme Amendment to introduce a Packaged Liquor Policy into the Frankston Planning Scheme.**Officers' Assessment**

Planning Practice Note 61 was prepared by the DELWP to advise how to assess applications under Clause 52.27 but it focuses on On-premises liquor licences and provides very little guidance on Packaged Liquor.

As the State Government appears unwilling at this time to address this issue at a State Planning Policy level, the SEMCG Councils along with the two additional Councils have decided under a Group Planning Scheme Amendment to introduce a Local Policy into each Council's Planning Scheme, to address Package Liquor Outlets.

The creation of successful local policies relating to packaged liquor outlets is contingent upon reforms to Clause 52.27 that would broaden the statutory head of power and decision guidelines that currently confine the responsible authority's field of enquiry. In developing local policy in relation to packaged liquor, analogies with gaming machine gambling policies are obvious.

Should a policy be successfully implemented into the planning scheme it will ensure that a more detailed consideration can be given when applications are received by Council. The current draft policy is not designed to prohibit but is designed to encourage applicants to submit more detailed information to Council officers, some of which includes a Socioeconomic Impact Assessment. Through consideration of this type of supporting material officers will be able to make a more informed decision of whether an application would increase the incidence of alcohol related harms in the assessment area to an unacceptable level.

The above approach is also consistent with how Councils have dealt with Electronic Gaming Machine (EGM) applications under clause 52.28 of the planning scheme which has been supported by State Government in the past.

It is also proposed to amend the Frankston Planning Scheme to provide policy support within the Municipal Strategic Statement (MSS) for the Packaged Liquor local policy. The Referral and Notice Provisions at Clause 66.06 are also proposed to be updated to require a referral of applications for a Packaged Liquor Outlet to Victoria Police and the Victorian Commission for Gambling and Liquor Regulation (VCGLR).

Relevance to Councils Health and Wellbeing Plan

This project supports the following priority in the Councils Health and Wellbeing Plan as follows:

3.1 Diverse and affordable housing and safe behaviours.

- Healthy and safe behaviours that minimise harm to themselves and others from alcohol and drug misuse, gambling, violence and crime.

The Plan provides the following commentary in relation to alcohol misuse in Frankston:

- Local statistics show that there are above Victorian averages of crime and harmful behaviours associated with alcohol and drug misuse, violence and problem gambling.
- Just over one-third of people in Frankston City are identified as being at risk of short-term harm from alcohol consumption (five drinks or more drinks on a single occasion) and 10.8% at high risk of short-term harm each month (11 or more drinks on a single occasion). A much higher rate of people in Frankston City are hospitalised each month resulting from harms associated with alcohol and drugs compared to the State average.

11.3 Proposed GC (Group of Councils) Planning Scheme Amendment to introduce a Packaged Liquor Policy into the Frankston Planning Scheme.**Officers' Assessment**

- The prevalence of these behaviours is of significant concern for the physical and psychological health, with alcohol being one of the top 10 avoidable causes of disease and death in Victoria. Research tells us that for every person with a gambling, alcohol or drug problem, five to 10 other people are adversely affected, feeling the health, social and financial impacts of their problem behaviour. Problem gambling, alcohol and drug misuse can be linked to family breakdown, family violence, criminal activity, disruption to or loss of employment, and places vulnerable families under financial and psychological stress.

Consultation

The project team regularly met throughout the project in order to progress the various tasks and discuss findings and ideas. During these meetings various agencies attended including, Victoria Police, Ambulance Victoria, VEDA Applied Credit, Medicare Locals, Department of Health and Department of Justice.

A Public Exhibition process will be undertaken as part of the Planning Scheme Amendment. This will involve direct notification of relevant stakeholders including the liquor industry, local community groups and relevant organisations. As part of this, notices will also be placed in the relevant local newspapers, and will be made available on Council's website. The amendment will also be placed on exhibition for an additional two weeks beyond the normal statutory period of one month.

Financial Consideration

In February 2013 the SEMCG CEO Forum committed \$245k (\$15,000 per the seven SEMCG Council's) to fund the project.

The expense to exhibit the GC Amendment and progress a Planning Panel (including expert legal and town planning advice) is \$22,000 incl. GST. This expense is accounted for within the Strategic Planning Department budget.

It is noted that undertaking this amendment as a combined process with a number of other Councils will significantly reduce the cost of the overall amendment.

Conclusion

Research on the impacts of packaged liquor outlets and the role of planning has been completed. It is considered that there are legislative gaps when addressing the impacts of packaged liquor outlets in the community, and that the most appropriate way to address this issue is through the introduction of a local policy into the Planning Scheme of each of the Councils involved in this project.

The approach in requesting authorisation to undertake an amendment builds on the extensive work that has been undertaken by the SEM Group of Councils to address deficiencies in the planning scheme in order to achieve an improvement in the health and wellbeing of local communities.

Recommendation

That authorisation is sought from the Minister for Planning under Section 9 of the *Planning and Environment Act 1987* to prepare a GC amendment to introduce a Local Planning Policy into the Planning Schemes for Frankston, Casey, Cardinia, Mornington Peninsula, Bass Coast, Kingston, Knox, Maroondah and Greater Dandenong.



ADDRESSING THE CUMULATIVE IMPACT OF OUTLET DENSITY & ALCOHOL RELATED HARMS

FINAL REPORT

South East Melbourne Councils Alliance

July 2015



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PROJECT CONTROL

NAME	NO.	PM APPROVED	PD APPROVED	DATE
Draft	1	C Lenthall	J Larmour-Reid	4/6/2015
Final	1	C Lenthall	J Larmour-Reid	1/7/2015

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GLOSSARY:

ABS	Australian Bureau of Statistics; a government agency responsible for collecting statistical information as part of the Australian Census, last collected in 2011.
CAD Events	Computer Aided Dispatch Events; crime statistics collected by Victoria Police where police have been called to a scene. This information may or may not represent an actual incident. For the purposes of this study, this refers to calls relating to drunk driving, public damage, public drunkenness and public disturbances.
DTPLI	Department of Transport, Planning and Local Infrastructure
LPPF	Local Planning Policy Framework
Metropolitan Melbourne	The Metropolitan Statistical Division, comprising 31 municipalities
MPHWP	Municipal Public Health and Wellbeing Plan
MSS	Municipal Strategic Statement
NHMRC	National Health and Medical Research Council
P&E Act	Planning and Environment Act 1987
SA1	Statistical Area 1; a geographical area used by ABS for collecting data. SA1s are the smallest area of output for many of the datasets produced by ABS
SEIFA	Socio-Economic Indexes for Areas
SEM	South East Melbourne
SPPF	State Planning Policy Framework
VCAT	Victorian Civil and Administrative Tribunal
VCGLR	Victorian Commission for Gambling and Liquor Regulation
VPP	Victorian Planning Provisions

Executive Summary

ABOUT THIS PROJECT

The South-East Melbourne (SEM) region of Melbourne has a population of 750,000 adults and represents some of the city's most socially and environmentally diverse, economically significant, and rapidly growing areas. While these are positive attributes, the region's municipalities also experience significant levels of alcohol-related harm.

Victoria Police data has recently highlighted that anti-social and criminal behaviour is frequently associated with the presence of intoxicated persons in the SEM region's activity centres and public spaces. Family violence also occurs regularly, and is increasing in residential settings. This has a damaging effect on the image of the region and on perceptions and actual levels of community safety.

The SEM Councils believe that the ubiquity of packaged liquor outlets is contributing to higher rates of alcohol consumption because of discount pricing and market over-saturation.

In early 2012, the SEM established a Consortium Working Group to investigate links between packaged liquor outlets and alcohol-related harms. The aim of the Consortium's research project is to reduce violence in the home, in and around licensed venues, and in public places.

The SEM Councils understand there is an important interrelationship between social conditions, planning, and economic markets. It is also acknowledged that alcohol-related industries provide community benefits in the form of employment, local and regional investment, and in-kind community donations.

There is however, a need for increased corporate and social responsibility in order to protect and enhance the community's health and wellbeing.

A key challenge for all governments is to create alcohol management frameworks that balance the rights of industry and those who enjoy using alcohol, with the right of all people to live, work and recreate in safe environments.

To address the complexity of these issues, the SEM Consortium Working Group is partnering with Victoria Police, Ambulance Victoria, Swinburne University, the Australian Drug Foundation, and Turning Point Alcohol and Drug Research Centre.

RESEARCH APPROACH

This report represents the culmination of the substantive research phase of the project, which involved:

- **Economic analysis** undertaken by Essential Economics assessing packaged liquor outlets in the region, focusing on supply and demand – refer to report titled *Cumulative Impacts of Packaged Liquor Licences for South East Metropolitan Regional Liquor Licensing Project, May 2015*;
- **Spatial analysis** undertaken by Harvest Digital Planning exploring the relationships between socio-demographic, packaged liquor supply and alcohol-related harm data – refer to report titled *Exploratory Spatial Analysis of the Relationship between Packaged Alcohol Supply and Harm in Melbourne's South-East, May 2015*;
- A **regional Council officer workshop** undertaken in June 2013 to identify issues in the region;
- A **community survey** developed by Akin Planning in consultation with the project consortium, undertaken in July-August 2014 to obtain information about packaged liquor purchases and drinking patterns.

KEY FINDINGS

ECONOMIC ANALYSIS

The analysis found that floor space is more relevant than the number of packaged liquor outlets when assessing packaged liquor applications, as a large format retail outlet (e.g. 1,400sqm floor space) can be five or more times the floor space of smaller conventional liquor stores (typically 150-300sqm). The retail floor space figure can be readily converted to an estimate of packaged retail liquor sales, thus generating an estimate of packaged liquor outlet sales for comparison with available packaged liquor retail spending.

Key packaged liquor statistics in the SEM region are as follows:

- Average spending per adult on packaged liquor is \$800 per year (compared to \$820 in metropolitan Melbourne)
- 361 packaged liquor outlets
- Estimated 58,250sqm leasable retail floor space of packaged liquor outlets
- Average size of packaged liquor outlet is 160sqm
- Spending supports 79sqm floor space per 1,000 adults
- Total sales of packaged liquor estimated to be \$675 million per year
- Total sales forecast to be \$720 million in 2021
- Municipalities of Casey and Cardinia are expected to provide the majority of new floor space in 2021 (about 60%)

This analysis highlighted the potential for different impacts of outlets because of their size and associated retail catchment. In the assessment of planning proposals for packaged liquor outlets, retail catchments should therefore be used for analysis rather than the specific distances used to indicate clustering in the existing Planning Practice Note.

The economic analysis was also used to establish when more information should be provided and further assessment undertaken in relation to packaged liquor outlet planning applications. Existing spending on packaged liquor in metropolitan Melbourne is estimated to support 80sqm per 1,000 adults, very similar to the figure for the SEM region. Total floor space that exceeds this figure could lead to an oversupply of liquor which may have adverse impacts. For this reason, it is suggested that proposals that result in a total floor space above 80sqm per 1,000 adults should undergo more detailed assessment.

SPATIAL ANALYSIS

The spatial analysis:

- Examined levels of access to packaged liquor (supply)
- Identified hotspots of police incidents (harm)
- Involved the development of an index of areas vulnerable to alcohol-related harm (vulnerability).

It found that a significant number of packaged liquor outlets are located outside activity centres although supply was generally concentrated where people live and shop. Higher rates of supply were found in areas with large seasonal populations or regional catchments.

A large 'harm' hotspot was identified along a corridor stretching through Frankston, Dandenong and Cranbourne, and onto Pakenham. In this area, the number of harm incidents per 1,000 people was high. An additional hotspot around Hastings was evident when examining Victoria Police Computer Aided Dispatch (CAD) events alone.

Harm is concentrated in a relatively small number of suburbs, with the top 10% of suburbs with the highest harm rates accounting for between 26% and 46% of total incidents in the study area. The top 10% of suburbs with the highest rates of harm had significantly greater alcohol availability and were considerably more disadvantaged than the bottom 90% of suburbs.

The concept of vulnerability considers a range of factors to identify communities that may be more at risk to alcohol related harm. A Vulnerability Index (VI) was created to provide an overall picture of where communities might be particularly susceptible to increases in packaged liquor supply. It shows the relative vulnerability of a given location compared to all other locations in the study area based on four key indicators:

- Access to packaged liquor floor space (measured as part of the spatial analysis)
- Harm Index score (determined as part of the spatial analysis)
- Number of bars
- SEIFA Index of Relative Socioeconomic Disadvantage.

The vulnerability analysis revealed several distinct clusters of high relative vulnerability, including a large corridor running between Springvale in the west through Dandenong and onto Narre Warren in the east; large areas around Frankston, Cranbourne and Pakenham; and smaller pockets in Portsea, Hastings and Mornington. The top three most vulnerable suburbs (highest VI scores) were: Dandenong (8.42), Frankston (7.5) and Doveton (6.5).

COUNCIL OFFICER WORKSHOP

The regional Council officer workshop held in 2013 involved strategic, statutory and social planners from all the regions' Councils. It identified the following key issues in the region:

- Insufficient policy direction
- Poorly defined roles and relationships
- Process issues
- Lack of access to appropriate data
- Lack of tools and established procedures.

The report recommendations seek to address many of these issues.

COMMUNITY SURVEY

A community survey was prepared and advertised online, in local newspapers, by mail and at Council service centres in 2014. In total, 197 individuals responded to the survey. The social profile of the respondents does not directly reflect the SEM region's profile, although it certainly represents some segments of the community, particularly in Frankston and Casey, where responses were concentrated. Despite this, the response size provided useful and valid data for analysis.

Key findings from the survey were:

- Bottleshops attached to supermarkets were the most popular outlet for alcohol purchases
- Convenience was the most important motivation in purchasing decisions
- More than half of respondents usually travel less than 2km for purchases
- Over 85% of respondents usually travel less than 5km for purchases
- Alcohol is most commonly consumed at private residences
- Consumption choices are affected by fear of violence
- Lower prices are not important in decisions to purchase alcohol
- Almost half of respondents thought there are too many packaged liquor outlets in their area.

These findings highlighted how more consideration should be given to the impacts of packaged liquor outlets given their role in supplying alcohol in the region. It noted that the convenience of outlets, namely distance to outlets, affects behaviour. The survey also revealed that people travel beyond 100-500 metres to buy packaged liquor. This demonstrates that the existing thresholds provided in the Practice Note are inadequate when it comes to assessing the impacts of packaged liquor outlets.

ROLE OF PLANNING & LOCAL GOVERNMENT

The project found that planning has a legitimate role to play in liquor regulation. The liquor licensing system in isolation cannot adequately address strategic planning, local impact assessment and community engagement in its decisions. On the other hand, the planning system is able to consider the spatial context of an application including its relationship with other licensed venues and their cumulative impact.

The existing planning framework for assessing packaged liquor outlets needs improvement. Existing policy and regulations provide insufficient basis for community health, wellbeing and safety to be considered in the

assessment of licensed premises. Considerations are currently limited to the amenity of the area surrounding the application site. Assessment guidelines are geared towards inner city on-premises venues. Several of the current planning considerations are irrelevant or ill-fitted to packaged liquor outlet proposals. In addition to this, creating an evidentiary link between a proposed outlet and its potential harm as a basis for refusal is extremely challenging.

CONCLUSION

Local government has an important role to play in addressing alcohol-related harm and needs to be better equipped to do this. This can be achieved by:

- Reducing overlap between the planning and liquor licensing frameworks, thereby clarifying the roles and strengths of each system;
- Re-examining the remit of land use planning in relation to liquor applications to better reflect the strengths of the system as they relate to spatial strategic planning, local contextual analysis and community engagement;
- Clarifying the public health objectives and decision-making criteria within the land use planning system as they relate to liquor applications;
- Developing evidence-based policy directions to guide data collection and decision-making;
- Strengthening the relationship between the statutory Municipal Public Health and Wellbeing Plans and Municipal Strategic Statements;
- Developing procedures and toolkits to better equip Council land use and social planners to develop strategies related to liquor licensing; and procedures and decision guidelines for dealing with individual applications.

The report makes detailed recommendations about how these improvements can be achieved through collaboration between State and Local Government.

1 The Project

1.1 SNAPSHOT OF THE REGION

The study area comprises seven municipalities: Bass Coast, Cardinia, Casey, Frankston, Greater Dandenong, Kingston, and Mornington Peninsula. These municipalities represent a range of communities, from established parts of Melbourne (Frankston, Greater Dandenong and Kingston), to growth areas (Casey and Cardinia), and to popular localities beyond the metropolitan area (Mornington Peninsula and Bass Coast).

In 2013, the study region had a combined resident population totalling 974,420 persons, including an estimated population of 738,780 persons aged 18 years-plus (ABS estimates). By 2021, the regional population aged 18 years-plus is expected to reach 864,880 persons (DTPL's *Victoria in Future 2014*). This represents significant growth, with an additional 126,100 persons added over the 8-year period at an average annual growth rate of +2.0%. This cohort in metropolitan Melbourne is expected to expand at the same average annual rate of +2.0% over the same period.

There are 361 packaged liquor outlets in the study area, as shown Figure 1. Outlets range from small specialist premises to large, big box retailers with an average floor space of 1,400sqm. While this study focuses on packaged liquor, it is also important to consider the wider context of on-premises alcohol sales, particularly due to the significant diversity and prevalence of licensed premises within the study area.

The majority of packaged outlets within the study area are located in Activity Centres, although a significant number are located out-of-centre, as shown in Figure 2.

Figure 1: Location of Packaged Liquor Outlets in the Study Area



Source: Essential Economics with MapInfo and StreetPro

Figure 2: Packaged Liquor Outlets by Activity Centre Type

Council	Local Activity Centres	Neighbourhood Activity Centres	Major Activity Centres	Principal Activity Centres	Out of Centre
Bass Coast	9	6	9	1	12
Cardinia	15	11	6	-	11
Casey	21	20	12	3	15
Greater Dandenong	13	9	8	9	8
Frankston	15	14	3	3	12
Kingston	16	27	7	4	12
Mornington Peninsula	18	35	8	-	15
TOTAL	107	122	53	20	85

Source: Victorian Commission for Gambling and Liquor Regulation

1.2 THE RESEARCH

PURPOSE

The purpose of the research was to collect sound evidence on the extent to which the sale of alcohol for consumption off the premises (i.e. packaged liquor) is a determinant of the social, economic, and physical health and wellbeing of a community.

This research also aimed to provide an insight into the relationship between packaged liquor licences, other types of licences and the role of Local Government, including the following:

- General alcohol consumption patterns in the South East Melbourne Council areas.
- Factors that could make the South East Melbourne Council areas more vulnerable to an increase in the number of packaged liquor licences within the community e.g. population growth, socio-demographic profile.
- Factors that are contributing to the increase in applications for packaged liquor licences.
- The relationship between alcohol consumption and discretionary spend, particularly in relation to basic needs such as food, health and housing.
- The relationship between the location of packaged liquor outlets, alcohol incidents and family violence.

The findings of the research are intended to support strategies guiding decisions relating to proposals for packaged liquor licences and other liquor licence applications. They are also expected to support Consortium Councils in advocating for changes to the legislation to include a licensed premises policy within Clause 52.27 of the *Victoria Planning Provisions* and for trial 'capped areas' which will cap the overall amount of particular licences based on social determinants.

The project focuses on potential planning interventions and seeks to support a place-based response at a municipal level.

1.3 APPROACH

The project commenced in April 2013 and involved four stages.

PROJECT STAGE	Objective
1: Project Inception	Stage 1 confirmed the work program and approach. A general understanding of the issues and project method has been established and data sources identified.
2: Context Report	<p>This stage involved a comprehensive review of relevant legislation, planning policy, Council policies and academic research relevant to the study.</p> <p>A Regional Officers' Workshop was held in June 2013 to examine the role of local government in liquor licence regulation.</p> <p>A Stakeholder Forum was held in November 2013 to provide an update on the project to Councillors, Victoria Police and project partners.</p> <p>The stage culminated in the preparation of a Context Report addressing the key findings to date.</p>
3: Discussion Paper	<p>Stage 3 involved extensive desktop and <i>in situ</i> analysis of outlets and activity centres. Due to the scale of the study region a typology of activity centres was developed as the focus for research. Socio-demographic and socio-economic profiles of the region were developed and mapped. Economic and spatial analysis (based on methodologies refined in Stage 2) was undertaken to test the case studies and analyse spatial patterns, accessibility, relationships and vulnerabilities.</p> <p>A Councillor, CEO, Council Officers and Stakeholders Information Session was held in October 2014 to provide an update on the research findings.</p> <p>The stage culminated in a Discussion Paper that outlined the analysis findings and made recommendations regarding potential policy responses.</p>
4: Final Report	Following feedback from Alliance Councils and discussions with key stakeholders this Final Report has been prepared to outline the research conclusions and make recommendations about planning, social strategy and advocacy approaches to addressing harms associated with alcohol consumption.

2 What's the Issue?

2.1 PACKAGED LIQUOR OUTLETS

PROLIFERATION OF PACKAGED LIQUOR

Nearly 80% of alcohol consumed in Australia is sold at packaged liquor outlets, and this proportion has steadily increased over time (see Livingston, 2013). The density of packaged liquor outlets in Victoria has grown steadily since the early 2000s, as have rates of alcohol-related harm among both adults and young people: *'These broadly correlated trends are consistent with the substantial international research literature linking the density of alcohol outlets in a neighbourhood to the rate of alcohol-related problems experienced in that neighbourhood.'* (Livingston, 2013, p. 5)

Studies that specifically focus on packaged liquor have repeatedly shown that the density of packaged liquor outlets matters significantly, for example: *'assaults are highly correlated with outlet density; that is, as density increases so do levels of assault'* (Chikritzhs et al, 2007, p. xii). However, the total volume of sales also matters, as another key indicator is the volume of regular strength beer sold per outlet.

ALCOHOL CONSUMPTION PATTERNS

There is strong and consistent evidence that major changes in the retail availability of alcohol changes drinking behaviour. Increases in supply have been shown to lead to increases in consumption, while conversely, decreased supply has reduced risky behaviour (Livingston, 2013, p. 5). Furthermore, in another study Livingston et al note that *'socially marginalised drinkers are more likely to be influenced by changes in alcohol availability than other drinkers ... changes to outlet density could [therefore] markedly affect the consumption and long-term health problems of some population subgroups, sometimes without noticeable changes in population-level consumption estimates.'* (2007, p. 563)

Episodic heavy drinking (binge drinking) and heavy drinking by young people occur more frequently in neighbourhoods with higher densities of packaged liquor outlets. This is also the case with higher rates of adult episodic risky drinking.

'Outlet density, and particularly bunching, are more likely to have an effect on rates of binge drinking, on alcohol-related injuries and violence, and on other short-term consequences related to concentrated drinking during discrete occasions.' (Livingston et al 2007, p. 563)

This supports the evidence that there is a cumulative impact of packaged liquor outlets and not just of on-premises licensed venues.

HARMS

Packaged liquor outlet density is associated with higher rates of public violence and other crime, as well as higher rates of less visible harms including partner violence, child maltreatment and chronic disease. Zhu et al (2004) note that the results from their research in Austin, Texas:

"...showed a clear association between alcohol outlet density and violence, after controlling for neighbourhood sociostructural features ... These findings, together with those from other spatial analyses of alcohol-related problems such as motor vehicle and pedestrian accidents ... suggest that the issues of alcohol availability and access are fundamental to the prevention of alcohol-related problems".

Kavanagh et al. (2011) found no evidence to support an association between the proximity of licensed premises and harmful alcohol consumption. By contrast, Donnelly et al (2006) noted that the closer people live to liquor outlets, the more likely they are to experience problems with property damage and drunkenness in their neighbourhoods and associated reductions in residential amenity. They state that the evidence *'clearly supports the need for the continued regulation of the alcohol retail market in order to minimise the harms associated with alcohol misuse.'* (2006, p. 13) The conclusion of their paper is that *'the current evidence base strongly suggests that a public benefit case can be mounted in favour of restricting the number of liquor outlets in order to minimise the harms associated with alcohol consumption.'* (2006, p. 13)

Wilkinson and Livingston also undertook research in this area and concluded that:

'... the nearer one lives to both types of licensed premises the more likely one is to report experiencing these problems. Respondents who live closer to bars, clubs or pubs were more likely to report being kept awake or disturbed at night because of drunken noises, feeling unsafe in public places, and being annoyed by vomit, urination or litter ... Respondents who live closer to bottle shops were more likely to report being kept awake or disturbed at night, annoyed by vomit, feeling unsafe in a public place and experiencing property damage.' (2012, p. 397)

Livingston undertook extensive research in Melbourne for his PhD thesis. His research indicated that there is growing local as well as international evidence which links the density of packaged liquor outlets to heavy drinking and alcohol-related harms. Livingston examined the relationships between outlet density and a series of outcomes at the postcode-level in his research. Livingston notes that:

'These studies showed positive associations over time between the density of packaged outlets and rates of domestic violence, general assaults and alcohol-specific chronic disease. The results of these studies suggest that, in an average postcode, a 10% increase in the density of packaged liquor outlets would lead to approximately:

- A 1% increase in assaults recorded by police and a 0.5% increase in hospitalisations due to assault;
- A 3.3% increase in family violence incidents recorded by the police;
- A 1.9% increase in hospitalisations due to alcohol-specific chronic disease.' (2013, p. 8).'

Livingston also examined links between packaged liquor outlet densities and drinking behaviour. He notes that:

'... a study of young adult drinkers (aged 16-24) in Victoria, examined factors that predicted very high-risk drinking patterns (20+ drinks in a session, monthly or more often for males and 11+ drinks in a session, monthly or more often for females), finding that packaged liquor outlet density was significantly related to this type of drinking. While the effect size appears modest, in a hypothetical suburb with 1,000 16-24 year olds, a single additional outlet would, on average, increase the number of young people drinking in this extremely dangerous way by six.

...a study of adult drinking found that the density of packaged liquor outlets at the local level was positively associated with rates of episodic risky drinking. Respondents living in areas with eight or more outlets within a 1km road distance were more than twice as likely to report regular risky drinking, even with a range of socio-demographic factors controlled' (2013, p. 8).

The research on packaged liquor outlets suggests that a 2% increase in assaults and a 12% increase in family violence would follow a 10% increase in packaged liquor outlets in disadvantaged suburbs.

A more recent study by researchers at Monash University concluded that the limiting the exposure of local populations to packaged liquor outlets, particularly chain outlets, may reduce the incidence of trauma in neighbourhoods (Morrison & Smith, 2015). Their research found that intentional and unintentional traumatic injuries occurred more commonly in areas with greater concentrations of packaged liquor outlets. These relationships extended to areas adjacent to where the outlets were located. Chain outlets contributed most substantially to trauma risk. They also found that cheaper alcohol was available at larger liquor outlets than smaller outlets and chain stores than independent stores.

The majority of studies have found straightforward linear relationships between outlet densities and harm rates, which suggest that each additional outlet is likely to make at least some contribution to increasing rates of harm.

OUTLET / VENUE DENSITY

Outlet or venue density refers to the number of venues within a particular area, for example an activity centre or a suburb. Several researchers have attempted to determine if there is a threshold for outlet density or proximity above which harm becomes cumulative or is likely to reach a critical level. This is generally expressed as number of outlets per head of population. Most of this research has focussed on late night licensed premises. This concept also informed the development of *DTPLI Practice Note 61*.

At present there is no clearly defined threshold level. Research cited by Livingston (2013) suggests that it could be between 15-22 licensed venues per 10,000 population, but there would be many variables which would affect this, including road accessibility, socio-economic profile and the types of venues.

Kavanagh et al (2011) used a measure of the number of off-premises outlets (i.e. packaged liquor outlets) within a 1.0 kilometre road network distance of people's homes. They noted that *'the highest risk of drinking at levels*

associated with short-term harm was when there were eight or more outlets (p. 1)' within that zone. The authors note that '... our finding ... suggests that policies should concentrate on reducing the number of outlets in areas with a high density of outlets as well as preventing the opening of new outlets.' (2011, p. 7)

Available research focuses on density in terms of number of outlets without consideration of outlet size. Given the increasing number of large format outlets in Victoria, it is worth considering density in terms of outlet size. This is discussed at greater length in the economic analysis section of the report.

2.2 LEGISLATIVE & POLICY GAPS

THE LEGISLATIVE FRAMEWORK

The regulation of liquor sales and consumption in Victoria is primarily directed by the *Liquor Control Reform Act 1998* and the *Planning and Environment Act 1987*.

The *Liquor Control Reform Act 1998* regulates the sale and consumption of liquor through the issuing of liquor licences. The Act aims to minimise harm and ensure that the supply of liquor contributes to, and does not detract from, the amenity of community life.

The *Planning and Environment Act 1987* provides a framework for the use, development and protection of land in Victoria. In determining planning permit applications responsible authorities have an obligation to consider any significant social and economic effects of a proposed use or development.

The *Victoria Planning Provisions* include State-standard strategies and provisions that apply to every planning scheme in the State. They include a provision relating to Licensed Premises (Clause 52.27) which seeks to ensure that licensed premises are appropriately located and that their impact on the amenity of the surrounding area is considered in decision-making. A planning permit is required for many types of licensed premises, including packaged liquor licenses.

The Licensed Premises provisions require the cumulative impact of licensed premises to be taken into account when making a decision. Nevertheless, the decision guidelines focus on the amenity rather than social or economic impacts of licensed premises. As such the provisions have been interpreted in a commensurately narrow manner.

In addition to the Licensed Premises provisions, planning zones determine where particular uses may be conducted without the need for a planning permit, with a planning permit, or where they are prohibited. Liquor Licences and planning permits for the sale and consumption of alcohol may only be issued in association with specifically defined land uses under the *Victoria Planning Provisions*.

LIMITATIONS OF CURRENT PLANNING PROVISIONS

The operation of the Licensed Premises provisions has been tested on a number of occasions during planning appeals before the Victorian Civil and Administrative Tribunal (VCAT). Key findings relevant to this study are:

- The use of land for a licensed premises is a lawful use, therefore cannot be considered unacceptable in a general sense (*Duxtar v Port Phillip CC*).
- The Licensed Premises Clause 52.27 focuses on spatial and amenity considerations. As such, concerns about the social impact of an individual licensed premises will rarely be a relevant consideration in decision making (*Hunt Club v Casey CC (Red Dot)*).
- There are risks in relying on Practice Note 61 *Licensed Premises: Assessing Cumulative Impact* for the purposes of assessing packaged liquor outlet applications due to its emphasis on 'amenity' related impacts.
- The concept of amenity is not just limited to pleasantness; it includes all the features, benefits and advantages inherent in an environment (*Lobb v City of Waverley*).
- It is unhelpful to try and define the term 'amenity' for planning purposes, rather it should be assessed according to the circumstances of the case (*Swancom v Yarra CC*).
- The concept of harm minimisation is a relevant consideration under the *Liquor Control Reform Act 1998*. This concept is not extended into the *Victoria Planning Provisions*.
- The interpretation of the cumulative impact of licensed premises is heavily influenced by decisions relating to on-premises licenses and *Practice Note 61: Licensed Premises*. Given the narrow construction of Clause 52.27

the utility of the concept in relation to packaged liquor premises is currently limited (see *Hunt Club v Casey CC (Red Dot)*).

- The lack of need for a facility is unlikely to be a relevant consideration in deciding on a liquor application (*Barkersgrove v Greater Bendigo CC*).
- The decision guidelines of Clause 52.27 limit the capacity create an evidentiary link between the relative disadvantage of an area and the amenity impact of approving a licensed premises (*Coles Group v Mornington Peninsula*).
- A key challenge for decision-making is establishing evidence that is location-specific and accurately links harms to their source.

3 Research

3.1 INTRODUCTION

This chapter provides an overview of the research and stakeholder consultation undertaken as part of this project:

- **Economic analysis** undertaken by Essential Economics – refer to report titled *Cumulative Impacts of Packaged Liquor Licences for South East Metropolitan Regional Liquor Licensing Project*, May 2015.
- **Spatial analysis** undertaken by Harvest Digital Planning – refer to report titled *Exploratory Spatial Analysis of the Relationship between Packaged Alcohol Supply and Harm in Melbourne's South-East*, May 2015.
- A **regional Council officer workshop** undertaken in June 2013.
- A **regional survey** undertaken in July 2014, which received 197 responses.

The final section of this chapter draws together the key research findings and addresses the key questions raised in the project brief.

3.2 ECONOMIC ANALYSIS

APPROACH

The approach to this part of the research project involved an assessment of packaged liquor outlets located within the Consortium's overall region. The research involved measuring packaged liquor licence numbers, leasable floor space, annual sales, and resident population (including the adult population aged 18 years or over), and comparing the resultant ratios with the metropolitan Melbourne average and with those of other municipalities.

The following specific tasks were undertaken:

- Collect and map data for packaged liquor licences (e.g., ratio of floor space per 1,000 residents) on a municipal basis for comparison with other municipalities in the South East Region.
- Use MarketInfo retail expenditure on packaged liquor for the study area and individual municipalities to obtain estimates of packaged liquor expenditure per resident, and thus enabling comparisons with metropolitan Melbourne and with other municipalities.
- Identify two localities as 'case studies' where existing packaged liquor premises and associated retail floor space have been surveyed. The case studies involved the Dandenong CBD and environs, and the Casey Growth Corridor, as agreed with the Consortium.
- Prepare estimates for the seven municipalities and the two case study areas to show:
 - Available retail expenditure: this involves using the MarketInfo per capita spend data and adult resident population to calculate total available retail expenditure on packaged liquor, and expressed as '\$X million'.
 - Packaged liquor sales data: this involves estimating packaged liquor retail floor space and applying an appropriate average sales density (\$ per sq metre) to calculate sales of packaged liquor, and expressed as '\$Y million'.
 - These calculations represent packaged liquor Demand (X) and Supply (Y) in the municipalities and the case studies, and allow estimates of the relative provision of packaged liquor provision to be identified (i.e., over- or under-provision, or 'balance').
- Prepare indicators of packaged liquor provision by converting the number of packaged liquor premises and retail floor space data to ratios which show the number of premises per 1,000 residents aged 18yrs-plus, and retail floor space in terms of sq metres per resident.
- Compare these ratios in the seven municipalities and for the case study areas with indicators for metropolitan Melbourne.

- Establish benchmarks to indicate the provision of packaged liquor stores at the municipal level and for the study area.

RATIONALE

Traditionally, the density (or number) of packaged liquor outlets has been used as an indicator of harm (and the correlation analyses in the overall project are to explore this relationship). However, density as measured by the number of outlets per 1,000 population is no longer a useful indicator with the advent of large format retail outlets of approximately 1,400m² in floor space. An outlet of this size is equivalent to five or more much smaller conventional liquor stores, typically between 150m² to 300m².

For this reason, the measurement of floor space of all retail packaged liquor outlets in the study region was undertaken so that floor space becomes the indicator of density. Retail floor space measurements will assist in assessing whether or not an over- or under-supply of packaged liquor outlets is evident (or would become evident if a new proposal were to proceed) in a particular area.

Moreover, the retail floor space figure can be readily converted to an estimate of packaged retail liquor sales, thus generating an estimate of packaged liquor outlet sales for comparison with available packaged liquor retail spending.

This approach in assessing the appropriate density (as measured in floor space) of packaged liquor in the study region is based on the acknowledged economic theory and practice of supply and demand. Equilibrium in market terms is reached when the supply of packaged liquor is in balance with the demand for packaged liquor. An 'equilibrium' price will apply, i.e. the price that consumers are willing to pay and that producers (retailers) are willing to accept. Alternatively, for example, if an over-supply of packaged liquor is evident in a catchment, then price competition would be expected to increase so that excess stock can be moved off the shelves. However, there would be less pressure for price competition if an under-supply of packaged liquor relative to demand was evident.

PACKAGED LIQUOR EXPENDITURE

Average spending per person aged 18 years or older on packaged liquor in the region is \$800 per year and this figure is -2.5% lower than the metropolitan Melbourne average of \$820 per annum. The average spend varies across the region; for example, adult residents in the Bass Coast spend the most per capita (\$890 pa), while Greater Dandenong residents spend the least (\$620 pa).

Socio-economic and demographic factors assist in explaining these variances between municipalities, and accessibility to packaged liquor outlets is a further consideration. Price competition does not appear to be a relevant factor on a geographic basis when consideration is given to typical media advertisements for packaged liquor that are directed at metropolitan-wide consumers.

Packaged liquor spending by households in the South East Region is estimated to be equivalent to an average of 2.7% of household income. Of the seven municipalities, only the Bass Coast has a marked variation from this average, with packaged liquor spending at 3.4% of household income in that municipality. This reflects the relatively low average household income and marginally higher level of spending on packaged liquor for Bass Coast relative to metropolitan Melbourne.

All municipalities (except one) are similar in terms of packaged liquor expenditure as a share of all other retail spending (regional average of 5.1%), although Bass Coast is marginally higher. The metropolitan average is 5.3% for per capita packaged liquor spending as a share of all other retail spending.

A comparison of per capita expenditures on packaged liquor at the municipal level for municipalities in the South East Region and in selected parts of Melbourne shows that the average expenditures for growth area municipalities in the region (Cardinia \$810 and Casey \$800) exceed the average for municipalities in other growth areas in Melbourne (Hume \$720, Whittlesea \$690 and Wyndham \$760). However, the average expenditure on packaged liquor in other municipalities is higher than in the region in many cases, including Yarra \$1,610; Monash \$1,280; Bayside \$1,040; and Stonnington \$1,030.

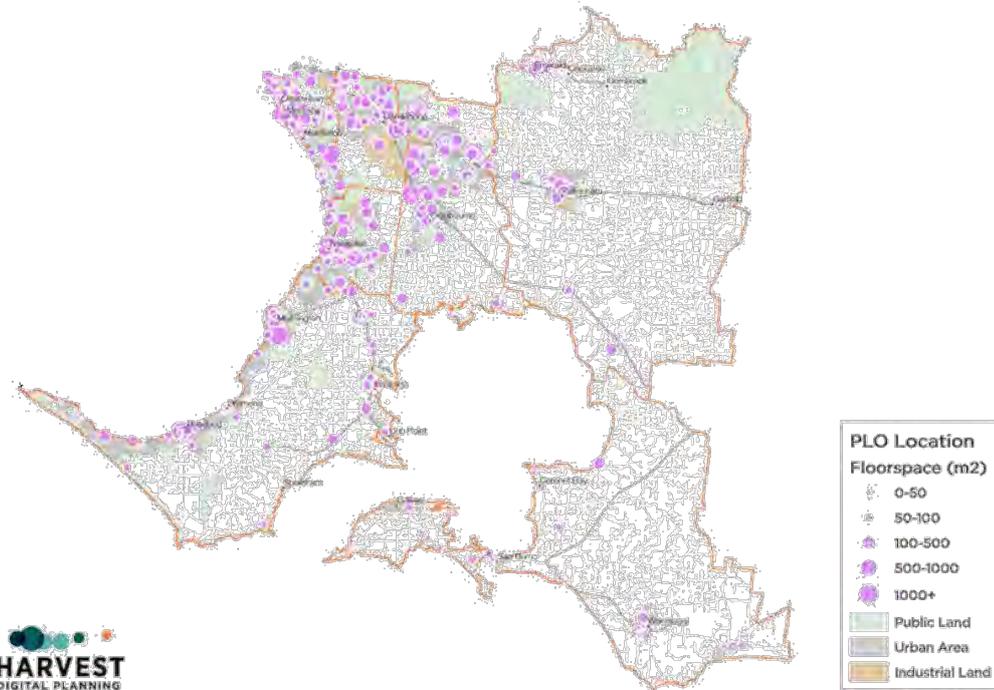
PACKAGED LIQUOR OUTLETS

Number & Size of Outlets

The region has a total of 361 packaged liquor outlets (see Figure 3). The average size is 160m², but when the 14 large format outlets are excluded (and they are typically around 1,400m² in floor space), the average size falls to

just 110m². This outcome highlights the importance of considering total floor space rather than number of outlets when assessing the density of packaged liquor in a community. One large format store can be equivalent to eight or so smaller outlets in floor space terms.

Figure 3: Packaged Liquor Outlets in the Study Area by Floor space



Retail floor space in the South East Region which is allocated to packaged liquor totals an estimated 58,250m² in 2013, based on consultant field surveys. Of this total, residents in the region support 44,900m² and visitors from beyond the study area support an additional 13,350m².

Overall, spending in the region on packaged liquor supports an average of 79m² of packaged liquor floor space per 1,000 residents aged 18 years or older. This figure includes spending by the region's residents and which supports an average of 61m² per 1,000 residents aged 18 years or older, plus 18m² per capita supported by visitor spending.

In 2013, total sales of packaged liquor in the region totalled an estimated \$675 million. This figure is derived from consideration of retail floor space allocated to packaged liquor (in square metres) and estimated sales density (sales per square metre of floor space).

For the South East region overall, packaged liquor spending is equivalent to 5.1% of all other spending on retail goods and services; the metropolitan average is 5.3%. With one exception, all municipalities in the region have ratios that approximate the regional average and all are below the metropolitan average; the exception is Bass Coast (5.8%), and this difference is largely explained by the Shire's higher-than-average sales of packaged liquor to visitors (representing the popularity of the Shire for tourists and holiday-home visitors).

Floor space & Population Growth

With adult population in the South East Region forecast to increase to 864,880 persons, and an average spend on packaged liquor of approximately \$830/per person aged 18 years or older by 2021, spending available for packaged liquor is forecast to total \$720 million (rounded and expressed in constant 2013 prices).

This available spending by residents is directed to packaged liquor outlets located in the region (94% of spending) and to outlets located beyond the region (6% of spending). On the same basis, in 2021 residents would spend \$677 million in packaged liquor outlets in the region and this would support 57,000m² of retail floor space. Many packaged liquor outlets would continue to attract sales from customers living outside the region (ie, visitors and passing trade), and these sales currently account for 18% of their total sales. On this basis, total sales in packaged

liquor outlets of \$826 million pa in 2021 would support 70,000m² of retail floor space. This figure compares with the region's existing packaged liquor floor space totalling 58,250m². Thus, the increase in packaged liquor floor space in the South East Region in the period 2013 to 2021 would be in the order of 12,000m².

Potential Packaged Liquor Floor space by Municipality

Figure 4 shows estimated total additional floor space in packaged liquor supported in the South East Region by municipality in the period 2013 to 2021. These estimates are based on assessments of population and spending growth trends in each municipality and with reference to the existing provision of packaged liquor outlets serving each municipality.

In some instances, a greater provision of packaged liquor floor space may be supportable in a particular area, depending on the extent to which a catchment is served by existing and potential new or expanded outlets. For example, a newly-expanding growth area may be under-provided with packaged liquor outlets in the early years as the catchment may not have expanded sufficiently in population terms to support a suitably-sized packaged liquor store; in this case, the growth area will likely depend on packaged liquor supplies from existing stores in nearby established areas. It should be noted that catchments served by packaged liquor premises often cross municipal boundaries.

Figure 4: Packaged Liquor Floor space Supported in Municipality, 2013 (Existing) & 2021 (Forecast)

Municipality	Total Floor space Supported at Municipal Level 2013	Total Floor space Supported at Municipal Level 2021	Additional Packaged Liquor Floor space at Municipal Level
Bass Coast	2,345m ²	2,840m ²	+495m ²
Cardinia (S)	4,945m ²	7,150m ²	+2,205m ²
Casey (C)	17,980m ²	22,970m ²	+4,990m ²
Frankston (C)	8,350m ²	9,170m ²	+820m ²
Greater Dandenong (C)	4,230m ²	4,880m ²	+650m ²
Kingston (C)	9,230m ²	10,180m ²	+950m ²
Mornington Peninsula (S)	11,170m ²	12,590m ²	+1,420m ²
Total South East Region	58,250m²	69,780m²	+11,530m²
Rounded	58,250m²	69,750m²	+12,000m²

Source: Essential Economics Pty Ltd

Two municipalities are forecast to account for approximately 61% of the new floor space in the South East Region by 2021, namely Casey (+4,990m²) and Cardinia (+2,205m²) and these are designated growth areas in south east metropolitan Melbourne. At 2021, Casey would have an average provision of 92m²/1,000 residents aged 18 years-plus (compared with 91m² in 2013), while Cardinia would have 83m² (compared with 82m² in 2013). The average for the region would be 81m² in 2021 (compared with 79m² in 2013).

Growth in spending on packaged liquor by persons aged 18 years-plus in the South East Region represents an average rate of +0.5% pa over the period, expressed in constant 2013 prices. This average spending 2013 at \$800/capita is -2.5% below the metropolitan average of \$820/capita.

While it is useful to have an appreciation of a municipality's potential requirements for packaged liquor outlets (as a municipal Council is involved in land use planning and development), it is emphasised that consumer shopping patterns and preferences do not necessarily reflect municipal boundaries. Thus, a packaged liquor outlet may locate in proximity to a municipal boundary, thus serving a catchment that straddles parts of two municipalities.

OTHER LIQUOR LICENCES

On average, 14% of all licensed premises in the South East Region have a packaged liquor licence, and this contrasts with selected metropolitan Melbourne municipalities where only 9% of all licensed premises are licensed for packaged liquor sales.

The proportion of all premises with a packaged liquor licence is also notably higher in growth area municipalities (e.g., Casey 20%, Whittlesea 18%, Wyndham 22%). These statistics support the view that the new suburban areas on the metropolitan fringe do not have the range of licensed venues that established suburbs enjoy, and that, as a result, packaged liquor stores are prevalent as a contributor to alcohol consumption.

This situation is further confirmed by data showing that 'other' liquor licensed premises (i.e., non-packaged liquor premises, such as cafes, restaurants, etc) in the South East Region have, on average, just 1.9 such premises per 1,000 residents, and this contrasts with the 3.3 such premises per 1,000 residents in other selected metropolitan Melbourne municipalities. In popular inner-city localities, the proportion of 'other' licensed premises is much higher, with Yarra at 8.9 premises per 1,000 residents and Stonnington at 6.1.

CATCHMENT ANALYSIS

Any assessment of potential floor space requirements for packaged liquor must take into account the catchment that a packaged liquor outlet would serve, i.e. the geographic area from which the majority of shoppers would be drawn. Catchments do not reflect municipal boundaries.

The boundaries of a catchment will be based on an appreciation of the role of the activity centre in which a packaged liquor outlet is planned for development; the socio-economic and spending patterns of residents in that catchment; the potential to capture passing trade (i.e., non-resident); and the location, type and extent of existing and planned packaged liquor facilities.

Of interest, only three of the 14 large format packaged liquor stores are located in out-of-centre locations and these comprise Dan Murphy's outlets at Frankston, Chelsea Heights and Doveton.

The catchment analysis can include assessment of existing provision of packaged liquor outlets (number of outlets per 1,000 residents aged 18 years or older and number of adult residents per outlet); existing retail floor space allocated to packaged liquor (sq metres of floor space per 1,000 adult residents); and growth assessments for adult resident population and packaged liquor expenditures.

KEY POINTS

The key points from the economic analysis are as follows:

- Average spending on packaged liquor in the South East Region is \$800 per capita for the adult population (18yrs-plus); this is lower than the metropolitan Melbourne average of \$820.
- Average packaged liquor spend per household in the South East Region is \$1,760 and this is lower than the metropolitan Melbourne average of \$1,800. For the region, this spend is equivalent to 2.7% of household income compared with 2.5% at the metropolitan level. However, average household income in the region at \$65,220 per year is 11% less than the metropolitan average of \$73,370 per year.
- Average packaged liquor spend per adult in the region is equivalent to 5.1% of total spend on retail (excluding packaged liquor), and this is lower than the metropolitan average of 5.3%.
- Assessments of packaged liquor outlets should be based on retail floor space rather than the number of establishments, and this is evident when the average size of a shopfront packaged liquor store (110m²) is compared with the increasing prevalence of large format stores (up to around 1,400m²).
- Average retail floor space in packaged liquor outlets per 1,000 adults in the region is 79m² in 2013, and this would increase marginally to 82m² in 2021 due to anticipated marginal growth in per capita consumption of packaged liquor (+0.5%pa).
- At the metropolitan Melbourne level, average retail floor space per 1,000 adults is estimated at 80m². This figure captures 'internal' visitor movements within metropolitan Melbourne, and is therefore comparable to the South East Region average figure of 79m² per 1,000 adults.
- The South East Region appears, on the measures assessed in this report, to have a lower rate of packaged liquor expenditure compared with the average for metropolitan Melbourne.
- The region has a higher prevalence of packaged liquor premises than other, more established parts of Melbourne where people have access to a wider range of licensed premises, including restaurants, cafes, BYO, and small local pubs.

3.3 SPATIAL ANALYSIS

RESEARCH CONTEXT

While there are numerous studies that investigate the link between on-premises, licensed venues (such as bars and clubs) and their potential impacts on certain types of alcohol-related harm, there has been little research examining the extent to which the availability of packaged liquor (liquor sold for take-away consumption) may cause deleterious effects on human health and well-being.

In parts of the south east metropolitan region, packaged liquor is often more widely available than alcohol from on-premises venues when compared to other parts of Metropolitan Melbourne. Yet very little information is available on how packaged liquor specifically may contribute to various types of human harm.

From a geographical perspective, understanding the relationships between packaged liquor consumption and harm is challenging for a number of reasons. Most significantly, because the point of sale is often different from the place of consumption, and again the place where the harm may occur, the geographical relationships between them are highly variable and complex.

Further to this, human behavioural psychology, socio-economic factors and the context of the built environment all influence people's choices on what to buy, where to buy it, how much is consumed and where it is consumed, adding further complexity to an already multi-faceted issue.

RESEARCH OBJECTIVES

This study attempts to establish a beginning to understanding the various factors surrounding the availability of packaged liquor and its potential impacts on human health and wellbeing. It seeks to provide baseline information, using a range of analytical techniques to explore existing data and to identify useful indicators to measure the current situation in the study area, so that it can be monitored on an ongoing basis.

Specifically, it examines several datasets relating to the supply of alcohol, alcohol-related harm and socio-economic variables, and describe existing spatial patterns to begin to highlight (at a broad level) the potential relationships between them.

DATA

This research was undertaken using the following datasets:

- Base information, including roads, rail lines, waterbodies, public land, zoning controls, planning overlays etc. (Victorian State Government);
- Packaged liquor outlets and floor space (Essential Economics);
- Licensed venue information (Victoria Commission for Gambling and Liquor Regulation);
- 2011 demographic information at Statistical Area 1 and suburb level geographies (Australian Bureau of Statistics);
- 2013 police incident data: Family Violence, Computer-Aided Dispatch (CAD) Events (i.e. public disturbances, pub brawls, etc.) and Offences (Victoria Police).

This research had unique access to datasets from Victoria Police on three types of alcohol-related harm. While it is not possible to tell whether all of the recorded harm incidents involved alcohol either directly or indirectly, certain police categories have a high likelihood of being alcohol-related and provide a good basis for assessing alcohol-related harm.

As a caveat, the research provides a cross-sectional analysis of data as a snapshot in time based on available data. It does not look at how trends have changed over a period of time, due to constraints in data collection.

RESEARCH METHOD

Three types of analysis were undertaken to:

1. Determine the population's access to packaged liquor (supply);
2. Identify hotspots of police incidents (harm);
3. Prepare an index of areas vulnerable to alcohol-related harm (vulnerability).

Supply Analysis

To determine the supply to packaged liquor, access by car was measured rather than by foot. Drive times were considered an important indicator for measuring accessibility since the study area is heavily car dependent.

A driveable catchment of 5-minutes, or a 10-minute round trip, from the centre of each SA1 in the study area was calculated. This distance was considered the minimum threshold people would be willing to travel to obtain packaged liquor products. The amount of packaged liquor floor space available within each of these catchments was then calculated to derive an overall accessibility figure.

Impedances (delays) along the road network were used to better reflect real-world travel conditions (i.e. 5 second average delay at all intersections and assumptions about road speeds). This is reinforced by the distances that respondents to the community survey were willing to travel. Over 85% of respondents were willing to travel up to 5 kilometres with a third willing to travel between 2 and 5 kilometres.

For SA1s that did not have any access to packaged liquor within a 5 minute drive, the nearest packaged liquor outlet and its corresponding floor space value was assigned to that particular SA1. SA1s with a population figure of zero were excluded from the analysis. Results of the SA1 analysis were also aggregated to the suburb level, by averaging the accessibility figures of every SA1 within a given suburb.

Harm Analysis

Spatial statistics were used to provide rigorous assessment methods for analysing patterns of harm within the study area. Hotspot analysis was used to identify clusters of SA1s that had statistically significant values over a distance threshold of 5km. Using hotspot analysis, it was possible to identify broad problem areas (hotspots), while minimising the appearance of spatial outliers, particularly caused by abnormally high incident rates due to SA1 areas with very small populations.

The harm analysis revealed that data was not normally distributed, with the vast majority of incidents occurring in only a few locations. This provided the rationale to separate out the small group of suburbs with high values from the low ones to provide a comparative analysis of the two groups. This was done by selecting the top 10% of suburbs (n=17) with the highest rates of harm, and benchmarking these to the bottom 90% of suburbs (n=167) with the lowest rates of harm.

Three suburbs were removed from the harm analysis (Moorabbin Airport, Dandenong South and Braeside) because they are airport or industrial areas with low populations but which recorded several incidents of harm. This resulted in them having abnormally high rates of harm. They were therefore excluded so they did not skew the analysis.

Vulnerability Analysis

The indicators used for the Vulnerability Analysis were identified through research and chosen for ease of interpretation and future replication.

Data was classified by splitting the range of data values into 10 equal categories, and then assigning each value to a category ranging from 0 to 10. The four indicators were then combined and the average score was calculated for each SA1 area. Results were mapped using a scale of 0 – 10 with areas shown in green having the lowest vulnerability and areas in red having the highest

Two Vulnerability Indexes were created: one for total harm (including all Family Violence, Offences and CAD Events) and one for Family Violence. In general terms, the two VI are very similar, with mostly subtle differences occurring between them.

GEOGRAPHICALLY WEIGHTED REGRESSION

Consistent with the project brief, numerous attempts were made to model the data using Geographically Weighted Regression (GWR) techniques. Such techniques would be a useful tool to assist in understanding the spatial variability of the factors that drive harm.

However, although many attempts at using GWR as an analytical method were made, ultimately, it was found that there were too many issues that made the outputs unreliable. These included the following:

- the diversity of the study area, which was comprised of several distinct physical settings;
- data issues relating to statistical boundary variability and the lack of time series data;

- the absence of specialised expertise to understand appropriate data measures and techniques;
- methodological limitations associated with interpreting meaningful results.

GWR may still prove a valuable tool for understanding relationships within the area. However, additional resources and expertise would be required to ensure rigour to any results.

The regression analysis is included as an appendix to the *Exploratory Spatial Analysis of the Relationship between Packaged Alcohol Supply and Harm in Melbourne's South-East* (May 2015).

KEY FINDINGS

The key findings of the research can be organised and summarised as follows:

Packaged Liquor Supply

- The study area is a highly diverse place with a number of different types of living and retailing environments.
- The packaged liquor supply is distributed differently across the Planning Activity Centre hierarchy between each municipality, with activity centre types containing various amounts of supply.
- A significant number of outlets also operate outside of this hierarchy, and are considered as out-of-centre retailing (see Figure 2).
- In general terms, packaged liquor supply is concentrated in the places where people generally live and shop.
- Across the study area, there was an average of 1.1 packaged liquor outlets and 92.3 square metres of packaged liquor floor space for every 1,000 adults.
- Suburbs with low populations that service larger seasonal populations or regional catchments often have the highest rates of outlets and floor space per 1,000 adult population.
- Measuring the accessibility of packaged liquor by drive-times provides a more accurate picture of alcohol availability than other measures from a geo-spatial perspective.
- On average, suburbs in the study area had access to 944 square metres of packaged liquor floor space within a 5 minute drive.
- For each municipality, the average suburb had access to the following amounts of packaged liquor floor space: Bass Coast (198m²), Cardinia (248m²), Casey (1,829m²), Frankston (1,973m²), Greater Dandenong (1,895m²), Kingston (1,778m²), Mornington Peninsula (607m²).
- Suburbs that had the greatest access to packaged liquor floor space (within a 5 minute drive) include Hallam (4,679m²), Doveton (4,561m²), Eumemmerring (4,361m²), Narre Warren (4,166m²), Dandenong (4,026m²), Frankston (3,997m²), Mentone (3,730m²), Berwick (3,493m²), Parkdale (3,478m²), Cranbourne North (3,384m²).
- For the local government areas, the average suburb had access to the following amounts of packaged liquor floor space per 1,000 adults: Bass Coast (410 m²), Cardinia (214m²), Casey (540m²), Frankston (377m²), Greater Dandenong (1,051m²), Kingston (350m²), Mornington Peninsula (319m²).
- Five distinct geographical areas or clusters had the greatest access to packaged liquor: the areas around Cheltenham, the corridor between Dandenong and Narre Warren, a small area around Cranbourne, areas around Frankston CBD and Frankston south, and areas around Mornington. These areas typically correspond to key population / activity centres in the region.

Harm

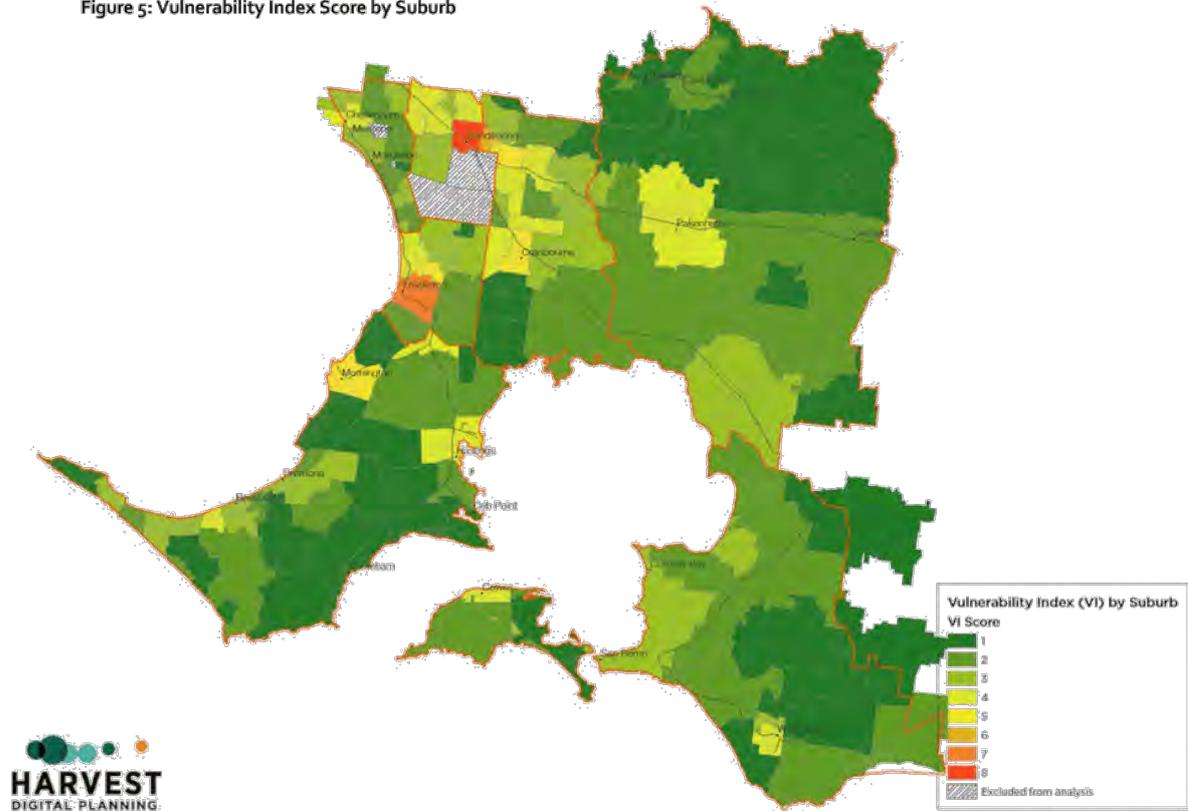
- A large 'hotspot' of harm was detected along a corridor stretching through Frankston, Dandenong and Cranbourne, and onto Pakenham where there were high rates of harm occurring (incidents / 1,000 people). An additional hotspot around Hastings also appeared when examining CAD Events alone (see the figures on the following pages).
- A Harm Index (HI) was created to show areas that had high rates of harm across all harm types relative to all other locations in the study area.

- Suburbs with the highest rates of total harm (highest HI score) were: Frankston North (7.33), Dandenong (6.67), Hastings (6.33), Doveton (6), Frankston (6), Wonthaggi (5.67), Caldermeade (5.33), Moorooduc (5), and Officer (4.67).
- Harm is concentrated into a relatively small number of suburbs, with the top 10% of suburbs with the highest harm rates accounting for between 26% and 46% of total incidents in the study area.
- Several suburbs had consistently high rates of harm across multiple categories of harm: 44 suburbs appeared in the top 10% of suburbs with the highest rates of harm with nearly half of those (46%) occurring more than once, and three suburbs (Frankston North, Dandenong and Hastings) appearing in every case.
- The top 10% of suburbs with the highest rates of harm also had significantly greater alcohol availability. On average, these places (when compared to the bottom 90% of suburbs with the lowest rates of harm) had:
 - 65% more packaged liquor floor space,
 - 60% more access to packaged liquor, and
 - 60% more bars.
- The top 10% of suburbs with the highest rates of harm were also considerably more disadvantaged than the bottom 90% of suburbs as measured by key socio-economic variables, experiencing (on average):
 - significantly lower Index of Relative Socio-economic Disadvantage (IRSD) scores (4.1 compared to 6.7)
 - 22% lower household incomes (\$999 / week compared to \$1,274)
 - 29% more unemployment (6.2% compared to 4.4%)
 - greater proportions of public housing (6.7% compared to 1.1%).

Vulnerability

- The concept of vulnerability considers a range of factors to identify communities that may be more at risk to alcohol related harm.
- A Vulnerability Index (VI) was created to show the relative vulnerability of a given location to all other locations in the study area based on four key indicators:
 - Access to packaged liquor floor space
 - Harm Index score
 - Number of bars
 - SEIFA Index of Relative Socioeconomic Disadvantage (IRSD).
- The vulnerability analysis revealed several distinct clusters of high relative vulnerability including a large corridor running between Springvale in the west through Dandenong and onto Narre Warren in the east, large areas around Frankston, Cranbourne and Pakenham, and smaller pockets in Portsea, Hastings and Mornington (see maps on the following pages).
- Suburbs identified as most vulnerable (highest VI scores) as shown in the figure below were: Dandenong (8.42), Frankston (7.5), Doveton (6.5), Mornington (5.75), Cranbourne (5.58), Eumemmerring (5.33), Frankston North (5.33), Hallam (5.33), Rosebud West (5), Narre Warren (4.92) and Wonthaggi (4.92).

Figure 5: Vulnerability Index Score by Suburb



3.4 REGIONAL OFFICERS' WORKSHOP

A workshop with Council officers from the South East Melbourne Councils held on 24 June 2013 identified a number of key issues in the region. The following is a record of workshop findings; it does not represent the opinions of Consortium Councils or the report authors.

PLANNING SCHEME

There is insufficient policy direction at a state and local level to guide decisions regarding liquor licensing. More clarity should be provided in regard to:

- growth areas;
- the appropriate density for packaged liquor outlets;
- what amenity means;
- the level of harm that would constitute a reclassification of premises to a higher risk.

The precautionary principle should apply in determining packaged liquor applications. It should be possible to refuse an application because the risks associated with the proposed packaged liquor outlet are considered unacceptable.

ROLES & RELATIONSHIPS

The perception is that it is not planning's role to refuse decisions for reasons relating to health and safety.

The State government needs to take the lead on community health and wellbeing.

VCGLR is distanced from local issues and working in isolation.

The relationship between Council and the Police could be improved.

There is insufficient understanding of the roles of Council and of the planning process.

More and better communication needs to occur between Council departments (e.g. avoid 'blind' referrals from the planning department, share information).

Some municipalities do not have a community safety officer or department.

PROCESS

There is a lack of consistency between the South East Melbourne Councils regarding assessment processes for licensed premises.

Councils need more resources to assess VCGLR referrals.

Social and economic assessments should be submitted with every packaged liquor outlet application.

DATA

Councils commonly identified lack of appropriate data or access to such data as a key issue associated with decision-making. This includes data that:

- is spatial
- is about current risks
- is real-time
- identifies alcohol-related crime (currently under-reported)
- considers alcohol harm by type of alcohol product
- relates alcohol harm to premises / particular areas
- is disaggregated by victim and perpetrator and identifies gender
- is sourced from Victoria Police and Ambulance Victoria.

A particular issue that was highlighted was that insufficient data is available to indicate causation (rather than just correlation).

ADMINISTRATIVE PRACTICES

At the workshop, the Council officers made reference to their existing administrative practices. It was generally identified that Councils lacked tools and established procedures to deal consistently with planning and liquor licensing applications.

Following the workshop, Council officers were provided with a questionnaire regarding their current practices for assessing applications. The feedback from the three Councils that responded highlighted the lack of tools to undertake these assessments. This was evident because they identified that for their Councils:

- Clause 52.27 is the only Planning Scheme control or policy at their disposal to assist in decision making for planning permits.
- Licensed premises are not mapped spatially (on GIS), although this is being developed at one Council.
- There are no liquor license assessment checklists (e.g. for applicants or internally).

Councils identified some existing systems of assessment and referrals, including:

- Liquor licence applications from the VCGLR referred to statutory planning, health promotion, social planning and property, sport and recreation departments.
- Planning permit application assessment involving request for further information, internal referrals, referrals to Victoria Police, internal discussion and assessment against Practice Note 61 if required.

KEY FINDINGS

Local Government has clearly mandated roles and responsibilities in relation to alcohol management under the legislative framework in which it operates. Working with other stakeholders (including other levels of government,

industry and the community), local government has a part to play in supply management, demand management and harm minimisation.

Key local government roles include:

- Considering and issuing planning permits for licensed premises
- Stipulating trading hours
- Objecting to licence applications on amenity grounds
- Participating in local liquor licensing forums
- Passing local laws governing the consumption of liquor in public places
- Initiating disciplinary proceedings against licensees who are non-compliant of their licence conditions.

These roles and responsibilities are wide-ranging and cross-organisational.

A number of Councils have conducted research, implemented strategies and introduced local policies aimed at addressing the impacts of alcohol on their communities. Thus far the policies introduced in Victoria have focussed on on-premises licences.

3-5 COMMUNITY SURVEY

BACKGROUND TO THE SURVEY

An on-line survey was undertaken as part of the project to obtain information about packaged liquor purchases and drinking patterns. In particular, the survey aimed to establish whether there is a geographical link between the purchase and consumption of packaged liquor and whether attitudes towards liquor consumption had changed over time.

SURVEYING PROCESS

The survey questions were developed by the consultants and finalised after extensive feedback from the SEM Councils. The survey was then loaded onto Survey Monkey, an on-line surveying platform. The on-line survey was tested by members of the consultant team and Council officers before the survey went 'live' between 4 July and 15 August 2014.

The survey was advertised by the Councils as follows:

- Online on Casey's and Cardinia's website
- In ten local newspapers
- By mail, to 1,200 addresses including community organisations, businesses, community groups and individuals
- Posters were placed in Council Customer Service Centres directing those interested to the online survey.

Letters were also sent requesting an in-person consultation with the respective industry CEOs of ALH Group, Woolworths, Coles Australia, Southern Independent Liquor Group.

Over the period that the survey was open, a total of 197 responses were received.

SURVEY RESULTS

Profile of Respondents

Of the 197 respondents to the survey, 43.08% were male and 56.92% were female.

Survey respondents were asked a variety of questions designed to determine if the profile of respondents was representative of the broader SEM community.

The social profile of the respondents does not directly reflect the social profile of the study area, although it certainly represents some segments of the community, particularly in Frankston and Casey, where responses were concentrated. This is likely to be due to the way the survey was advertised. A letter inviting participation was sent

out to a wide variety of community organisations, health sector agencies and government bodies, in addition to the advertising targeting local community members. It may be that the response rate was higher among the former group than among the latter.

Summary of Survey Results

The survey shows bottle shops attached to supermarkets are the most popular retail outlet for alcohol purchases among survey respondents. Other types of packaged liquor retailers were more likely to be an occasional destination.

Figure 6: Where do you usually purchase alcohol from?

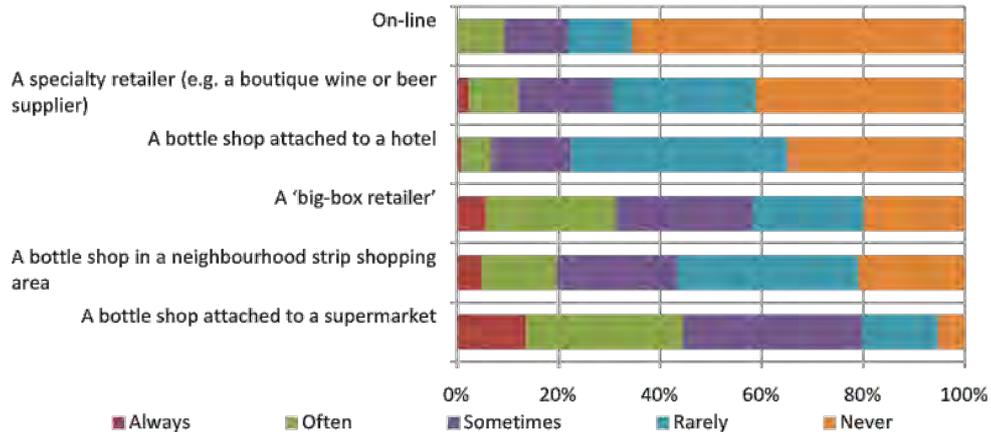


Figure 7: Question 12: How far from your current dwelling is the retailer that you most often purchase alcohol from?

Answer Options	Response Percent	Response Count
Less than 500 metres	10.2%	18
Less than one kilometre	19.2%	34
Less than two kilometres	27.7%	49
Less than five kilometres	28.8%	51
Ten kilometres or less	9.0%	16
More than ten kilometres away	6.8%	12
Don't know	3.4%	6
Other		4
Answered question		177
Skipped question		20

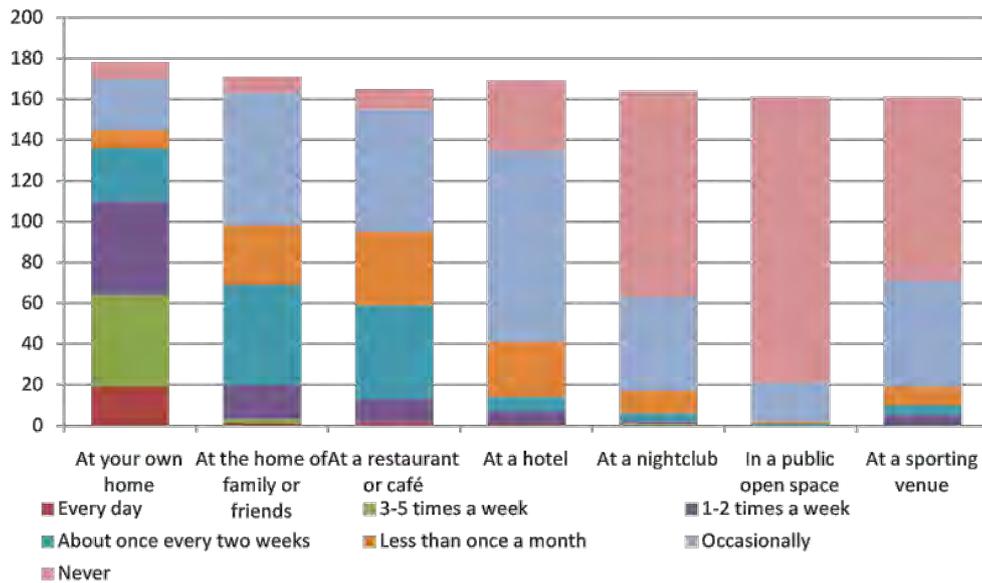
Convenience is a major factor in packaged alcohol purchase decisions. Over half of respondents usually travel less than two kilometres to purchase packaged alcohol. Distance to travel and the ability to combine purchases (e.g. combined with groceries) appear to be the main two convenience factors that influence purchase location decisions, closely followed by price. However, significantly cheaper prices and/or a wider selection of goods are key attractors of big box retailers.

Figure 8: Question 13: Why do you usually purchase your alcohol from this type of retailer?

Answer Options	Response Percent	Response Count
The store is the closest one to my home	37.1%	66
I can combine purchases (e.g. groceries and alcohol)	38.8%	69
The alcohol is usually cheaper than elsewhere	33.1%	59
The range of alcohol products is wider	18.5%	33
The store is on the way between home and work or another destination	12.4%	22
It is a drive-through service	4.5%	8
There is plenty of parking close to the store	15.7%	28
I like the service they provide	10.7%	19
Other (various responses)	5.6%	10
Answered question		178
Skipped question		19

Respondents most frequently consume alcohol at home or at the homes of friends and family. Other venues such as restaurants and hotels are visited less frequently. Hotels and restaurants are clearly the most popular locations for occasional drinking, whereas private homes are the most popular locations for regular drinking, and this is where alcohol purchased from packaged liquor outlets is most likely to be consumed.

Figure 9: Question 16: How often would you and other members of your household generally consume alcohol in each of the following environments?



Over half of respondents (53.4%) indicated that their choices had been affected by a fear of violence near licensed premises. Concerns about alcohol-related violence may have influenced the increase in drinking at home or other private places, rather than socialising in public. Efforts to improve safety in late-night entertainment precincts may therefore encourage higher patronage levels in those precincts.

Figure 10: Question 19: If 'more likely' - Why are you more likely to drink alcohol at home than you were five years ago? (Multi-response)

Answer Options	Response Percent	Response Count
Cheaper cost of packaged liquor compared with on-premises liquor	38.6%	39
Concerns about safety when going out at night	23.8%	24
Don't like the available venues in your area	10.9%	11
Prefer to drink with friends before going out	5.0%	5
Prefer to socialise with friends and family at home/their home	62.4%	63
Don't know	6.9%	7
Other (please specify)	19.8%	20
Answered question		101
Skipped question		96

The majority of respondents indicated that lower prices would not affect their consumption patterns. However, a significant proportion of respondents indicated that they would be more likely to consume alcohol on-premises if it was cheaper.

Alcohol consumption patterns have changed within the past five years. 48% of respondents indicated that they are more likely to consume alcohol in their own home or with friends in preference to going out to a licensed venue. 39.5% of respondents said that there had been no change. Reasons included the cheaper cost of packaged liquor and a preference to socialise at home.

When asked about the number of hotels, bars and night clubs in their local area, the majority of respondents are satisfied with the density of licensed premises in their communities. However, a higher proportion of respondents said that there are too many packaged liquor outlets (46% compared with 26%). The key reasons for responding there were too many outlets were:

- Perceptions that there are too many outlets in the local community, including in local shopping centres, and also that there are too many outlets too close together
- Concerns about the harm that alcohol can inflict on vulnerable members of the community, particularly under-age drinkers
- Concerns that they promote irresponsible drinking and family violence.

Figure 11: Question 23: Thinking about the number of packaged liquor outlets in your area, would you say that:

Answer Options	Percent	Number
There needs to be a lot more	1%	2
There needs to be a few more	2%	3
There is about the right number	42%	72
There are a few too many	16%	27
There are far too many	30%	52
Don't know	4%	7
No opinion	5%	9
Answered question	100%	172
Skipped question		25

3.6 KEY RESEARCH FINDINGS

This section draws together the spatial and economic analysis with the findings of the community survey.

ALCOHOL CONSUMPTION IN THE STUDY AREA

Average spending on packaged liquor in the study area is lower than the metropolitan average (\$800 compared to \$820). As a share of household income, however, the proportion of spending on packaged liquor is higher than the metropolitan average (2.7% compared to 2.5%), particularly in Bass Coast (3.4%)¹. Spending is forecast to increase, particularly in Casey and Cardinia, which are designated as key growth areas.

Both the economic analysis and community survey found that resident spending is directed to stores within the immediate area, typically the nearest outlet. Spending may occur further afield during multipurpose journeys, depending on factors such as the location of outlets on major roads, and routes taken for regular trips. Generally, larger outlets have a retail catchment extending as far as 5 kilometres, while small outlets have a more local catchment area, e.g. 2 kilometres.

Most respondents to the community survey reside in the study area. These respondents most frequently consume alcohol off-premises. Reasons for this included cheaper prices (compared to buying alcohol on-premises) and fear of violence around licensed premises. The proportion of packaged liquor outlets in the study region reflects these choices. The growth areas of Casey and Cardinia had higher proportions of packaged liquor outlets (compared to on-premises venues) than the established parts of the study area.

The community survey highlighted perceptions that there are too many packaged liquor outlets in some areas. These perceptions reflected concerns about the high density of outlets, irresponsible drinking and alcohol-related harm.

VULNERABILITY, ACCESS & HARM

The spatial analysis explored relationships between police crime data, packaged liquor outlets and socio-economic indicators. It found that areas with higher rates of harm (i.e. family violence and other police-attended incidents) in the study area were associated with:

- greater access to alcohol (in terms of the number of bars and packaged liquor outlets, and the amount of packaged liquor floor space); and
- socio-economic disadvantage (as indicated by the SEIFA index of disadvantage, household income levels, unemployment levels and proportion of public housing).

In broad terms, the spatial analysis found that:

- Outlets and floor space are generally distributed in areas where population density is highest, such as the key centres of Frankston, Dandenong, Cranbourne, Narre Warren, etc.
- Suburbs with the highest rates of outlets and floor space per 1,000 adults are often tourist areas or regional areas that serve larger geographical areas and populations beyond their immediate boundaries.
- Measuring accessibility to packaged liquor is a more accurate way to understand packaged liquor distribution than statistical area analysis as it better matches where people live with the supply, regardless of statistical boundaries.
- Clusters of high accessibility to packaged liquor outlets are located around Cheltenham, Frankston CBD, Cranbourne and a large corridor running between Dandenong and Narre Warren.
- Access to alcohol is influenced by a number of factors, including convenience, transport options, and competition from other packaged liquor and other alcohol types (e.g. bars).

The findings of the spatial analysis were used to establish a Vulnerability Index that may assist in identifying areas that are most vulnerable to the impacts of alcohol. Four key areas of vulnerability to alcohol-related harm were identified in the Study Area using the Vulnerability Index:

¹ This may be explained by the Shire's higher-than-average sales to tourists and holiday-home visitors.

- a large corridor to running between the northern portions of the Dandenong LGA, extending down towards Narre Warren to the southeast;
- areas around the Frankston CBD;
- a small area around Cranbourne; and
- a small area around the tourist node of Rosebud.

The top 10 suburbs considered the most vulnerable to the availability of alcohol (i.e. those with the highest Vulnerability Index Scores) were Dandenong, Doveton, Hallam, Rosebud West, Eumemmerring, Noble Park, Frankston, Springvale South, Bass, and Frankston North.

GROWTH IN PACKAGED LIQUOR FLOOR SPACE

The research did not examine the longitudinal growth in packaged liquor floor space over time. Instead, it considered the distribution and amount of floor space at the time of the field survey. There were 361 packaged liquor outlets located within the region when the field survey was undertaken in 2013. A relatively small proportion of these, totalling 14 outlets, were large format premises.

The total packaged liquor floor space was estimated to be 58,230m². Approximately 44,900m² was estimated as being supported by residents within the region, with the remaining 13,350m² supported by visitors from beyond the study area.

The economic analysis projected further growth of packaged liquor floor space in the order of 12,000m² during the period 2013 to 2021. This will be mainly focussed on the growth corridor municipalities of Casey and Cardinia. While population growth is the primary driver, the analysis also took into account increases in per capita expenditure and sales to residents who live outside the study area.

The analysis produced forecasts for additional packaged liquor floor space for each municipality between 2013 and 2021. Pressure to develop large format liquor stores is expected to continue as retailers both anticipate and respond to population growth, and compete for market share.

It is emphasised that this analysis was undertaken from a purely economic perspective and does not take into account the community health and wellbeing implications of additional packaged liquor floor space within these municipalities.

ALCOHOL PRICES & HARM

A hypothesis explored as part of the research was whether increases in the number of packaged outlets in the study area contributed to competition and therefore lower prices. In turn, it was hypothesised that lower prices may contribute to the higher rates of binge and under-age drinking that have been associated with the clustering of packaged liquor outlets in the international research.

The economic analysis found that price competition does not appear to be a relevant factor on a geographic basis. It noted that typical media advertisements for packaged liquor are directed at metropolitan-wide consumers. This is particularly the case for large format retailers, which generally form part of national chains.

Recent Monash university research (Morrison & Smith, 2015) has found that cheaper alcohol was available at larger liquor outlets and chain stores (rather than independent stores). Findings linking chain outlets to trauma risk might be explained by their provision of cheaper alcohol.

The regional survey found that convenience was a key factor in purchase decisions. Proximity and the ability to combine alcohol purchases with other shopping rated more highly than price. Nevertheless, cheaper prices and a wider range of products were key reasons for purchasing alcohol at large format packaged liquor outlets.

DEFINING A 'CLUSTER' OF PACKAGED LIQUOR OUTLETS

Floor space v Number of Premises

One of the current limitations of Clause 52.27 is that it focuses on licensed premises in a generic manner, thereby providing no adequate means of addressing issues specific to packaged liquor outlets. The cumulative impact assessment requires a calculation of the number of licensed premises within given geographical areas. Thus, a restaurant, hotel, local bottle shop and large format packaged liquor outlets are all treated as equivalent.

The economic analysis recommended that, because there is such a difference in floor space between large format and smaller liquor stores - and as floor space is an indicator of sales volume - the assessment of packaged liquor outlet applications should focus on leasable floor space in a given area (i.e. catchment) rather than the number of licensed premises.

Packaged Liquor Floor space Density

Based on the above logic, the definition of a 'cluster' of packaged liquor outlets would also be better defined in relation to outlet floor space. The analysis found that the average provision of packaged liquor floor space in the South-East region is 79m² per 1,000 adults and varies between municipalities. Given that the average floor space provision for Metropolitan Melbourne is 80m² per 1,000 adults, a rate above this threshold could reasonably be classified as a 'cluster'.

Area of Analysis

The economic analysis found the 500 metre radius used to define clusters in the Clause 52.27 Practice Note is irrelevant for packaged liquor outlets. For packaged liquor outlets, a small outlet (generally in the range 100 m² to 300 m² in retail floor space) typically performs a local convenience retail role and serves a small catchment with a radius of approximately 2km. This catchment accounts for approximately 80% of sales at the local outlet. By contrast, a large packaged liquor outlet (usually in excess of 1,000m² retail floor space) typically has the role of a 'destination' retail outlet, attracting approximately 80% of its sales from within a 5km radius. The projected retail catchment therefore represents a more meaningful unit of analysis for packaged liquor outlets than the thresholds currently outlined in the Practice Note.

Large Format Outlets

In order to distinguish between different types of packaged liquor outlets, consideration was given to identifying a threshold for additional decision guidelines. The economic analysis suggested that large-format outlets can be identified as outlets with a leasable retail floor space of over 1,000 m² (typically 1,400 m²). This figure could be used as a reasonable trigger for the use of the Practice Note guidelines.

Floor space Capping

The project brief raised the prospect of introducing packaged liquor floor space caps in certain areas. A floor space cap could theoretically be introduced as a schedule to Clause 52.27, or applied as a local policy. Substantial evidence would be required to justify these approaches given that alcohol is a legal product and there are no Federal or State strategies which would provide strategic support to the application of caps. Furthermore, there are currently no guidelines or precedents to assist in determining the circumstances under which a cap could be justified.

The analysis undertaken as part of this study did not identify sufficient evidence that would justify a recommendation to cap packaged liquor floor space.

4 Discussion

4.1 THE ROLE OF LAND USE PLANNING

The origins of planning as a profession derive from concerns about improving public health outcomes within urban areas and managing externalities. Licensed premises are a unique category of entertainment or retail premises that have the potential to generate significant negative public health and amenity externalities beyond generalised concerns about issues such as noise and traffic congestion. On the other hand, licensed premises also have the potential to generate positive economic and employment outcomes within a mixed use setting. It would therefore be incongruous if the land use planning system were to be disengaged from questions about the appropriate locations for licensed premises and the conditions under which they should operate.

The concerns raised by stakeholders during this research undertaken as part of this project will not be resolved by removing liquor licensing considerations from the planning system. Rather, the emphasis should be on clarifying the role of planning and better equipping local government to support its strategic objectives around both harm minimisation and economic development. This can be achieved by:

- Reducing overlap between the planning and liquor licensing frameworks, thereby clarifying the roles and strengths of each system;
- Re-examining the remit of land use planning in relation to liquor applications to better reflect the strengths of the system as they relate to spatial strategic planning, local contextual analysis and community engagement;
- Clarifying the public health objectives and decision-making criteria within the land use planning system as they relate to liquor applications;
- Developing evidence-based policy directions to guide data collection and decision-making;
- Strengthening the relationship between the statutory Municipal Public Health and Wellbeing Plans and Municipal Strategic Statements; and
- Developing procedures and toolkits to better equip Council land use and social planners to develop strategies related to liquor licensing; and procedures and decision guidelines for dealing with individual applications.

4.2 REGULATORY RESPONSES

PLANNING & ENVIRONMENT ACT 1987

Government inquiries have previously recommended amendments to the *Planning and Environment Act 1987* (P&E Act) in order to increase emphasis on the role of planning in preventative health and crime. For example, the *Inquiry into the Application of Safer Design Principles and Crime Prevention through Environmental Design (2013)* (p. x) recommended that the Government:

- Amend the Objectives of Planning in Victoria at Section 4(1) of the Act to include *'the promotion of environments that protect and encourage public health and wellbeing'*; and
- Amend the Duties and Powers of Planning Authorities at Section 12 of the Act to *'require planning authorities to conduct a Health Impact Assessment for key planning decisions, such as major urban developments or making or amending a planning scheme'*.

These amendments would certainly strengthen the emphasis to be placed on public health and wellbeing in strategic planning and statutory decision making. However, the range of relevant considerations under the Act is already substantial. Section 60 sets out the matters that a responsible authority must consider when deciding on an application. These include the relevant planning scheme, the objectives of planning in Victoria, objections and other submissions, the decision and comments of any referral authority and any significant effects the proposal may have on the environment or the environment may have on the proposal.

Furthermore, the *Planning and Environment Amendment (General) Act 2013* has already strengthened the relevance of social and economic effects in decision-making. Where previously such effects needed only be considered if the circumstances so required, responsible authorities must now consider when deciding on an application: *'any significant social effects and economic effects which the responsible authority considers the use or development may have'*. These changes came into effect in October 2013.

Accordingly, the implementation of the inquiry recommendations need not be a pre-requisite to other reforms recommended by this report. In relation to the second dot point above, Section 12 of the Act outlines the broad duties and responsibilities of the responsible authority, rather than specific decision guidelines. The inquiry recommendation would therefore be more appropriately implemented through State policy (see 'policy responses' below).

Recommendation

That the South-East Melbourne Councils advocate to the State Government to amend the Objectives of Planning in Victoria at Section 4(1) of the Planning and Environment Act 1987 ('the Act') to include *'the creation and maintenance of environments that protect and encourage public health and wellbeing'* which reflects the recommendation of the Inquiry into the Application of Safer Design Principles and Crime Prevention.

CLAUSE 52.27 LICENSED PREMISES

Purpose

Government inquiries have identified the need for improved *Victoria Planning Provisions* for licensed premises. For example, the *Inquiry into Strategies to Reduce Assaults in Public Places in Victoria (2010)* (p.vi-vii) identified several deficiencies with Clause 52.27 of the *Victoria Planning Provisions*.

The inquiry recommended that the Government amend the purpose of Clause 52.27 of the *Victoria Planning Provisions* to include: *'To ensure that the impact of the licensed premises on the health, safety and wellbeing of the community is considered'* (p.215). At present, the scope of assessment under Clause 52.27 is limited to the 'amenity' impacts of a proposal on the surrounding area. The amendment recommended by the inquiry would therefore broaden the scope of the clause to require consideration of health, safety and wellbeing.

The Clause would also benefit by expanding its purpose *'to minimise harm from the misuse and abuse of alcohol'*, in line with the *Liquor Control Reform Act 1998*. This would ensure decisions from a planning perspective also support the objective of harm minimisation.

Decision Guidelines

Research shows that there are transferred harms associated with packaged liquor outlets, suggesting that geographical area of assessment should extend beyond the immediate 'surrounding area' that is the focus of the current provisions. The economic research undertaken as part of this project suggests that the projected retail catchment of the proposed outlet would present a logical focus for this assessment.

Furthermore, the spatial analysis undertaken as part of this project explored the vulnerability of communities to alcohol-related harms and identified relevant indicators of vulnerability. It is appropriate for planning to specifically aim to minimise impacts on communities potentially more vulnerable to alcohol-related harm. Clause 52.27 should include this as a relevant consideration in the assessment of licensed premises applications. The Practice Note should outline how this may be assessed, drawing from indicators identified by the spatial analysis.

Clause 52.27 and Practice Note 61 should also be amended to make reference to the activity centre hierarchy, as discussed in [Section 4.3](#) below.

Practice Note

Although planning permits are now required for licensed premises under Clause 52.27, the assessment of packaged liquor outlets is still problematic because the Practice Note to Clause 52.27 is based on the assessment of on-premises venues. This was recognised in the *Hunt Club v Casey CC* decision which stated that this issue should be addressed by policy-makers.

One of the issues that require resolution is the definition of a 'cluster' of licensed premises. In this regard the Practice Note focuses on the number of premises in a walkable distance. Similarly, the checklist in the Practice

Note assumes that an on-premises licensed venue is being assessed because it refers to seating ratios, meals and music. These factors are not relevant in the assessment of packaged liquor outlet applications.

The Practice Note should be updated to clarify the elements relevant to on-premises licensed venues and include assessment more relevant to packaged liquor outlets that considers:

- A packaged liquor outlet's leasable floor space, which is more relevant than the number of outlets when considering outlet density;
- The projected retail catchment for the packaged liquor outlet, which is more relevant than the current 500 metre threshold; and
- The level of supply and demand of packaged liquor outlets within the projected retail catchment.

Based on the findings of this report, it is recommended that triggers for social impact assessments be applied where:

- The leasable floor space of an individual packaged liquor outlet exceeds 1,000 m²; or
- The total packaged liquor floor space, including the proposed outlet, exceeds 80 m² per 1,000 adults within the projected retail catchment of the proposed premises.

The negative cumulative impacts outlined in the Practice Note should also be expanded to reflect the findings of the literature review and spatial analysis. This should include reference to:

- Assaults and family violence
- Drink driving
- Chronic disease
- Underage drinking.

Clause 52.27 Schedule

There is potential to vary the schedule to Clause 52.27 to prohibit or allow without a permit certain licensed premises. Very few planning schemes include a schedule to Clause 52.27 and there are no examples in the South East Melbourne region. No guidance is currently available as to the circumstances under which variations to the schedule may be justified. The potential for municipal floor space caps for packaged liquor outlets has been raised by Consortium Councils. The schedule to Clause 52.27 may provide the capacity to achieve this where justified.

Recommendations

That the South-East Melbourne Councils advocate to the State Government to:

- **Amend Clause 52.27 to:**
 - **broaden its purpose beyond amenity to include health, wellbeing and community safety impacts and harm minimisation;**
 - **consider the impact of the total amount of packaged liquor leasable retail floor space within a proposed packaged liquor outlet's retail catchment; and**
 - **consider the appropriateness of the type and scale of proposed licensed premises in relation to the activity centre type and role within the metropolitan and local hierarchy.**
- **Amend Practice Note 61 to:**
 - **reflect changes to Clause 52.27;**
 - **cater better for packaged liquor outlet assessments;**
 - **consider the vulnerability of residents in a licensed venue's proposed catchment area to alcohol-related harm; and**
 - **broaden the scope of identified potential negative cumulative impacts.**

That the South-East Melbourne Councils advocate to the State Government to develop a Practice Note that outlines the analysis and evidence required to justify the inclusion of schedules to Clause 52.27 Liquor Licensing, including the potential for municipal packaged liquor licence floor space caps.

CLAUSE 66 REFERRAL & NOTICE PROVISIONS

At present, no notifications or referrals apply in the case of packaged liquor outlet proposals. The Victorian Commission for Gambling and Liquor Regulation is a determining referral authority in the case of applications for a hotel, tavern or nightclub that is to operate after 1am. The Chief Commissioner of Victoria Police is also notified in these cases.

In order to formalise the gathering of local data to support social impact assessments for packaged liquor outlets, it is recommended that the Chief Commissioner of Police be notified in relation to packaged liquor outlet applications that:

- Have a leasable floor space of 1,000m² or more;
- Are within a 'cluster' of licensed premises as defined by the current practice note;
- Are within a 'cluster' of packaged liquor outlets where the density of packaged liquor floor space (including the proposal) exceeds 80m² per 1,000 adults within the retail catchment of the proposed premises;
- Propose hours of operation after 1:00AM.

Recommendations

That the South-East Melbourne Councils advocate to the State Government to:

- **Amend Clause 66.05 'Notice of permit applications under State standard provisions' of the *Victoria Planning Provisions* to ensure that the Chief Commissioner of Police is notified of applications for packaged liquor outlets that meet identified threshold criteria.**

4.3 POLICY RESPONSES

STATE PLANNING POLICY FRAMEWORK

The State Planning Policy Framework provides direction for planning decision-makers about aspects of State policy that are to be taken into account when preparing planning schemes and making decisions about individual planning permit applications. The objectives and strategies contained within it support the purposes of the Act and the objectives of planning in Victoria.

A strength of the planning system is that it requires decisions to be made in the context of a very broad range of considerations. The SPPF encourages decision-makers to *'integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.'* (Clause 10.04).

Although the objectives of planning in Victoria support public health, wellbeing and safety objectives, the State Planning Policy Framework does not contain any clauses that focus primarily on these. Relevant strategies are found under topic headings such as 'settlement' and 'infrastructure'. Even then, the focus is primarily on the provision of social infrastructure rather than on addressing environmental determinants of public health and wellbeing. Public safety is addressed most frequently in the context of urban design principles, industrial externalities and traffic management.

The SPPF is completely silent in relation to matters of liquor licensing. The absence of any higher level strategic commentary means that decisions must be made based on the provisions of Clause 52.27 (see above), zone provisions (and related land use definitions) and local policies (where they exist). It is noteworthy that the SPPF is similarly silent in relation to gaming, although there is a growing body of local policy on this topic.

Nevertheless, the SPPF remains heavily influential in relation to licensed premises applications as the land uses which may involve liquor licenses primarily fall within the categories of retail premises (e.g. bottle shops and supermarkets), food and drink premises or entertainment venues (e.g. nightclubs).

Activity Centres

State policy outlines a hierarchy of activity centres. It encourages *'the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.'* (Clause 11.01-2). The recently-adopted *Plan Melbourne:*

Metropolitan Strategy (2014) redefined the activity centre hierarchy and elaborated on the strategic focus and responsibility at each level.

From a strategic perspective, the SPPF will tend to favour the concentration of packaged liquor outlets in activity centres where they will contribute to the economic sustainability of the centre and provide choice, convenience and competition for consumers. This is a policy position that is central to the metropolitan strategy and supports well-established planning principles. The tendering of evidence to warrant refusal of individual applications is therefore particularly challenging in larger activity centres is particularly challenging because of the strategic emphasis placed on the activity centre hierarchy which contrasts heavily with the lack of emphasis on community health and harm minimisation.

However, *Plan Melbourne* recognises that activity centre roles may not only be differentiated vertically, but also horizontally within the activity centre hierarchy. The 'neighbourhood' focus at the lowest level in the hierarchy suggests that there is potential to place greater emphasis on land uses that serve a local catchment and to encourage a diversity of retail and entertainment opportunities within these centres. This creates the potential to develop local policies that seek to discourage packaged liquor outlets that serve a broader catchment beyond the local area; or which due to their scale consume sufficient floor space to exclude other land uses that might otherwise provide local services.

The same approach may also be taken in relation to slightly larger centres that fall into the 'Activity Centre' category, where the MSS clearly establishes their role as serving a particular catchment or subregion. Analysis could be undertaken to determine whether the packaged liquor floor space was actually aimed at serving that catchment or a larger one.

Plan Melbourne focuses State Government attention on activity centres and other strategic locations that are considered to be of State or regional significance. On the other hand, it envisages a stronger role for local government in the planning and designation of Activity Centres and Local Centres. This suggests an opportunity for local government to address licensing issues in structure planning for these types of centres. This opportunity is discussed further below.

This is not to suggest that concerns about alcohol-related harms associated with packaged liquor are not relevant in Metropolitan Activity Centres. As illustrated by the spatial analysis undertaken as part of this project, the three Metropolitan Activity Centres within the study area – Dandenong, Frankston and Narre Warren – are all identified as locations vulnerable to harms. Again, these issues could be addressed by incorporating analysis of liquor licensing issues into structure planning, through municipal health and wellbeing plans, and through data collection and monitoring.

SPPF REVIEW

The State Planning Policy Framework is currently subject to a review process, the status and continuation of which is yet to be confirmed by the recently-elected Labor Government. Although the review process is well-advanced, it is likely to be extended given that elements of *Plan Melbourne* may not be supported by the new government.

The opportunity exists to advocate for changes to the SPPF to confirm the role of land use planning in alcohol harm minimisation; provide a framework for suggested changes to Clause 52.27 Liquor Licensing; and strengthen the role of local government, particularly at the lower levels in the activity centre hierarchy.

The *Inquiry into the Application of Safer Design Principles and Crime Prevention through Environmental Design (2013)* made two specific recommendations of relevance to this study:

- ensure local planning schemes throughout Victoria utilise *the Safer Design Guidelines for Victoria* as part of the decision-making criteria when assessing large scale commercial, industrial and residential developments and/or when a proposed development is considered to be a potential crime risk (p.xi); and
- require a formal crime risk assessment and/or Crime Prevention Through Environmental Design (CPTED) audit be conducted if, in the opinion of the local government authority responsible for the relevant planning scheme, a proposed development would create a significant risk of crime' (p.xii)

At present, the *Safer Design Guidelines* make no reference to specific land use types that may have negative implications for public safety. It is recommended that the guidelines be reviewed to provide specific harm mitigation guidance in relation to licensed premises.

In the context of packaged liquor it is important that a 'Crime Risk Assessment' include consideration of the potential for increased family violence or underage drinking associated with a proposal.

This inquiry also recommended a change to the P&E Act discussed in [Section 4.2](#) that has been proposed as a SPPF change which is included in the recommendations below.

Recommendations

That the South-East Melbourne Councils advocate to the State Government that the State Planning Policy Framework be amended to:

- Recognise alcohol harm minimisation as supporting the Objectives of Planning in Victoria;
- Describe the role of spatial planning in alcohol harm minimisation;
- Encourage alcohol harm minimisation to be considered as part of activity centre structure planning (e.g. in the context of supporting economic vitality, developing entertainment precincts);
- Develop objectives and strategies that guide decision making in relation to licensed premises (these should reflect the activity centre hierarchy and reinforce the local service role of neighbourhood centres);
- Provide a framework for the provisions and decision making guidelines of Clause 52.27 Licensed Premises which:
 - enables consideration of community health, safety and amenity impacts within the retail catchment of proposed packaged liquor outlets; and
 - includes a strategy that ensures that the total floor space of packaged liquor outlets within an individual activity centre takes into account the activity centre hierarchy and the intended function of the centre as expressed in the Municipal Strategic Statement (MSS).
- Provide for Social Impact Assessments and Crime Risk Assessments (including a CPTED audit) to be undertaken in relation to planning scheme amendments and planning permit applications that meet threshold requirements.
- Require planning authorities to conduct a Health Impact Assessment for key planning decisions, such as major urban developments or making or amending a planning scheme (which reflects the recommendation of the *Inquiry into the Application of Safer Design Principles and Crime Prevention*).

That the South-East Melbourne Councils advocate to the State Government to review the *Safer Design Guidelines* to provide specific harm mitigation guidance in relation to licensed premises.

COUNCIL STRATEGIES

The 2013 Regional Council Officer workshop highlighted a variety of significant challenges and deficiencies associated with the capacity of local government to address the social impacts of licensed premises. The concerns raised were in large measure a consequence of the constraints imposed by the current ambit of Clause 52.27 and the lack of direction provided in the SPPF.

In addition to requiring consideration of various 'impacts' associated with proposed licensed premises, Clause 52.27 also requires consideration of the Local Planning Policy Framework (LPPF). Very few planning schemes include references to liquor licensing in their LPPF. This represents a missed opportunity to pre-emptively and explicitly articulate Council's position on licensing matters. Although local provisions and policies cannot prohibit licensed premises, they at the very least require consideration of the broader strategic context beyond the individual proposal or cluster of premises.

A key to enhancing a Council's policy position is to strengthen the relationship between the Municipal Public Health and Wellbeing Plan (MPHWP) and the Municipal Strategic Statement (MSS). The preparation of both documents is mandated by statute; therefore most Councils devote considerable resources to their development and ongoing monitoring. There is limited evidence that MPHWP priorities are being translated into planning schemes at present.

Direction 4.3 of *Plan Melbourne: 'Create neighbourhoods that support safe communities and healthy lifestyles'* highlights that while it is a requirement that MPHWP's align with a MSS, there is no obligation for an MSS to align with a MPHWP. Initiative 4.3.2 addresses this:

'Initiative 4.3.2

Ensure that Municipal Public Health and Wellbeing Plans inform and shape Municipal Strategic Statements'.

There are a variety of ways in which the spatial relationships between alcohol sales and alcohol-related harms could be addressed in a strategic way at a municipal level. The following strategies and approaches could be addressed in either or both the MPHWP and the LPPF:

- Attaining and monitoring data on alcohol-related harms, or potential indicators thereof (e.g. alcohol-related ambulance and police data, amenity complaints, assaults, family violence, etc.);
- Monitoring licensed premises and their spatial relationships to one another (e.g. location, type, size, hours of operation);
- Monitoring socio-economic, health and wellbeing data to identify communities vulnerable to alcohol-related harm;
- Ensuring that liquor licensing is considered when preparing municipal framework plans and activity centre structure plans (both in terms of promoting economic vitality and community wellbeing and safety);
- Developing general or area-specific local planning policies that specify locations where licensed premises are encouraged and/or discouraged; and
- Preparing information guidelines for planning permit applications involving liquor licences.

Recommendations

That the South-East Melbourne Councils advocate to the State Government that the *Planning and Environment Act 1987* be amended to:

- **Require Municipal Public Health and Wellbeing Plans to be taken into account when reviewing local sections of the Planning Scheme.**

That the South-East Melbourne Councils collaborate on strategies and actions to improve data collection in relation to liquor licence applications; and embed these initiatives in Municipal Public Health and Wellbeing Plans.

That the South-East Melbourne Councils ensure that Municipal Public Health and Wellbeing strategies and actions that have planning implications are addressed in regular planning scheme reviews.

LOCAL PLANNING POLICY FRAMEWORK

Few Councils have introduced into their planning schemes local policies to guide decision-making in relation to licensed premises. This is presumably due to the limited ambit of Clause 52.27 (discussed above) and the evidentiary hurdles experienced by local government when it comes to addressing social impacts through the planning system.

The local policies that do exist seek to balance the economic benefits of licensed premises with the potential amenity impacts on the surrounding area. While social impacts are directly or indirectly addressed, the ambit of Clause 52.27 is such that these impacts are focussed on amenity concerns rather than broader public health or wellbeing objectives.

Due to the limitations of Clause 52.27, discussed previously, none of the existing local policies deals directly with packaged liquor outlets. Rather, these outlets are dealt with as a subset of all liquor licences.

The creation of successful local policies relating to packaged liquor outlets is contingent upon reforms to Clause 52.27 that would broaden the statutory head of power and decision guidelines that currently confine the responsible authority's field of enquiry. Several substantial recommendations have been made in this report, which in turn reflect the recommendations of previous reports and government enquiries.

In developing local policy in relation to packaged liquor, analogies with gaming machine gambling policies are obvious. Caution needs to be exercised when comparing the issues, however, as the ubiquity and diversity of licensed premises creates considerable evidentiary challenges.

Accordingly, the following discussion considers the merits of potential local policy responses, many of which would require reform to Clause 52.27. Consistent with the project brief, it focuses on packaged liquor.

A range of issues and potential policy responses is addressed under the headings below.

Locations for Packaged Liquor Outlets

State and local planning policy frameworks support a hierarchical approach to activity centre planning. In broad terms these hierarchies support diversity of retail, entertainment, employment and housing in higher-order centres. At the opposite end of the scale neighbourhood centres are envisaged as servicing more localised catchments and day-to-day needs. This hierarchy is reinforced by *Plan Melbourne*, which envisages greater local government control over the planning of neighbourhood centres.

Bulky goods or 'big box', car-based, retail areas have emerged over the last two decades, catering for the wholesale and retail sale of large-scale or bulk volume items, such as bedding, timber and hardware, and pet supplies. Bulky goods precincts are generally located along major roads and often at the fringe of activity centres, in many cases replacing former industrial uses. While these precincts generally sit outside or at the periphery of traditional retail hierarchies the lines have been blurred by recent reforms to the Commercial zones. Large format packaged liquor outlets and licensed supermarkets are now permissible within the Commercial 2 Zone, which is designed to cater for bulky goods retailing.

The Victorian planning system requires decision-makers to evaluate applications by balancing policy objectives, weighing positive and negative economic, social and environmental impacts against each other. The position of an activity centre within the metropolitan and municipal hierarchies provides an important context for this analysis. Higher-order centres tend to present more robust environments, with greater levels of activity, often lower levels of amenity; but also greater access to a broader range of activities and social services. At the other end of the hierarchy, in neighbourhood centres, local service needs are a priority, the nexus between community and retail outlet is more evident, and amenity expectations are higher. Social impacts are a relevant consideration at all levels of the hierarchy, but especially so at a neighbourhood level where a precautionary approach is more readily justified.

A review of the research into liquor outlets provides little to guide the identification of preferred locations within a metropolitan context or retail hierarchy. Nevertheless, it does confirm that there are transferred harms associated with packaged liquor outlets that are more extensive and more serious than may be considered within the current limited ambit of Clause 52.27. For example:

- Packaged liquor outlets have been found to be consistently associated with violence in suburban areas (Livingston, 2008);
- Major changes in the retail availability of alcohol have been found to change drinking behaviour. Increases in supply have been shown to lead to increases in consumption while, conversely, decreased supply has reduced risky behaviour (Livingston, 2013);
- Increasing regular strength beer sales in a given geographical area is associated with a greater rate of increase in assaults in private premises compared with those on licensed premises (Chikritzhs et al, 2007).

The spatial and economic analysis undertaken as part of this project reveals that there is no obvious relationship between the distribution of packaged liquor outlets and the metropolitan retail hierarchy. The spatial analysis found that packaged liquor floor space appeared to reflect patterns of population density. It also found considerable variability in the distribution of packaged liquor outlets between municipalities.

The economic analysis highlighted a lack of diversity of alcohol outlets in the growth areas of Casey and Cardinia. In these areas large big box packaged liquor outlets are being established early in the development phase of new communities, consuming significant proportions of retail floor space and in advance of the establishment of alternative entertainment facilities and licensed premises. These circumstances contribute to an oversupply of packaged liquor in some areas (Henshall, 2013).

This lack of coherence between the metropolitan activity centre hierarchy and packaged liquor outlets is unsurprising given the light touch of the current planning system under Clauses 52.27. Currently there is no mechanism for broad social impacts or transferred harms associated with packaged liquor outlets to be planned for or analysed as part of individual planning permit applications (e.g. alcohol-related health issues, domestic violence, crime influenced by alcohol). The market is therefore driving the location of packaged liquor outlets, influenced mildly by zone provisions.

Research by Livingston highlights the problem with the current market-driven approach. It found that in Victoria's urban areas packaged liquor outlets were significantly more likely to be located in areas of socio-economic disadvantage. Conversely, hotel and restaurant licences were more prevalent in advantaged areas. It suggests that these disparities may have a role in explaining socioeconomic disparities in health outcomes (Henshall, 2013).

The introduction of local policies that require consideration of the activity centre hierarchy when assessing packaged liquor applications will not, of itself, resolve the issues raised in the Livingston research. However, they

may have the benefit of rationalising where consumers access packaged liquor and how much floor space is dedicated to packaged liquor sales within a given activity centre.

In larger centres, where there is a range of licensed premises, the cumulative impact provisions of Clause 52.27 provide the opportunity to trigger social impact assessment. In smaller centres a more precautionary approach is warranted, even in the case of individual premises, given the local role and accessibility of these centres. Restricted retail precincts, which focus on car-based destination retailing, may offer an appropriate context for large-format packaged liquor outlets, subject to an assessment of the socio-economic characteristics of the surrounding community.

Recommendations

That local planning policy frameworks should (among other policy recommendations outlined elsewhere in this report):

- Ensure that the total floor space of packaged liquor outlets is proportionate to the role and function of the relevant activity centre;
- Apply a precautionary approach to the approval of packaged liquor outlets in neighbourhood and local activity centres;
- Direct large format packaged liquor outlets to higher-order activity centres and bulky goods retail areas;
- Discourage stand-alone packaged liquor outlets in out-of-centre locations.

DENSITY OF PACKAGED LIQUOR OUTLETS

There is an extensive body of international research examining the relationship between the density or clustering of licensed premises and various impacts. The cumulative impact provisions of Clause 52.27 (and the guidelines contained in the associated Practice Note) are unique within the *Victoria Planning Provisions* and reflect a degree of institutional acceptance of the body of research, albeit that the provisions limit the ambit of inquiry to 'amenity' impacts affecting the immediate locality.

As it is currently constructed, Clause 52.27 requires examination of outlet density in terms of the number of outlets and does not distinguish between types of outlet. The economic analysis undertaken as part of this research concluded that for packaged liquor outlets cumulative floor space is a more important indicator of density than the number of outlets. This is because retail floor space enables estimates to be made in relation to gross sales of packaged liquor. Elsewhere this report has argued that packaged liquor outlets contribute to 'transferred' harms that are more serious and widespread than the localised amenity concerns addressed by Clause 52.27.

Due to the wide variety of variables that are at play there is no research that provides guidance as to an acceptable threshold for density of licensed premises or packaged liquor floor space. Elsewhere in this report it is recommended that Clause 52.27 should be amended to allow the assessment of cumulative impacts of packaged liquor outlets to be taken into account and to broaden the decision requirements to include consideration of social impacts. Local policies and guidelines are necessarily limited in their scope to the statutory ambit of the provisions to which they are related. The recommendations below provide both short and longer-term policy directions, the latter having relevance only in the event that Clause 52.27 is amended.

An analysis of the supply and demand for packaged liquor can be used to determine whether there is an oversupply of packaged liquor in an area. An oversupply is considered to be a cause for concern because of its potential to encourage alcohol misuse and abuse and, related to this, alcohol-related harm. Further research could be undertaken to better understand these relationships and the strength of their interrelationship.

Recommendations

That local planning policy frameworks should (among other policy recommendations outlined elsewhere in this report):

- Discourage increases in packaged liquor floor space in Statistical Areas Level 1 that are significantly oversupplied with packaged liquor outlets and retail floor space.
- When assessing an application for a licensed premises under the current Clause 52.27 provisions:
 - require consideration of the cumulative floor space of packaged liquor outlets within the area under investigation;

- assess whether the retail catchment of the proposed premises is subject to an under or oversupply of packaged liquor retail floor space.
- In the event that Clause 52.27 is amended in accordance with the recommendations of this report:
 - require consideration of the potential social impact of cumulative packaged liquor floor space within the projected retail catchment the proposed packaged liquor outlet;
 - ensure that social impact assessments take into account available data concerning acute and chronic alcohol-related disease, and 'transferred harms' including assaults occurring on private property and family violence.

VULNERABLE PEOPLE

Disadvantaged Areas

Local policies relating to gaming machine gambling often seek to separate gaming venues from communities that are particularly vulnerable to problem gambling. Usually this is achieved by requiring venues to be beyond walking distance from identified communities or key nodes such as public transport interchanges. The premise for these types of policies is to make the venues 'accessible but not convenient', such that they are generally available as a form of entertainment, but located so that a conscious decision to gamble is required.

The spatial analysis undertaken as part of this project identified associations between harm data, socioeconomic disadvantage and accessibility to packaged liquor outlets and floor space. Applying indicators used in this analysis, a Vulnerability Index was developed to identify areas susceptible to alcohol-related harms. An oversupply of packaged liquor should be discouraged, not only in areas that are already significantly oversupplied with packaged liquor outlets, but also in socio-economically disadvantaged areas.

Recommendations

That local planning policy frameworks should (among other policy recommendations outlined elsewhere in this report):

- Discourage the clustering of packaged liquor outlets and oversupply of packaged liquor floor space in socio-economically disadvantaged areas.

Young People

The increase in alcohol availability across Victoria has also led to increased visibility of alcohol in the community. Research indicates that this is contributing to the normalisation of alcohol consumption among young people. This is an issue because recent research demonstrated that increased alcohol availability has been associated with an increased risk of alcohol consumption: specifically for early adolescents (12 and 14 years) (Rowland et al, 2013).

Normalisation occurs when young people are repeatedly exposed to messages that alcohol consumption is acceptable and even socially desirable. For example, "The role of advertising in shaping cultural norms includes associating alcohol with positive experiences and personal outcomes, and embedding alcohol into celebrations and social events. All of these factors contribute to the development of adolescents' beliefs about alcohol." (ANPHA, 2014).

Exposure to alcohol advertising occurs through various means including the broadcast and print media, social media, outdoor advertising, promotional events, peer groups and parental attitudes. Higher numbers of packaged liquor outlets in the urban environment contribute to the amount of alcohol advertising seen by young people, and it is believed that this also contributes to normalising alcohol among young people. Point of sale promotions and volume discounts have also been shown to increase alcohol consumption among young people (Jones & Smith, 2012). The ANPHA report notes that children and young people are particularly vulnerable to being influenced by the messages in alcohol advertising and engaging in risky consumption behaviours as a result, and it recommends that steps be taken to limit their exposure.

Research has found that young people are particularly susceptible to the availability of alcohol. A study by Livingston found a correlation between high risk drinking in young people and density of packaged liquor outlets. The model used in the study suggested that an increase of one packaged liquor outlet in a postcode with 200 very high risk young drinkers (from a total of 1,000 young people) would be expected to be associated with an increase of approximately 6 additional young people drinking at high levels (Livingston, 2008).

Another Australian study examined the relationship between adolescent alcohol consumption and the density of alcohol outlets. It found a statistically significant relationship only for the 12-14 year old age group, although older youth also increased consumption (Rowland et al, 2013).

Recommendations

That the South-east Melbourne Councils should advocate to the State Government for greater regulation of outdoor alcohol advertising, particularly in close proximity to areas frequented by young people such as schools, sporting grounds and recreational areas.

That local planning policy frameworks should (among other policy recommendations outlined elsewhere in this report):

- **Discourage the location of packaged liquor outlets in close proximity to, primary and secondary schools.**

SAFETY IN PUBLIC SPACES

Clause 52.27 acknowledges the potential impacts of licensed premises on surrounding areas, requiring consideration of *'The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.'* While the interpretation of the term 'amenity' is reasonably broad, the Hunt Club decision assists in defining some boundaries to it. These boundaries limit the extent to which social impacts may influence decisions.

Steering Committee members raised particular concerns about the impact of packaged liquor licences on perceptions of safety in public spaces such as retail malls, parks and railway stations. Research by Wilkinson *et al* found that the nearer individuals live to licensed premises the more they are likely to experience disturbance, property damage and perceptions of lack of safety in public places. These findings applied to both on-premises and packaged liquor outlets (Wilkinson & Livingston, 2012).

The Community Survey undertaken as part of this project (Section 3.5) found that most alcohol consumption occurred in private premises and that this was in part influenced by safety concerns associated with licensed premises.

Recommendations

That local planning policy frameworks should (among other policy recommendations outlined elsewhere in this report):

- **Discourage the location of packaged liquor outlets in close proximity to places that may be adversely affected by the public consumption of packaged liquor, such as public parks and railway stations.**

ALCOHOL-SENSITIVE USES

The concept of 'gambling-sensitive uses' has been developed to identify land uses that people vulnerable to problem gambling may frequent. 'Vulnerable people' include problem gamblers as well as people more likely to be adversely affected by problem gambling. This concept has been considered and accepted by a number of Panels in the assessment of proposed local policies that guide decisions about gambling venues.

A number of local policies seek to locate gaming premises and machines away from gambling-sensitive uses, often at least a 'walkable' distance. Visibility of gaming venues has also been raised as a key issue. Examples of gambling-sensitive uses include gambling support services, welfare agencies and social security offices.

Given the parallel harm minimisation objectives of gambling and alcohol policy, it is appropriate to apply a similar approach to licensed premises. Certain land uses may be frequented by people with alcohol problems such as Alcoholics Anonymous meeting places, hospital treatment facilities and other alcohol support facilities. Other uses frequented by vulnerable populations such as welfare agencies could also be considered 'alcohol-sensitive uses'.

Recommendation

That local planning policy frameworks should (among other policy recommendations outlined elsewhere in this report):

- **Discourage the location of packaged liquor outlets in close proximity to alcohol-sensitive uses such as Alcoholics Anonymous meeting places, hospital treatment facilities and other alcohol support facilities.**

Hours of Operation

A review by the Department of Justice (2009) has found that packaged liquor outlets with late hours (after 11pm) were a risk factor. This is reinforced by the World Health Organisation, which has observed that heavy drinkers are more likely to take advantage of longer trading hours than more moderate drinkers (WHO West Pacific Region, 2011).

Recommendation

That local planning policy frameworks should (among other policy recommendations outlined elsewhere in this report):

- **Limit trading hours of packaged liquor outlets to not later than 11:00pm.**

4.4 STUDY LIMITATIONS

DATA LIMITATIONS

The analysis undertaken as part of this project was unable to identify data or statistical relationships to determine:

- Whether an oversupply of packaged liquor contributes to unreasonable levels of alcohol-related harm in any particular location and if it does, what the threshold is (e.g. in terms of packaged liquor floor space). What constitutes unreasonable levels of alcohol-related harm.
- The levels of alcohol-related harm and vulnerability of the South-East Melbourne areas compared to other areas in Melbourne or elsewhere.
- Any association between the typology of packaged liquor outlets and harm.
- Whether alcohol-related harm is most commonly associated with risky drinkers (or one off incidents).
- The levels of risky drinking in the study area and how much money is spent on alcohol by risky drinkers (as a total proportion of their income).
- Whether underage drinking is prevalent in the study area and how much packaged liquor outlets contribute to underage drinking.
- What motivates risky drinkers to drink more than recommended.

SPATIAL ANALYSIS

This report provides a number of techniques that were used to interrogate and interpret the various available datasets. While this interpretive analysis has revealed important insights into the patterns and trends relating to the supply of packaged liquor, the distribution of harm events and the socio-economic characteristics of its residents, there are several limitations present in the study techniques.

These limitations are important in interpreting the results of any findings, and also to understand the opportunities for future research that could be pursued.

As a general comment, it should be noted that the sheer complexity of the research issue necessitates further research to understand each of the component parts. At least three major factors are involved in understanding the problem: the location of alcohol purchase, the place of alcohol consumption and the location of the harm itself.

Adding myriad other variables to these factors, and it becomes clear that formulating a strong spatial theory for understanding the issue is a challenging prospect. Additional research into each of these factors would add depth to understanding the issue and provide a stronger evidence base for establishing and refining policy responses.

Study Area Variability

While the study benefited from having such a large geographical area to assess relationships, the diversity of physical settings, ranging from established urban areas to growth, rural and tourist areas, caused problems with some of the analytical methods.

While there would be similarities in these areas as they relate to packaged liquor, it is also entirely possible that there are important differences between them. These differences could make it difficult to identify a single theory for understanding packaged liquor. Further studies may wish to examine the various typologies of the physical fabric, in order to facilitate a more 'apples with apples' comparison.

Another consideration regarding the study area is acknowledging potential edge effects caused by having no data beyond municipal boundaries. This creates harsh data boundaries and areas close to these boundaries (to the north and east of the study area) may be misrepresented, particularly as it relates to measuring accessibility.

Data Issues

One of the most significant limitations of this study relates to the availability of data on the packaged liquor supply. Because this dataset was only collected at a specific point in time, it is not possible to understand trends over time. This type of analysis would represent a more insightful approach as it would allow us to assess rates of growth.

Without this, it is not possible to determine whether the current data is representative of long-term trends, or anomalous compared to previous years. It is highly recommended that opportunities for time-series analysis be explored in future research.

Victoria Police data was generalised to an SA1 level rather than at a point level, presumably to address privacy concerns associated with releasing this type of data. This made it difficult to understand the exact context of where incidents of harm occurred. Point-level investigations would have provided better insights into the physical environment in which harm occurred, allowing for the identification of particular problem areas that could potentially be addressed through planning and design responses.

Geographical Boundaries

The majority of data used in the analysis were either obtained or created using geo-statistical boundaries of the ABS. These units can be problematic for several reasons. Firstly, they are widely variable in terms of geographical size and population. Areas with low populations caused several issues in the analysis, particularly when using rates of harm as the unit of measurement.

For example, if a SA1 unit had only 50 people and recorded only one incident of harm, a rate of 20/1,000 people would be calculated. This would be extraordinarily high compared with other SA1 areas with larger populations. Therefore, methods for creating more consistent analysis areas could greatly improve research, particularly as it relates to correlating relationships using data modelling techniques.

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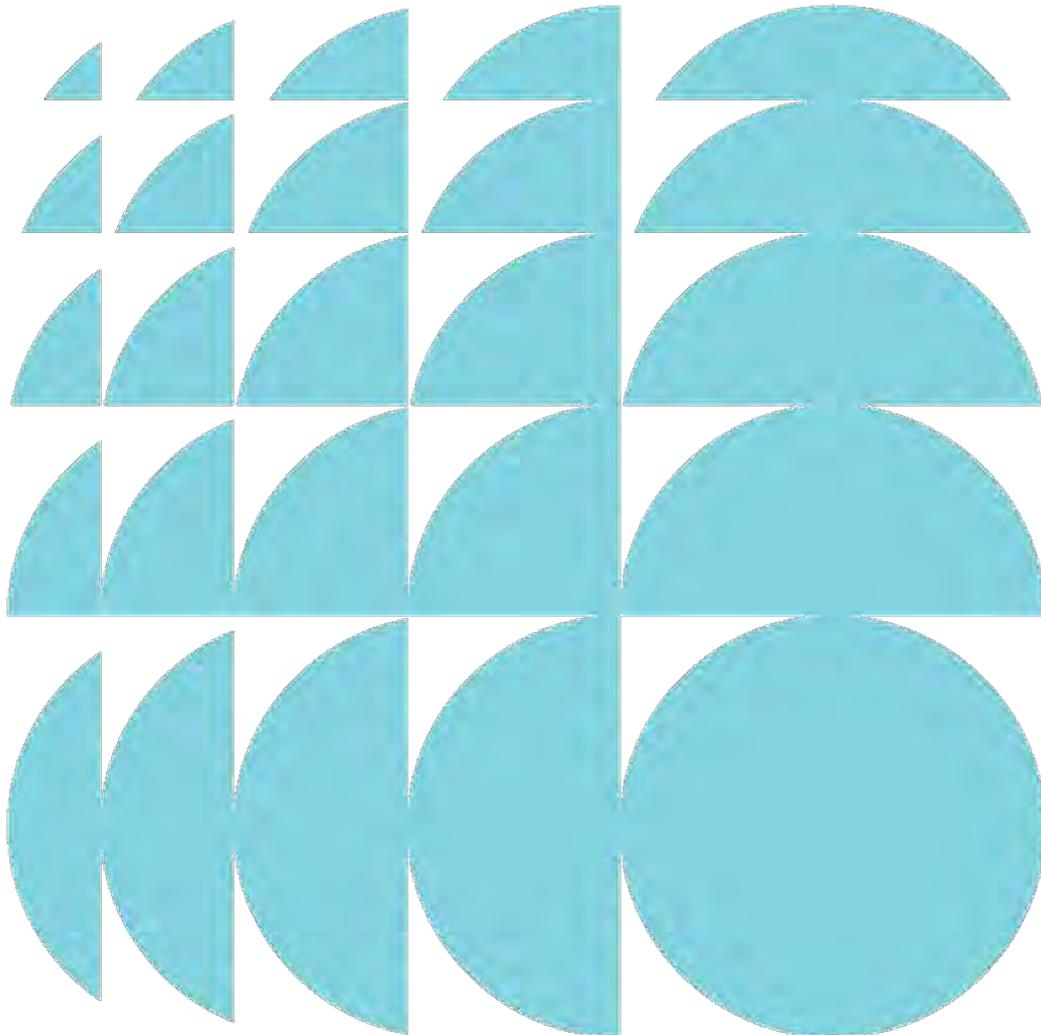
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**ETHOS
URBAN**

**Addressing the Cumulative Impact of
Outlet Density and Alcohol-Related
Harms**

Report Addendum 2017

Prepared by Ethos Urban
for the South East Melbourne Councils Alliance



CONTACT

James Larmour-Reid	Director	melbourne@ethosurban.com	03 9419 7226
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This document has been prepared by:

This document has been reviewed by:

Phoebe Harrison	20/11/2017	James Larmour-Reid	21/11/17
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DRAFT 1	21/11/2017	Phoebe Harrison	James Larmour-Reid

Ethos Urban Pty Ltd
 ABN 13 615 087 831.
 www.ethosurban.com
 1/160 Johnston St, Fitzroy
 VIC 3065 t 61 3 94197226

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‘Alcohol is second only to tobacco as a preventable cause of drug-related death and hospitalisation.’

Jerril Rechter (2015)
CEO, VicHealth

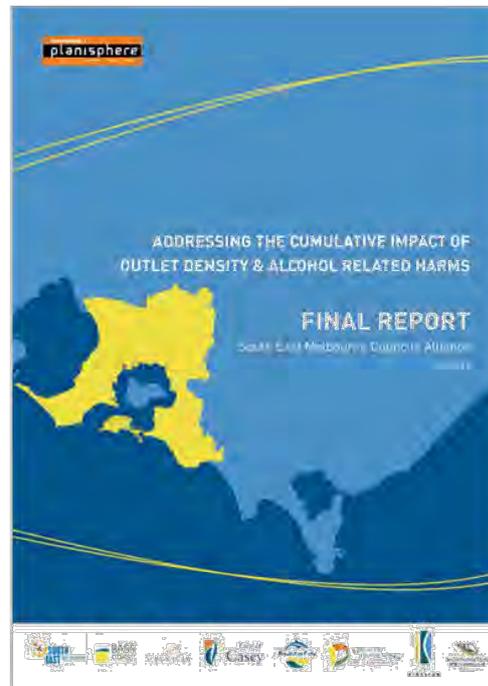
1.0 Introduction

Ethos Urban (formerly, Planisphere) has been engaged by the South East Melbourne Councils Alliance to prepare an addendum to the report, *Addressing the Cumulative Impact of Outlet Density on Alcohol-related Harms* (Planisphere, 2015). This addendum adds to the discussion in that report by:

- Further exploring the role of planning in liquor licensing regulation, specifically regarding packaged outlets; and
- Reviewing recent Planning Panel and Victorian Civil and Administrative Tribunal (VCAT) decisions made since 2015 concerning packaged outlets.

Overall, this addendum finds that the policy context has not changed significantly since the first report was released in 2015. Recent decisions at VCAT illustrate that there continues to be a lack of policy direction in the Planning Scheme and at Clause 52.27 (Licensed Premises) to assist in the assessment of the cumulative impacts of packaged liquor outlets.

This addendum has been prepared for the municipalities of Bass Coast, Cardinia, Casey, Frankston, Greater Dandenong, Kingston, Knox, Maroondah and Mornington Peninsula.



1.1 Overview of the 2015 Report

In 2015, Planisphere, in partnership with Essential Economics and Harvest Digital Planning, prepared a report addressing the *Cumulative Impact of Outlet Density and Alcohol-Related Harms*. The report considered what impacts the prevalence of packaged liquor outlets is having on rates of alcohol consumption in the South-East Melbourne (SEM) Councils' area. The discussion built on work commenced in 2012 by the SEM Councils, working with Victoria Police, Ambulance Victoria, Swinburne University, the Australian Drug Foundation, and Turning Point Alcohol and Drug Research Centre.

The report identified opportunities to strengthen and enhance the role of local government in local safety and packaged liquor regulation by:

- Reducing overlap between the planning and liquor licensing frameworks, thereby clarifying the roles and strengths of each system.
- Re-examining the remit of land use planning in relation to liquor applications to better reflect the strengths of the system as they relate to spatial strategic planning, local contextual analysis and community engagement.
- Clarifying the public health objectives and decision-making criteria within the land use planning system as they relate to liquor applications.
- Developing evidence-based policy directions to guide data collection and decision-making.
- Strengthening the relationship between the statutory Municipal Public Health and Wellbeing Plans and Municipal Strategic Statements.
- Developing procedures and toolkits to better equip Council land use and social planners to develop strategies related to liquor licensing; and procedures and decision guidelines for dealing with individual applications.

1.2 Key Recommendations from the 2015 Report

The report made a number of recommendations regarding planning policy and the role of planning policy in packaged liquor relation reform, specifically to the State Planning Policy Framework (SPPF), Clause 52.27 (Licensed Premises), Clause 66 (Notice and Referral Provisions), and the Local Planning Policy Framework. Specifically, the report recommended that:

The **State Planning Policy Framework** (SPPF) should be amended to:

- Recognise alcohol harm minimisation as supporting the objectives of planning in Victoria;
- Describe the role of spatial planning in alcohol harm minimisation;
- Provide for Social Impact Assessments, Crime Risk Assessments (including a CPTED audit) to be undertaken as part of application assessments or planning scheme amendments; and
- Require planning authorities to conduct a Health Impact Assessment for key planning decisions, such as major urban developments or making or amending a planning scheme.

Clause 52.27 should be amended to:

- Include a framework and decision-making guidelines that enable consideration of community health, safety and amenity impacts within the retail catchment of proposed packaged liquor outlets;
- Include a strategy that ensures the total floor space of packaged liquor outlets within an individual activity centre considers the activity centre hierarchy and the intended function of the centre as expressed in the Municipal Strategic Statement (MSS);
- Require consideration of the potential social impact of cumulative packaged liquor floor space within the projected retail catchment the proposed packaged liquor outlet; and
- Ensure that social impact assessments take into account available data concerning acute and chronic alcohol-related disease, and 'transferred harms' including assaults occurring on private property and family violence.

Clause 66.05 (Notice of permit applications under State standard provisions) should be amended to:

- Ensure that the Chief Commissioner of Police is notified of applications for packaged liquor outlets that meet identified threshold criteria:
 - Have a leasable floor space of 1,000m² or more;
 - Are within a 'cluster' of licensed premises as defined by the current practice note;
 - Are within a 'cluster' of packaged liquor outlets where the density of packaged liquor floor space (including the proposal) exceeds 80m² per 1,000 adults within the retail catchment of the proposed premises;
 - Propose hours of operation after 1:00 am.

Planning Practice Note 61 (Licensed premises: Assessing cumulative impact) should be amended to:

- Reference retail catchments for cumulative impact assessment so their size and associated impact can be considered rather than specific distances used to indicate clustering in the current version.

The **Planning and Environment Act 1987** (Vic) should be amended to:

- Require Municipal Public Health and Wellbeing Plans to be considered when reviewing local sections of the Planning Scheme; and
- The Objectives of Planning in Victoria at Section 4(1) of the *Planning and Environment Act 1987* (Vic) should be amended to include 'the creation and maintenance of environments that protect and encourage public health and wellbeing' which reflects the recommendation of the Inquiry into the Application of Safer Design Principles and Crime Prevention.

Local Planning Policy Frameworks (LPPF) should be amended to:

- Ensure that the total floor space of packaged liquor outlets is proportionate to the role and function of the relevant activity centre;

- Apply a precautionary approach to the approval of packaged liquor outlets in neighbourhood and local activity centres;
- Direct large format packaged liquor outlets to higher-order activity centres and bulky goods retail areas;
- Discourage stand-alone packaged liquor outlets in out-of-centre locations;
- Discourage increases in packaged liquor floor space in Statistical Areas Level 1 that are significantly oversupplied with packaged liquor outlets and retail floor space;
- Discourage the clustering of packaged liquor outlets and oversupply of packaged liquor floor space in socio-economically disadvantaged areas;
- Discourage the location of packaged liquor outlets in close proximity to, primary and secondary schools;
- Discourage the location of packaged liquor outlets in close proximity to places that may be adversely affected by the public consumption of packaged liquor, such as public parks and railway stations;
- Discourage the location of packaged liquor outlets in close proximity to alcohol-sensitive uses such as Alcoholics Anonymous meeting places, hospital treatment facilities and other alcohol support facilities; and
- Limit trading hours of packaged liquor outlets to not later than 11:00pm.

If Clause 52.27 is not amended as suggested above, the LPPF should state that, when assessing an application for a licensed premises under the current Clause 52.27 provisions, the responsible authority should:

- Require consideration of the cumulative floor space of packaged liquor outlets within the area under investigation; and
- Assess whether the retail catchment of the proposed premises is subject to an under or oversupply of packaged liquor retail floor space.

1.3 Implications of the 2015 Report

A toolkit was developed by Planisphere as part of the 2015 report package to guide the implementation of key recommendations. The toolkit contained recommended changes to:

- Clause 52.27 Licensed Premises; and
- *Planning Practice Note 61: Licensed premises: Assessing cumulative impact.*

The toolkit also included an Application Assessment Tool for the assessment of permit applications for licensed premises.

In addition to the above, Planisphere drafted a local planning policy to be used for Councils to implement recommendations of the 2015 report.

Despite continued advocacy from the SEM Councils, the State government has not commenced an amendment process to update the SPPF, Clause 52,27 or the Planning Practice Note 61.

The next section of this report reviews the policy and research context since 2015 to consider whether reform of the Victorian planning system continues to be a valid recommendation for harm minimisation concerning packaged liquor outlets.

2.0 Changes to the Policy Context since 2015

Research published in November 2016 by VicHealth highlighted that almost 500,000 Victorians drink 11 or more standard drinks on a single occasion, and are doing this on a monthly basis.¹ As an estimated 80% of alcohol is purchased from packaged liquor outlets, there is a strong likelihood that most of the alcohol consumed comes from one of Victoria's 2,068 packaged liquor outlets.²

According to the VicHealth update, Victoria has more outlets than it ever has had before. The number of packaged liquor licenses increased 49% between 2001 and 2016. There has been a rapid expansion in the number of packaged liquor outlets owned by supermarket chains, and a dramatic increase in the number of 'big box' format stores (e.g. Dan Murphy's, First Choice) in Victoria, which increased from three in 2001 to 68 in 2016.³

Despite known harms associated with the consumption of alcohol, extensively documented in the 2015 report, the legislative and planning context has not changed significantly since 2015. Indeed, decisions at the Victorian Civil and Administrative Tribunal (VCAT) continue to assert that planning does not play a role in public health. Yet, as outlined in the 2015 report, this response is in part due to the current drafting and narrow interpretation of the current VPP provisions relating to the packaged liquor outlets.

2.1 VicHealth

VicHealth has been an ongoing advocate for improved regulation around packaged liquor outlets that gives greater regard to the substantial health and social harm associated with alcohol consumption. It advocates for the following changes to the regulatory framework, designed to facilitate 'a more appropriate level of growth in packaged liquor outlets in Victoria':

1. Only enable a new liquor licence to be granted when the applicant satisfies harm and public interest tests by demonstrating how the licenced premise is in the public interest and will not contribute to the social and health harms within the area it is to be established.
2. Require consideration be given to the cumulative impact of existing licences in an area for all packaged liquor licence applications. This means that the licence application must be considered in the context of the number, density, mix, locations, trading hours, capacity or retail floor space, patron or customer numbers, and alcohol sales of existing licensed premises in the area for which the application is being made. A new application should not be approved if an area is already saturated with packaged liquor outlets.
3. Give local councils the ability to have an area declared an alcohol harm zone which restricts the establishment of new licence premises in areas already experiencing very harm rates of alcohol related harm.⁴

2.2 Royal Commission into Family Violence

The *Royal Commission into Family Violence* (the Commission) was concluded subsequent to the publication of the 2015 report. It acknowledged that greater attention should be paid to the relationship between alcohol and family violence, considering evidence showing that alcohol misuse can increase the severity and frequency of family violence.

A key recommendation of the Commission (Recommendation 93) was that the Victorian Government ensure that the terms of reference of the current review of the *Liquor Control Reform Act 1998* (Vic) consider family violence and alcohol-related harms, stating the review should also involve 'consultation with people who have expertise in the inter-relationship between family violence and alcohol use'.⁵ In her statement to the Commission, Ms Cate Carr, Executive Officer of the Office of Liquor, Gaming and Racing, Department of Justice and Regulation, said the Victorian Government has decided to conduct a major review of the *Liquor Control Reform Act* to assess the current balance between culture and the need to reduce alcohol-related harm, particularly street violence and family violence.⁶

¹ VicHealth, *VicHealth Indicators Survey 2015 Selected Findings*, Victorian Health Promotion Foundation, Melbourne.

² Victorian Commission for Gambling and Liquor Regulation, *Victorian Liquor Licences as at 31 October 2017*, Available online from URL <<https://www.vogl.vic.gov.au/resources/data-and-research/liquor-data/liquor-licences-category>>.

³ Livingston, M., *Packaged liquor in Victoria - 2001 to 2016*. In Press, Melbourne: La Trobe University, Foundation for Alcohol Research and Education, Centre for Alcohol Policy Research: Melbourne.

⁴ VicHealth, *VicHealth Indicators Survey 2015 Selected Findings*, Victorian Health Promotion Foundation, Melbourne.

⁵ State of Victoria, *Royal Commission into Family Violence: Summary and Recommendations*, Parl Paper No. 132 (2014-16), p. 73.

⁶ State of Victoria, *Royal Commission into Family Violence: Summary and Recommendations*, Parl Paper No. 132 (2014-16), p. 292.

2.3 Review of the Liquor Control Reform Act 1998

The Victorian Government is currently reviewing the *Liquor Control Reform Act 1998* (Vic) and has received several submissions from government agencies and Councils. A significant finding from the review so far (which is still underway) is that holders of packaged liquor licenses can, without further permissions required, supply alcohol via online systems that can be directly delivered to households.⁷

The review will be conducted with the input of the Liquor Control Advisory Council and several working groups of that Council, including the Targeted Harm Reduction Strategies Working Group, will be involved. As part of the review, the Working Group has been asked to advise on what alcohol-related harm reduction strategies could be trialled in Victoria and to identify trial areas based on risks of alcohol-related family violence harms.

According to the review conducted thus far:

*'New modes of liquor supply exist today that did not exist when the [Liquor Control Reform Act's] licensing regime commenced. For example, there is no specific licence for online supply. Online suppliers can hold a packaged liquor licence, a renewable limited licence or a wine and beer producers licence. There are significant differences between the obligations that apply to these licences, including whether the licensee needs to obtain planning permission and the hours during which alcohol can be supplied.'*⁸

The review has also found that the Victorian Commission for Gambling and Liquor Regulation (VCGLR) can consider certain aspects of amenity as including *'parking facilities, traffic movement, traffic density and noise.'*⁹ The *Liquor Control Reform Act 1998* defines amenity as 'the quality that the area has of being pleasant and agreeable.'¹⁰ As highlighted in the 2015 report, the Planning Scheme does not currently define amenity.

The implications of narrow definitions, or an ongoing absence of definitions, in the planning system regarding health, wellbeing and amenity, mean that when policy is tested by the Tribunal, there continues to be no detailed framework to consider harm-minimisation for packaged liquor outlets. Furthermore, the planning system maintains a narrow consideration of alcohol-related impacts that does not extend to access to liquor that can be consumed in the private realm; despite playing a key role in its supply.

⁷ Office of Liquor, Gaming and Racing, *Review of the Liquor Reform Act 1998: Consultation Paper*, November 2016, p. 5.

⁸ Office of Liquor, Gaming and Racing, *Review of the Liquor Reform Act 1998: Consultation Paper*, November 2016, p. 5.

⁹ *Ibid.*, p. 8.

¹⁰ *Liquor Control Reform Act 1998* (Vic), s 3A.

3.0 Recent VCAT Decisions

Since the completion of the 2015 report, the following key VCAT decisions have been made about packaged liquor outlets:

Decision	Application Details	VCAT Discussion
Cansiz v Hume CC [2016] VCAT 2198 (23 December 2016)	<p>Permit Application:</p> <ul style="list-style-type: none"> Use of land for the sale of packaged liquor (small supermarket) <p>Council decision:</p> <ul style="list-style-type: none"> Refusal <p>Grounds for Council decision:</p> <ul style="list-style-type: none"> Inappropriate location close to other licensed premises with risk of adverse amenity impacts on adjoining properties and the local neighbourhood <p>VCAT decision:</p> <ul style="list-style-type: none"> Decision of the responsible authority overturned Permit issued subject to conditions 	<ul style="list-style-type: none"> Proposal suitable in the context of the surrounding land use mix and amenity of the area Proposed use will provide an appropriate mix of licensed premises: a restaurant, a packaged liquor store and the proposed packaged liquor component of the supermarket Amount of packaged liquor stores within a 100m and 500m radius not considered to be excessive No evidence was presented to demonstrate an existing problem with loitering patrons or public alcohol consumption The submission that the proposal would lead to an increase in these behaviours was 'purely speculative'
Lahdo v Port Phillip CC [2017] VCAT 868 (16 June 2017)	<p>Permit Application:</p> <ul style="list-style-type: none"> Use of land for the packaged liquor licence associated with a bottle shop <p>Council decision:</p> <ul style="list-style-type: none"> Refusal <p>Grounds for Council decision:</p> <ul style="list-style-type: none"> Location inappropriate in the context of residential zones, adjacent community services Number of already established packaged liquor outlets in the area <p>VCAT decision:</p> <ul style="list-style-type: none"> Decision of the responsible authority upheld Application refused 	<ul style="list-style-type: none"> VCAT agreed that the proposal was inappropriate due to its proximity to existing community services (i.e. Salvation Army Crisis Centre) and that the proposal would pose a great risk to those that the centre accommodates This decision was based solely on the proximity of the crisis centre to the proposed packaged liquor store VCAT did not consider the social impacts in a broad, abstract or social sense Proximity to other licensed premises was not a deciding factor in the hearing
Lawrence v Moonee Valley CC [2017] VCAT 662 (12 May 2017)	<p>Permit Application:</p> <ul style="list-style-type: none"> Packaged liquor license associated with a small supermarket, part of a larger application for a residential development <p>Council decision:</p> <ul style="list-style-type: none"> Permit granted <p>Grounds for appeal:</p> <ul style="list-style-type: none"> Location inappropriate in the context of applicant for review's dwelling Location inappropriate for people living and working nearby, and those vulnerable to alcohol abuse <p>VCAT decision:</p> <ul style="list-style-type: none"> Decision of the responsible authority upheld Permit issued 	<ul style="list-style-type: none"> Cumulative impact assessment was submitted as part of the original application and showed that there were no other licensed premises within 100m of the site Due to location VCAT considered that there would be no saturation of licensed premises in the area The proposal would not have an unacceptable impact on the applicant for review's personal amenity as they resided approximately 2km from the site

Decision	Application Details	VCAT Discussion
Curry v Banyule CC [2017] VCAT 430 (5 April 2017)	Permit Application: <ul style="list-style-type: none"> • Development of land for a supermarket and associated packaged liquor outlet Council decision: <ul style="list-style-type: none"> • Permit granted Grounds for appeal: <ul style="list-style-type: none"> • Proposal inappropriate as it would increase the frequency of anti-social behaviour VCAT decision: <ul style="list-style-type: none"> • Decision of the responsible authority varied • Permit issued 	<ul style="list-style-type: none"> • VCAT stated that they do not explore submissions about the health and social implications of binge drinking and alcohol related social issues • 'It is not the role of the Tribunal to make wider findings with respect to the harm that can be caused by alcohol consumption and that the focus is on the suitability of the proposed location, and impact on the <i>amenity</i> of the surrounding area'

Discussions in the VCAT determinations above highlight that the existing policy context in local Planning Schemes continues to limit the Tribunal's consideration of amenity beyond the physical environment. Furthermore, it does not give the Tribunal a policy framework on which to consider harm related to alcohol consumption, broader social issues, health and wellbeing. Since 2015, the Tribunal has emphasised (as in *Lahdo v Port Phillip* and *Curry v Banyule CC*, above) that its considerations should be confined to suitability of location and associated amenity impacts.

Although grounds for refusal from Council and third-party appeals demonstrate consideration is being given to saturation of packaged liquor outlets, scale of impact, social health and wellbeing considerations, the VCAT decisions above demonstrate that there is insufficient grounds in the scheme to pursue these matters in the current policy context.

4.0 Planning Scheme Amendments

Since the 2015 report, two Councils have introduced new local planning policies into their Planning Schemes: Yarra City Council and Hume City Council. In conducting the VCAT review, no cases were found that have yet tested the new local policies. However, the policies and any relevant Planning Panel discussions have been summarised below.

4.1 Hume City Council: Planning Scheme Amendment C176

Amendment C176 was gazetted on 19 October 2017. As part of its MSS review, the City of Hume amended Clause 22.20 in its scheme: 'Liquor Licensing'.

The basis of Clause 22.20 is Hume's *Liquor License Referral Policy*, adopted in 2013. That policy requires a cumulative impact assessment be prepared as part of an application for packaged liquor, considering:

- Hours of operation
- Staffing and training arrangements
- The nature and location of uses surrounding the proposed licensed premises
- Proximity of the site to other licensed premises and their patron numbers
- Operating hours.

The policy also defines clustering, activity centre and cumulative impact assessment, including positive and negative impacts. Building on the 2013 document, the updated Clause 22.20 considers the social, economic and health harms that the inappropriate sale and consumption of alcohol are considered to have on vulnerable groups and individuals. The policy notes that concentration of licensed premises in a single location can have a negative cumulative impact on an area. Its purpose is to provide guidance for new premises and changes of operation to existing premises.

The liquor licensing policy at Clause 22.20 includes a requirement for a Cumulative Impact Assessment. This addresses the clustering of packaged liquor premises and considers the likely impact of existing and proposed premises on the amenity of the surrounding area.

As part of the Amendment's Planning Panel hearing, a submission was made that the requirement for a Cumulative Impact Assessment would result in additional and unnecessary delays. Council submitted that the assessment would not result in excessive delays as it is the type of assessment that a planning consultant could undertake as part of the preparation of a permit application.

The Panel concluded that, 'a *Cumulative Impact Assessment should be required for applications for licensed premises where there is a clustering of premises*'. The Panel considered that the assessment would provide valuable information when considering applications, including the impacts they might have on the vitality and viability of an activity centre.

4.2 Yarra City Council: Planning Scheme Amendment C209

The basis for Planning Scheme Amendment C209 is the *City of Yarra Licensed Premises Policy*, prepared in December 2015. That report highlights an ongoing policy context since 2011 (VC79) where requirements for impact assessments for packaged liquor applications have progressively been reduced.¹¹

The amended Clause 22.09 (currently submitted for approval) acknowledges the positive contribution that licensed premises have on the municipality. It also notes that considerable tensions sometimes develop between the premises and conflicting land uses, which must be effectively managed. The objective of the Clause is to manage the location, size, operation and hours of licensed premises as well as encouraging best practice venue design and venue operation for licensed premises.

¹¹ Public Place and 10 Consulting Group for City of Yarra, *Licensed Premises Policy – Background Document*, December 2015, p. 10.

The updated licensed premise policy at Clause 22.09 includes new policy relating to the cumulative impacts of packaged liquor outlets as well as their preferred hours of operation. It also identifies a new cumulative impact assessment requirement.

As part of its assessment the Panel discussed the following issue: *'should the policy acknowledge and address the health and social impacts arising from the consumption of alcohol?'*. The Alcohol Policy Coalition¹² submitted that the policy should better address the substantial health and social harm associated with alcohol. It requested changes to the policy that would effectively limit the number and manage the location of licensed premises, relying on evidence from Dr Michael Livingston that did not satisfy the panel. Dr Michael Livingston's peer reviewed research was used extensively in the 2015 Planisphere report and is quoted elsewhere regarding this issue in Australia.

The Panel did not believe that broadly based research would provide the *'necessary practical day to day assistance to planners in assessing applications to manage the potential social effects of licensed premises.'* It concluded that the necessary justification had not been provided to include limits on licensed premises, or for additional policy provisions to address social and health effects in the assessment of applications for licensed premises.

In further discussion, Panel noted that they supported the exclusion of restaurants and packaged liquor outlets from being required to provide a cumulative impact assessment, as they considered them to pose a significantly lower risk.

4.3 Implications of the Recent Planning Panel Decisions

The Planning Panel's discussions and conclusions regarding the Hume and Yarra policies vary significantly. In the first instance, it was decided that a cumulative impact assessment should be applied to applications to enable planners to assess the impact of clustering. However, in the case of Yarra the Panel was not convinced there was sufficient evidence to support planning officers when deciding potential social impacts of licensed premises.

Given the above, the cumulative impact assessment framework prepared as part of the Toolkit for decision-makers in 2015 is considered to continue to be a relevant tool that could assist Councils when seeking to introduce their own local planning policy.

¹² The Alcohol Policy Coalition is a collaboration of health and allied agencies who 'share a concern about the level of alcohol misuse and associated health and social consequences for the community'. It includes members of the Australasian College of Emergency Medicine, Alcohol and Drug Foundation, Cancer Council Victoria, Royal Australasian College of Surgeons, and St Vincent's Health Australia. Source URL: <www.alcoholpolicycoalition.org.au/about>

5.0 Smart Planning Reform

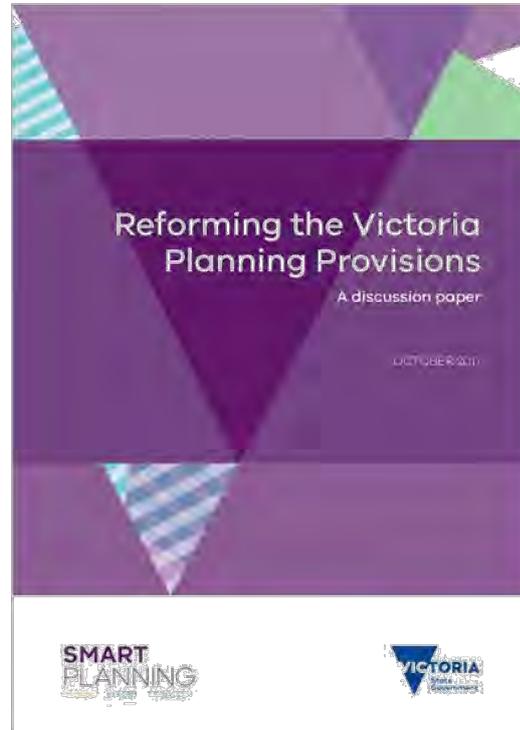
The Department of Environment, Land, Water and Planning (DELWP) is currently reviewing the Victorian Planning System. It is examining the structure and operation of the Victoria Planning Provisions (VPP) or state-wide standard provisions, seeking to simplify and improve the operation of the VPP. In future, DELWP will also look at other parts of the planning system to make it 'more responsive to the needs of Victorians.'¹³

5.1 Overview of Proposed Changes

Following a first round of broad stakeholder consultation in early 2017, a range of changes are proposed and currently being examined by DELWP:

- Restructure the VPP and draft some provisions to reflect the principles of a modern planning scheme
- Widen the opportunity to use the VicSmart assessment pathway for simple applications
- Align the State Planning Policy Framework and Local Planning Policy Framework into an integrated policy framework
- Improve the clarity and usability of the VPP
- Review and rationalise permit triggers
- Review and increase permit exemptions
- Respond to previous advisory committee reviews and new state government policy
- Remove superfluous provisions, including duplicated and outdated clauses
- Clarify common points of contention and confusion
- Update document titles and agency and ministerial references.

A diagram outlining the proposed changes to the overarching framework of the VPP is included at **Figure 1**, following.



¹³ Department of Environment, Land, Water and Planning, *Reforming the Victoria Planning Provisions: A Discussion Paper*, October 2017, p. 4.

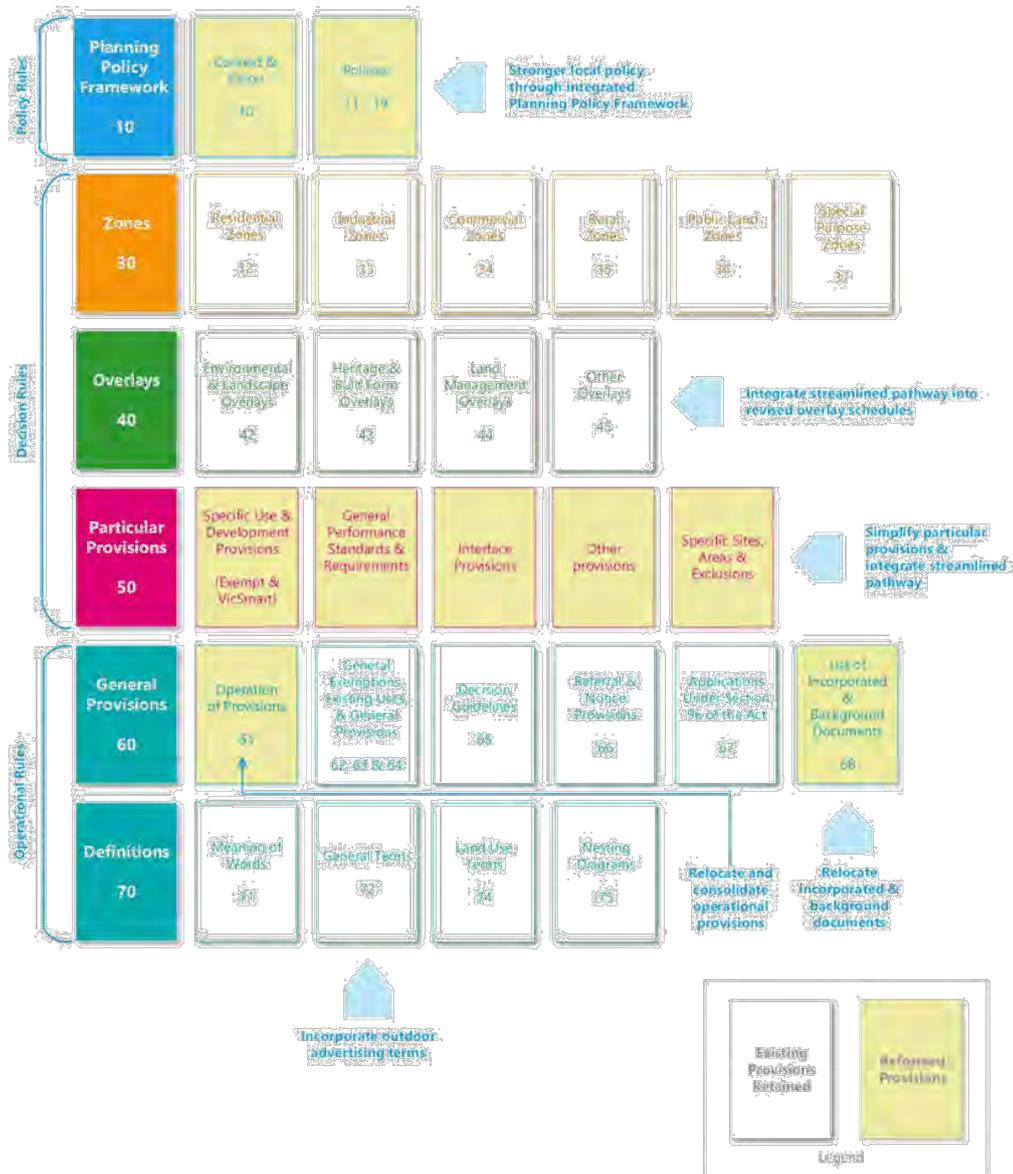


Figure 1 - Proposed VPP Framework

Source/Notes: Department of Environment, Land, Water and Planning (DELWP), *Reforming the Victoria Planning Provisions: A Discussion Paper*, October 2017, p. 13.

5.2 Victoria Planning Provisions Reform relevant to Packaged Liquor Outlets

A key proposal for VPP change relates to 'a simpler VPP structure with VicSmart assessment built in'.¹⁴ This includes proposals to:

- 1.1 Restructure and reform the particular provisions (refer to **Figure 1**, above)
 - Restructure and reform the particular provisions, including 'interface provisions', where the provisions set out requirements for planning decisions that may affect other legislative processes and instruments
- 2.1 Integrate state, regional and local planning policy
 - Merge the SPPF and LPPF into a single policy source called the Planning Policy Framework (PPF) with three levels of policy: state, regional and local
 - Group three levels of policy by theme, with directly relevant regional and local policies 'nested' under the corresponding state policy, if in place at the three levels
 - All regional and local policy would need to be derived from state planning policy
 - Amend the VPP so decisions must consider the MSS and LPP with equal weight to the SPP
- 2.2 Simplify the Municipal Strategic Statement
 - The PPF would start with a new 'municipal vision and context'
 - Content from the MSS not included in the context and vision would be reviewed and integrated into the PPF
- 5.1 Improvements to specific provisions (for Clause 52.27, refer to **Table 1**, following)
 - Appendix 2 of the discussion paper highlights suggestions made through broad stakeholder consultation
 - Suggestions included review of permit requirements and exemptions, reduction of referral requirements, remove or amalgamate zones/overlays where purposes are duplicated, clarify common points of confusion/complexity and correct anomalies.

As part of suggested reform at Proposal 5.1, suggested changes to Clause 52.27 that were collected in an online survey in July 2017 have been included. They are:

Table 1 – Suggested VPP Reforms to Clause 52.27

Modification	Justification
Review licensed premises having regard to the following:	There is duplication between the permit process set out at Clause 52.27 and the liquor licensing process as managed by the VCGLR. This double-up takes valuable resources and creates length timeframes and added costs for applicants, particularly for small businesses such as cafes and restaurants.
1. Review the role and function of the planning system in licensed premises and explore opportunities to minimise conflict and overlap with the VCGLR licensing process	Removing duplicate processes would simplify the planning system and ensure regulation is better targeted. Any change would need to ensure important community issues continue to be addressed. This would implement the 'land use focused' principle of a modern planning scheme.
2. Make premises in commercial zones exempt from the need for a planning permit, subject to certain conditions, and relying on the VCGLR licensing process	Any change would need to maintain consideration of important community issues in relation to licensed premises. Consistent with a number of facilitative changes for small business, it is considered that premises within commercial zones could be exempt from the need for a permit for licenses premises, subject to conditions.
3. Include and clarify common application requirements, such as 'cumulative impact statements'	Consolidation and review of application requirements would also improve usability.

Source: Department of Environment, Land, Water and Planning (DELWP), *Reforming the Victoria Planning Provisions: A Discussion Paper*, October 2017, p. 60.

5.3 Anticipated Implications of Smart Planning Reform

As outlined above, the stage government is planning significant reform to the form and content of planning schemes, driven by the VPP review. Due to the extent of reform proposed, it is likely that the new PPF will also affect local policies at Clause 21 and Clause 22 of the planning scheme. This may have impact on the proposed

¹⁴ *ibid.*, p. 9.

LPP, Clause 52.27 and 66 amendments and changes to the SPPF recommended under the 2015 Planisphere report and this addendum.

The Smart Planning project is focussed on 'removing duplication' and streamlining systems within the current planning system. As highlighted in **Table 1** (above), this discussion has been raised regarding Clause 52.27, referrals and the approach to managing liquor licensing through the planning scheme in tandem with the VCGLR. An implication of the reform process may be that certain liquor licensing triggers less involvement from a statutory planning perspective for certain land uses. However, it is recommended that ongoing advocacy be directed towards the findings from the 2015 report, recent VCAT and Planning Panel hearings, and ongoing awareness of the impacts of packaged liquor outlets. As highlighted in the 2015 Planisphere report, this is an area of licensing and regulation that is currently inadequately provided for within the VPPs.

6.0 Summary and Conclusions

The review of policy, VCAT and Planning Panel reports undertaken has confirmed that the issues and policy settings addressed in the 2015 Planisphere report have not changed significantly. Consequently, the findings and recommendations of that report remain relevant.

While significant public discussion has occurred regarding the role of planning in liquor regulation, it is relevant to note that the VCGLR licensing requirements for a packaged liquor (including late night packaged liquor) outlet do not require submission of a cumulative impact assessment or justification as to the way the premises may influence amenity of the surrounding area. The planning system remains a valid mechanism for facilitating these types of assessments. The role of planning should be clarified using recommendations from the 2015 report and this addendum, while better equipping local government to support its strategic objectives around both harm minimisation and economic development. This can be achieved by:

- Reducing overlap between the planning and liquor licensing frameworks, thereby clarifying the roles and strengths of each system;
- Re-examining the remit of land use planning in relation to liquor applications to better reflect the strengths of the system as they relate to spatial strategic planning, local contextual analysis and community engagement;
- Clarifying the public health objectives and decision-making criteria within the land use planning system as they relate to liquor applications;
- Developing evidence-based policy directions to guide data collection and decision-making;
- Strengthening the relationship between the statutory Municipal Public Health and Wellbeing Plans and Municipal Strategic Statements; and
- Developing procedures and toolkits to better equip Council land use and social planners to develop strategies related to liquor licensing; and procedures and decision guidelines for dealing with individual applications.

Local Councils, as the arm of Government in closest contact with communities, are aware of the impact of alcohol-related harms and the level of associated community concern. Many Councils have sought to address the issue through their Municipal Health and Wellbeing Plans, but there remains an implementation gap when it comes to the planning system. Planning policy regarding land use is a key lever available to local government that will enable it to engage with implementation of those plans.

Currently the State Government is reviewing both the *Liquor Control Reform Act 1998* and the *Victoria Planning Provisions* (that latter as part of the Smart Planning Reform program). Given the current gaps and overlaps between the two regulatory systems it is essential that the two processes are aligned so that any future revisions to the MSS, LPPF or Clause 52.27 do not perpetuate a policy context in which harm minimisation in the planning system continues to remain unaddressed.

7.0 References

Department of Environment, Land, Water and Planning (DELWP), *Reforming the Victoria Planning Provisions: A Discussion Paper*, October 2017.

Liquor Control Reform Act 1998 (Vic).

Livingston, M., *Packaged liquor in Victoria - 2001 to 2016*. In Press, Melbourne: La Trobe University, Foundation for Alcohol Research and Education, Centre for Alcohol Policy Research: Melbourne.

Office of Liquor, Gaming and Racing, *Review of the Liquor Reform Act 1998: Consultation Paper*, November 2016.

Public Place and 10 Consulting Group for City of Yarra, *Licensed Premises Policy – Background Document*, December 2015.

State of Victoria, *Royal Commission into Family Violence: Summary and Recommendations*, Parl Paper No. 132 (2014-16).

VicHealth, *VicHealth Indicators Survey 2015 Selected Findings*, Victorian Health Promotion Foundation, Melbourne.

Victorian Commission for Gambling and Liquor Regulation, *Victorian Liquor Licenses as at 31 October 2017*, Available online from URL <<https://www.vcglr.vic.gov.au/resources/data-and-research/liquor-data/liquor-licences-category>>.

Executive Summary

12.1 Record of Assemblies of Councillors

Enquiries: (Dennis Hovenden: Chief Executive Office)

Council Plan

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

Purpose

To table the written records of the Assembly of Councillors (as defined by the *Local Government Act 1989*).

Recommendation (Chief Executive Office)

That Council receives the following written records:

- 25 September 2017 (Pre Agenda for OM307);
- 2 October 2017 (Councillor Briefing);
- 9 October 2017 (Councillor Briefing);
- 16 October 2017 (Pre Agenda for OM308);
- 23 October 2017 (Councillor Briefing);
- 25 October 2017 (Pre Agenda for Special Meeting);
- 8 November 2017 (Councillor Briefing);
- 9 November 2017 (Pre Agenda for Special Statutory Meeting);
- 13 November 2017 (Councillor Briefing);
- 15 November 2017 (Advocacy Sub Committee); and
- 20 November 2017 (Pre Agenda for OM309).

Key Points / Issues

Council is required under the *Local Government Act 1989* to keep a written record of the names of all Councillors and members of Council staff attending, the matters considered, any conflict of interest disclosures made by a Councillor attending and whether the Councillor who disclosed a conflict of interest, left the meeting.

Financial Impact

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

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

There are no financial implications associated with this report.

12.1 Record of Assemblies of Councillors**Executive Summary****Consultation****1. External Stakeholders**

As it is a statutory requirement to present all written records of all Councillors who participate in an advisory committee, a planned or scheduled meeting to the next practicable Council meeting, it is not necessary to consult with external stakeholders.

2. Other Stakeholders

As it is a statutory requirement to present all written records of all Councillors who participate in an advisory committee, a planned or scheduled meeting to the next practicable Council meeting, it is not necessary to consult with internal stakeholders.

Analysis (Environmental / Economic / Social Implications)

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

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

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

Legal

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

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

Policy Impacts

There are no policies that will impact the decision of this report.

Officer's Declaration of Interests

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

Risk Mitigation

There are no risks associated with this report.

Conclusion

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

ATTACHMENTS

Attachment A: [↓](#) Record of Assembly of Councillors - 25 September 2017 to 20 November 2017



RECORD OF ASSEMBLY OF COUNCILLORS

Date of Meeting: 25 September 2017		
Commencement Time: 5.30pm	Venue: Acacia Room	
Finish Time: 6.50pm		
Matters Considered: (Heading only) Pre-Agenda Review for OM307		
Councillors	Yes / No	Arrival and Departure
Mayor, Cr Brian Cunial	Yes	5.30pm to 6.50pm
Cr Colin Hampton	Yes	5.30pm to 6.50pm
Cr Kris Bolam	Yes	5.30pm to 6.50pm
Cr Sandra Mayer	Yes	5.30pm to 6.50pm
Cr Glenn Aitken	Yes	5.45pm to 6.50pm
Cr Quinn McCormack	Yes	5.45pm to 6.50pm
Cr Michael O'Reilly	Yes	6.35pm to 6.50pm
Cr Lillian O'Connor	Yes	5.45pm to 6.50pm
Cr Steve Toms	Yes	5.30pm to 6.50pm
Councillors who Participated by Telephone Conference / other: Nil		
Members of Council Staff Present: Dennis Hovenden, Gillian Kay, Brad Hurren Russell Joiner, Michelle Tipton, Kristen Thomson, Michael Papageorgiou, Byron Douglas		
Other persons (include titles) present: Nil		
Conflict of Interest Disclosures: Councillors Bolam and McCormack advised that they had a conflict of interest on Item 12.11: Councillor Training and would leave the Chamber during discussions and voting. The CEO declared an interested on item 14.1 – NOM – CEO Credit Card and advised that he would leave the Chamber during discussion and voting.		
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: Nil		
Name Council Staff Member responsible for this written record: Michelle Tipton Title: Coordinator Council Business Support		



RECORD OF ASSEMBLY OF COUNCILLORS

Date of Meeting: 2 October 2017		
Commencement Time: 5.30pm	Venue: Acacia Room / Council Chambers	
Finish Time: 8.00pm		
Matters Considered: (Heading only) 2016/2017 Capital Works Review Centenary Park Golf Course Southern Metropolitan Partnership		
Councillors	Attendance	Arrival and Departure
Mayor, Cr Brian Cunial	Apology	
Cr Colin Hampton	Yes	5.30pm to 8.00pm
Cr Kris Bolam	Yes	5.30pm to 8.00pm
Cr Sandra Mayer	Yes	5.30pm to 6.35pm
Cr Glenn Aitken	Apology	
Cr Quinn McCormack	Yes	6.00pm to 8.00pm
Cr Michael O'Reilly	Yes	6.15pm to 8.00pm
Cr Lillian O'Connor	Yes	5.30pm to 8.00pm
Cr Steve Toms	Yes	5.30pm to 8.00pm
Councillors who Participated by Telephone Conference / other: Nil		
Members of Council Staff Present: Dennis Hovenden, Gillian Kay, Tim Frederico, Craig Dinsdale, Roy Furtado, Byron Douglas, Jude Mulcahy		
Other persons (include titles) present: Nil		
Conflict of Interest Disclosures: Nil		
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: Nil		
Name Council Staff Member responsible for this written record: Tim Frederico		
Title: Director, Corporate Development		



RECORD OF ASSEMBLY OF COUNCILLORS

Date of Meeting: 9 October 2017		
Commencement Time: 5.30pm	Venue: Acacia Room / Council Chambers	
Finish Time: 9.00pm		
Matters Considered: (Heading only) Agenda Review Frankston Revitalisation Update Belvedere Sports Precinct NDIS Registration		
Councillors	Attendance	Arrival and Departure
Mayor, Cr Brian Cunial	Yes	5.30pm to 9.00pm
Cr Colin Hampton	Yes	5.30pm to 9.00pm
Cr Kris Bolam	Yes	5.30pm to 9.00pm
Cr Sandra Mayer	Apology	
Cr Glenn Aitken	Apology	
Cr Quinn McCormack	Yes	5.50pm to 9.00pm
Cr Michael O'Reilly	Apology	
Cr Lillian O'Connor	Yes	5.30pm to 9.00pm
Cr Steve Toms	Yes	5.30pm to 9.00pm
Councillors who Participated by Telephone Conference / other: Nil		
Members of Council Staff Present: Dennis Hovenden, Gillian Kay, Tim Frederico, Brad Hurren Kate Jewell, Amy Parsons, Melanie Boulton, Sam Jackson, Andrea Gaynor, Michael Craighead, Michael Rathbone, Stuart Caldwell, Michael Papageorgiou		
Other persons (include titles) present: Chris Dare (Waypoint Consulting)		
Conflict of Interest Disclosures: Nil		
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: Nil		
Name Council Staff Member responsible for this written record: Tim Frederico Title: Director, Corporate Development		



RECORD OF ASSEMBLY OF COUNCILLORS

Date of Meeting: 16 October 2017		
Commencement Time: 5.30pm	Venue: Acacia Room	
Finish Time: 7.00pm		
Matters Considered: (Heading only) PARC FDBA Agenda Review		
Councillors	Yes / No	Arrival and Departure
Mayor, Cr Brian Cunial	Yes	5.50pm to 7.00pm
Cr Collin Hampton	Yes	5.50pm to 7.00pm
Cr Kris Bolam	Yes	5.50pm to 7.00pm
Cr Sandra Mayer	Yes	5.50pm to 7.00pm
Cr Glenn Aitken	Yes	5.50pm to 7.00pm
Cr Quinn McCormack	Yes	5.50pm to 7.00pm
Cr Michael O'Reilly	Yes	5.50pm to 7.00pm
Cr Lillian O'Connor	Yes	5.50pm to 7.00pm
Cr Steve Toms	Yes	5.50pm to 7.00pm
Councillors who Participated by Telephone Conference / other: Nil		
Members of Council Staff Present: Tim Frederico, Dr Gillian Kay, Brad Hurren Michael Craighead, Byron Douglas, Andrea Gaynor, Joanne Ferrie, Stuart Caldwell, Natalie Cincotta		
Other persons (include titles) present: Nil		
Conflict of Interest Disclosures: Cr Bolam declared a conflict on item 12.14 – Councillor Training and advised the CEO in writing. Cr McCormack declared a conflict on item 12.14 – Councillor Training and will disclose the nature of her interest during the meeting.		
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: Cr Bolam left the assembly at 6.42pm and returned at 6.47pm. Cr McCormack left the assembly at 6.42pm and returned at 6.47pm.		
Name Council Staff Member responsible for this written record: Michael Craighead Title: Manager Administration and Corporate Projects		



RECORD OF ASSEMBLY OF COUNCILLORS

Date of Meeting: 23 October 2017		
Commencement Time: 5.30pm	Venue: Acacia Room / Council Chamber	
Finish Time: 8.15pm		
Matters Considered: (Heading only)		
Agenda Review for Special Meeting		
Famechon Statue		
Response to NOM – Ambassador		
28-32 Moorooduc Highway Planning Application		
Domestic Animal Management Plan		
Ombudsman report into transparency in Local Government		
Councillors	Yes / No	Arrival and Departure
Mayor, Cr Brian Cunial	Yes	5.30pm to 8.15pm
Cr Colin Hampton	Yes	5.30pm to 8.15pm
Cr Kris Bolam	Yes	5.30pm to 8.15pm
Cr Sandra Mayer	Yes	5.30pm to 8.00pm
Cr Glenn Aitken	Yes	5.30pm to 8.15pm
Cr Quinn McCormack	Yes	5.45pm to 8.15pm
Cr Michael O'Reilly	Apology	
Cr Lillian O'Connor	Yes	5.30pm to 8.15pm
Cr Steve Toms	Apology	
Councillors who Participated by Telephone Conference / other: Nil		
Members of Council Staff Present:		
Dennis Hovenden, Tim Frederico, Byron Douglas, Michael Papageorgiou, Stuart Caldwell, Craig Dinsdale, Roy Furtado, Michael Rathbone, Jeremy Starr, Michael Craighead, Leonie Reints, Jarred Stevens, Srimali Mellawa		
Other persons (include titles) present: Nil.		
Conflict of Interest Disclosures: Nil		
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: Nil		
Name Council Staff Member responsible for this written record: Tim Frederico		
Title: Director Corporate Development		



RECORD OF ASSEMBLY OF COUNCILLORS

Date of Meeting: 25 October 2017		
Commencement Time: 5.30pm	Venue: Acacia Room	
Finish Time: 6.00pm		
Matters Considered: (Heading only) Agenda Review for Special Meeting		
Councillors	Yes / No	Arrival and Departure
Mayor, Cr Brian Cunial	Yes	5.30pm to 6.00pm
Cr Colin Hampton	Yes	5.30pm to 6.00pm
Cr Kris Bolam	Yes	5.30pm to 6.00pm
Cr Sandra Mayer	Yes	5.30pm to 6.00pm
Cr Glenn Aitken	Yes	5.30pm to 6.00pm
Cr Quinn McCormack	Yes	5.30pm to 6.00pm
Cr Michael O'Reilly	Yes	5.30pm to 6.00pm
Cr Lillian O'Connor	Apology	
Cr Steve Toms	Yes	5.30pm to 6.00pm
Councillors who Participated by Telephone Conference / other: Nil		
Members of Council Staff Present: Tim Frederico, Liz Daley, Natalie Cincotta, Byron Douglas		
Other persons (include titles) present: Nil.		
Conflict of Interest Disclosures: Nil		
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: Nil		
Name Council Staff Member responsible for this written record: Tim Frederico Title: Director Corporate Development		

Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.



RECORD OF ASSEMBLY OF COUNCILLORS

Date of Meeting: 8 November 2017		
Commencement Time: 5.30pm	Venue: Acacia Room / Council Chamber	
Finish Time: 8.40pm		
Matters Considered: (Heading only) Youth Grants Programme PARC Pool Rectification Mayoral Election Agenda Code of Conduct Meeting Procedure Local Law Meeting with Matthew Guy		
Councillors	Yes / No	Arrival and Departure
Mayor, Cr Brian Cunial	Yes	5.30pm to 8.40pm
Cr Colin Hampton	Yes	5.30pm to 8.40pm
Cr Kris Bolam	Yes	6.10pm to 8.40pm
Cr Sandra Mayer	Apology	
Cr Glenn Aitken	Apology	
Cr Quinn McCormack	Yes	5.50pm to 8.40pm
Cr Michael O'Reilly	Yes	6.00pm to 8.40pm
Cr Lillian O'Connor	Yes	5.50pm to 8.40pm
Cr Steve Toms	Yes	5.30pm to 8.40pm
Councillors who Participated by Telephone Conference / other: Nil		
Members of Council Staff Present: Dennis Hovenden, Tim Frederico, Phil Cantillon, Michael Craighead, Liz Daley, Michael Papageorgiou, Ken Liddicoat, Immojen Neumann, Taela Davis, Louise Bugiera, Michelle Tipton		
Other persons (include titles) present: Jack Hawkins, Kim Reid, Mitch Blakeman – Youth Council		
Conflict of Interest Disclosures: Nil		
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: Nil		
Name Council Staff Member responsible for this written record: Tim Frederico Title: Director Corporate Development		



RECORD OF ASSEMBLY OF COUNCILLORS

Date of Meeting: 9 November 2017		
Commencement Time: 5.30pm	Venue: Acacia Room	
Finish Time: 7.00pm		
Matters Considered: (Heading only) Pre-Agenda for Mayoral Election Special meeting discussion		
Councillors	Yes / No	Arrival and Departure
Cr Brian Cunial	Yes	5.30pm to 7.00pm
Cr Colin Hampton	Yes	5.30pm to 7.00pm
Cr Kris Bolam	Yes	5.30pm to 7.00pm
Cr Sandra Mayer	Yes	5.30pm to 7.00pm
Cr Glenn Aitken	Yes	5.30pm to 7.00pm
Cr Quinn McCormack	Yes	6.20pm to 7.00pm
Cr Michael O'Reilly	Apology	
Cr Lillian O'Connor	Yes	6.00pm to 7.00pm
Cr Steve Toms	Yes	5.30pm to 7.00pm
Councillors who Participated by Telephone Conference / other: Nil		
Members of Council Staff Present: Dennis Hovenden, Tim Frederico, Phil Cantillon, Michael Papageorgiou, Michelle Tipton, Vera Roberts, Natalie Cincotta		
Other persons (include titles) present: Nil.		
Conflict of Interest Disclosures: Nil		
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: Nil		
Name Council Staff Member responsible for this written record: Tim Frederico		
Title: Director Corporate Development		



RECORD OF ASSEMBLY OF COUNCILLORS

Date of Meeting: 13 November 2017		
Commencement Time: 6.00pm	Venue: Acacia Room / Council Chambers	
Finish Time: 8.45pm		
Matters Considered: (Heading only)		
Agenda Review		
Rate Recovery Process		
Capital Works 2018/19		
Councillors	Yes / No	Arrival and Departure
Cr Brian Cunial	Apology	
Mayor, Cr Colin Hampton	Yes	5.30pm to 8.45pm
Cr Kris Bolam	Yes	5.30pm to 8.45pm
Cr Sandra Mayer	Yes	5.30pm to 8.45pm
Cr Glenn Aitken	Yes	5.30pm to 8.45pm
Cr Quinn McCormack	Yes	5.30pm to 8.45pm
Cr Michael O'Reilly	Yes	6.00pm to 8.45pm
Cr Lillian O'Connor	Yes	5.45pm to 8.45pm
Cr Steve Toms	Yes	5.30pm to 8.45pm
Councillors who Participated by Telephone Conference / other: Nil		
Members of Council Staff Present:		
Dennis Hovenden, Phil Cantillon, Vera Roberts, Kim Jaensch, Luke Ure, Sam Jackson, Michael Papageorgiou, Luke Walker, Roy Furtado, Vishal Gupta		
Other persons (include titles) present: Nil.		
Conflict of Interest Disclosures: Nil		
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: Nil		
Name Council Staff Member responsible for this written record: Tim Frederico		
Title: Director Corporate Development		



RECORD OF ASSEMBLY OF COUNCILLORS

Date of Meeting: 15 November 2017		
Commencement Time: 4.00pm	Venue: Council Chambers	
Finish Time: 5.40pm		
Matters Considered: (Heading only)		
Current political environment		
Status of priority projects in Advocacy Strategy		
Need for evidence base to secure funding commitments		
Councillors	Yes / No	Arrival and Departure
Cr Brian Cunial	Not a committee member	
Mayor, Cr Colin Hampton	Yes	4.00pm to 5.40pm
Cr Kris Bolam	Yes	4.00pm to 5.40pm
Cr Sandra Mayer	Not a committee member	
Cr Glenn Aitken	Not a committee member	
Cr Quinn McCormack	Not a committee member	
Cr Michael O'Reilly	Not a committee member	
Cr Lillian O'Connor	Not a committee member	
Cr Steve Toms	No	
Councillors who Participated by Telephone Conference / other: Nil		
Members of Council Staff Present:		
Dennis Hovenden, Sam Jackson, Natalie Cincotta, Simone Bonella, Byron Douglas		
Other persons (include titles) present: Damian Mannix and Connor Parker – The Agenda Group.		
Conflict of Interest Disclosures: Nil		
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: Nil		
Name Council Staff Member responsible for this written record: Natalie Cincotta		
Title: Coordinator Communications		



RECORD OF ASSEMBLY OF COUNCILLORS

Date of Meeting: 20 November 2017		
Commencement Time: 5.30pm	Venue: Acacia Room	
Finish Time: 7.00pm		
Matters Considered: (Heading only) Agenda Review		
Councillors	Yes / No	Arrival and Departure
Cr Brian Cunial	Yes	5.30pm to 7.00pm
Mayor, Cr Colin Hampton	Yes	5.30pm to 7.00pm
Cr Kris Bolam	Yes	5.30pm to 7.00pm
Cr Sandra Mayer	Yes	5.40pm to 7.00pm
Cr Glenn Aitken	Yes	5.50pm to 7.00pm
Cr Quinn McCormack	Yes	6.10pm to 7.00pm
Cr Michael O'Reilly	Yes	6.30pm to 7.00pm
Cr Lillian O'Connor	Yes	5.50pm to 7.00pm
Cr Steve Toms	Yes	5.30pm to 7.00pm
Councillors who Participated by Telephone Conference / other: Nil		
Members of Council Staff Present: Tim Frederico, Phil Cantillon, Russell Joiner, Kristen Thomson, Vera Roberts, Michael Papageorgiou, Liz Daley, Stuart Caldwell, Nicole Auchetti, Jeremy Starr, Byron Douglas, Sam Jackson, Brad Hurren, Cam Arulananthum		
Other persons (include titles) present: Nil.		
Conflict of Interest Disclosures: Nil		
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: Nil		
Name Council Staff Member responsible for this written record: Tim Frederico		
Title: Director Corporate Development		

Executive Summary**12.2 Minutes of the Frankston Arts Board - 21 November 2017**

Enquiries: (Andrew Moon: Community Development)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.2 Vibrant and Engaged
Priority Action	2.2.2 Promote Frankston City's reputation as an arts, festivals and events destination

Purpose

To brief Council on the minutes of the Frankston Arts Board meeting held on 21 November 2017

Recommendation (Director Community Development)

That Council:

1. Receives the Minutes of the Frankston Arts Board meeting of 21 November 2017.
2. Receives the Amended Minutes of the Frankston Arts Board meeting of 24 October 2017.
3. Endorses the Frankston Dog Obedience Club Mural.

Frankston Arts Board Minutes – 24 October 2017

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

Highlights of the 21 November meeting included:

- Endorses the Frankston Dog Obedience Club Mural
- Appointment of the curator for Street Art Master Plan – Brecknock Consulting

Financial Impact

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

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

ATTACHMENTS

Attachment A: [↓](#) Frankston Arts Board - 21 November 2017 - Minutes

Attachment B: [↓](#) Frankston Arts Board - Revised Minutes - 24 October 2017

Attachment C: [↓](#) Frankston Dog Obedience Club - Mural Proposal

AGENDA ITEM 1.5



FRANKSTON ARTS & CULTURE

**FRANKSTON ARTS BOARD
Board Meeting**

**MINUTES OF THE MEETING
Tuesday 21st November 2017
6.30 – 8.30pm
Library Long Room, Frankston**

ITEM		
1	Governance: General	
1.1	Welcome, apologies and introductions	<p>Present Ms Barbara Crook (Chairperson) left at 7pm Ms Jenni Colwill (Chairperson from 7pm) Ms Mish Eisen Mr Douglas Spencer Roy Cr Sandra Mayer Mr Andrew Moon Liz Daley</p> <p>Apologies Cr Kris Bolam Mr Dennis Hovenden Ms Gillian Kay Ms Sonia Turnbull Mr Michael Malignaggi</p>
1.2	Determination of quorum	Confirmed
1.3	Declaration of conflicts of interest	Mr Spencer Roy’s employer is a sponsor
1.4	Confirmation of Agenda	Confirmed by Barbara Crook
1.5*	Approval of minutes.	Amendments to be made to Item 5.4 – further information to be added regarding Arts Projects Officer – Ventana, presentation and resources constraints as discussed at the October meeting.
1.6*	Action items/Matters arising (refer to schedule)	Updated Notes/Approved
1.7	Public Art Sub Committee Report	1.7.1 – Frankston Dog Obedience Club – Discussed proposed mural and Approved for endorsement. 1.7.2 – Street Art Master Plan <ul style="list-style-type: none"> • Curator, Brecknock Consulting is the successful quoting party • FAB agreed that ‘Wonderwalls – Frankston’ was a great name for the Street Art programs going forward for at least the first two years. • Agreed FAB representation on the Street Art governance group would be Mish and Jenni, who will participate in the development of the Street Art program and report back to FAB on progress. 1.7.3 – McClelland Gallery Meeting – Andrew, Barbara met with Maudie Palmer (Acting Director McClelland) was a positive meeting and are seeking to create a stronger relationship between FAB, McClelland and FCC. 1.7.4 – Sculpture by the Sea – Andrew went to the Sydney exhibition and

AGENDA ITEM 1.5

		had meetings with Sculpture by the Sea representatives to discuss future opportunities, another positive meeting.
2	Management Updates	
2.1*	Arts & Culture Monthly Report including KPI's	Noted – FAB requested that <i>Dionysus Theatre</i> be informed of the program.
2.2*	Arts & Culture Financials	Noted
2.3	Trust Fund Account Update	
3	Capital Works	
3.1	Function Analysis Update	- The Lounge is underway scheduled to be completed by the end of 2017
4	Strategy	
4.1	McClelland meeting with Acting Director – 6/11/2017	Discussed as per item 1.7 - FAB agreed that future planning for temporary sculpture exhibitions should consider waterfront and the Frankston coastline as the key exhibition location.
5	Any Other Business	
5.1*	Councillor Bulletin	Noted
5.2	December teleconference meeting	Discussed – this meeting is not required and is now cancelled
5.3*	2018 Meeting Dates	Noted and approved
6	Next Board Meeting and forward agenda	
6.1		Next Meeting Tuesday 20 th February 2018 Forward Agenda Meeting Closed 7:20pm

Confirmed as a Correct Record

Chairperson: (Barbara Crook & Jenni Colwill)



AGENDA ITEM 1.5

FRANKSTON ARTS & CULTURE**FRANKSTON ARTS BOARD
Board Meeting****MINUTES OF THE MEETING
Tuesday 24th October 2017
6.30 – 8.30pm****Kulin Room, 43A Davey Street, Frankston**

ITEM		
1	Governance: General	
1.1	Welcome, apologies and introductions	<p>Present Ms Barbara Crook (Chairperson) Ms Jenni Colwill Mr Michael Malignaggi Mr Douglas Spencer Roy Cr Sandra Mayer Mr Andrew Moon</p> <p>Apologies Cr Michael O'Reilly Mr Dennis Hovenden Ms Gillian Kay Ms Mish Eisen Ms Sonia Turnbull</p>
1.2	Determination of quorum	Confirmed
1.3	Declaration of conflicts of interest	Mr Spencer Roy's employer is a sponsor
1.4	Confirmation of Agenda	Confirmed by Barbara Crook
1.5*	Approval of minutes.	Previous meetings Minutes approved by FAB via email
1.6*	Action items/Matters arising (refer to schedule)	Updated Notes/Approved
1.7	Public Art Sub Committee Report	<p>1.7.1 – Street Art Master Plan - Curator RFQ progress discussed. 1.7.2 – New Community Initiated Major Events Grant process highlighted and noted. 1.7.3 – Sight Line renewal – progress discussed. 1.7.4 – Sculpture by the Sea – lease and future opportunities discussed 1.7.5 – Davey Street Panel Art Piece – commissioning discussed and endorsed commissioning a specific artists/provider for the new piece.</p>
2	Management Updates	
2.1*	Arts & Culture Monthly Report including KPI's	Noted
2.2*	Arts & Culture Financials	Noted
2.3	Trust Fund Account Update	
3	Capital Works	

AGENDA ITEM 1.5

3.1	Function Analysis Update	F2018 progress discussed
4	Strategy	
4.1	Report back on Councillor Briefing – 11/09/17	Briefing went well and was a positive meeting
5	Any Other Business	
5.1*	Councillor Bulletin	Noted
5.3*	BVSR – FAC Business Plan	Noted and on track
5.4	Presentation from Arts Project Officer – Ventana Amended on 22/11/2017	FAB members thanked the Ventana Arts Project Officer for her effort and commitment in delivering the Ventana Festival each year. FAB noted the resource challenges faced in the continued delivery of this event and that as the event has grown significantly, resources have not. Doug advised of some possible sponsors for this event that could be approached. FAB undertook to champion the Festival to potential sponsors and all levels of government as appropriate.
5.5	2018 Meeting Dates	Discussed
5.6	Library Changes	Noted
6	Next Board Meeting and forward agenda	
6.1		Next Meeting Tuesday 21 st November 2017 Forward Agenda • McClelland Gallery Board changes Meeting Closed 8:30pm

Confirmed as a Correct Record

Chairperson: (Barbara Crook)

Frankston Arts Board

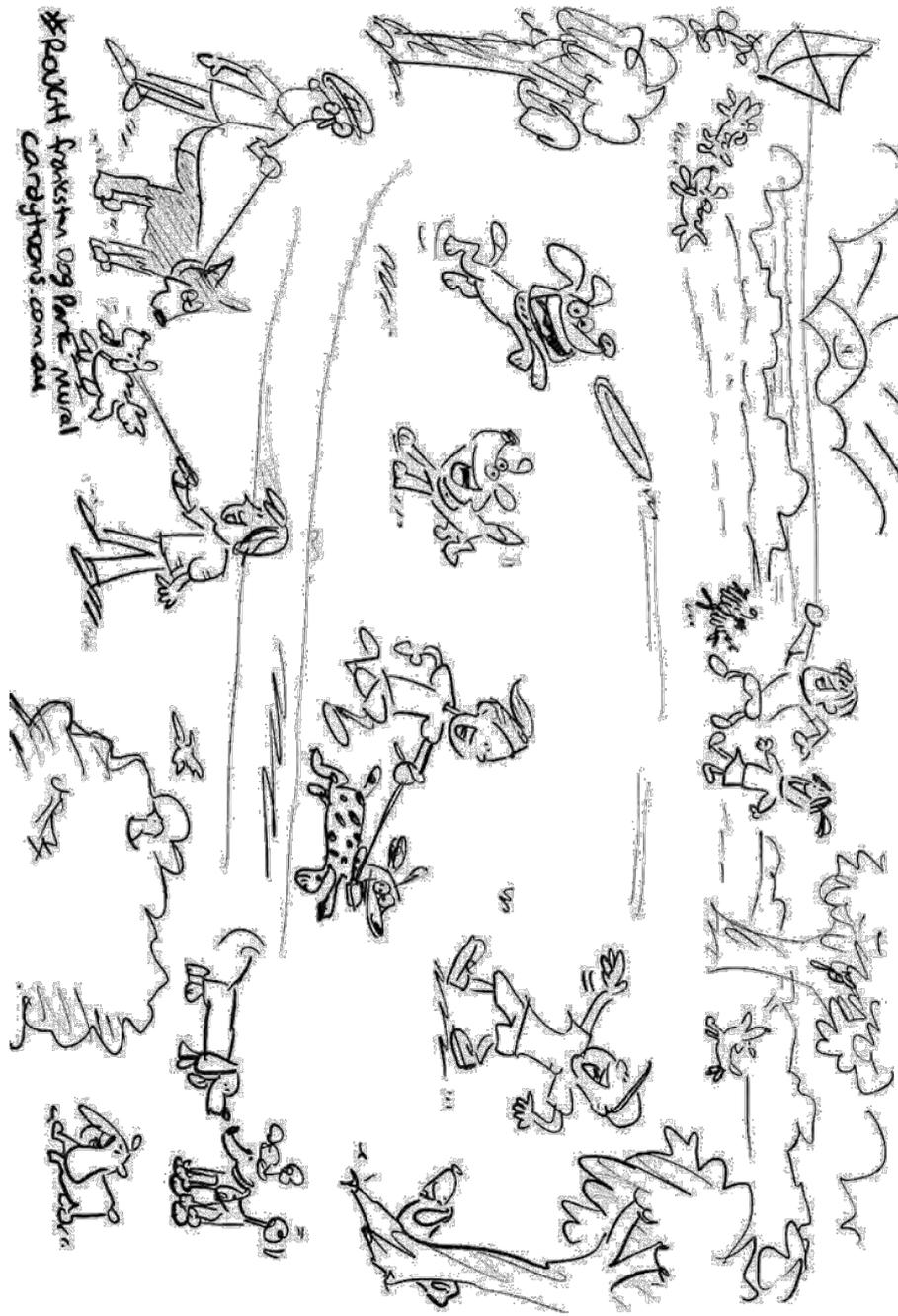
For your consideration is the attached proposed artwork for the sidewall of the Frankston Dog Obedience Club situated at McClelland Reserve. See photo of current wall attached.

The artwork is to be carried out by Brett Cardwell of “Cardytoons” follow link for more examples of his work. www.cardytoons.com.au.

The grounds that the building is situated on is an off lead secure area that the residents of Frankston use daily to exercise their dogs. The mural is appropriately depicting this and will help highlight the fact that the park is there.

The colours to be used would be bright primary colours to uplift the building and make it more vibrant area for all that attend. See attached example of the colour pallet.

I appreciate your time and consideration of my proposal. Kind regards Kim Dearden (president of the Frankston Dog Obedience Club)





proposed wall for artwork (Frankston Dog Obedience Club)



Sample of Brett Caldwell's work with the bright primary colours to be used.

Executive Summary

12.3 Resolution Progress Update

Enquiries: (Michael Craighead: Corporate Development)

Council Plan

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

Purpose

To update and brief Council on the current status of resolutions.

Recommendation (Director Corporate Development)

That Council:

1. Notes the report as at 11 December 2017.
2. Notes that the following Notices of Motion be archived from the Notice of Motion Report:
 - NOM 1328 - Consultants Register
 - NOM 1299 - Level Crossing Removal
 - NOM 1301 - Eel Race Road Closure Opposition
 - NOM 1368 - "Thumbs Up" Policy
3. Notes that since the 1st of November the following resolutions have been completed:
 - Frankston District Basketball Association Inc. Expansion Project
 - Further Response to NOM 1290 - New Rule for Closed Council Decisions
 - Response to NOM 1314 - Seaford Road Level Crossing Removal
 - Domestic Animal Management Plan
 - Planning Application 283/2017/P - To use the land at 372 Nepean Highway Frankston to sell or consume liquor (Restaurant and Café Licence) and a reduction in the car parking requirements of the Frankston Planning Scheme.
 - Frankston City Council Annual Report 2016-2017
 - Frankston City News Editorial Committee - Terms of Reference
 - Increase Animal Adoptions
4. Notes that following reports will not be presented back to Council by its advised date:
 - NOM 1361 Seaford Station
 - Project Implementation Procedures
 - Response to NoM 1245 Frankston Volunteer Coastguard

12.3 Resolution Progress Update**Executive Summary****Key Points / Issues**

- At the Ordinary Council Meeting OM295 held on 19 December 2016, Council resolved that;
 - “That the Chief Executive Officer is directed to provide regular updates to Council on the progress or status of Council’s resolutions resulting from Notices of Motion raised by Councillors. In order to facilitate this, a brief progress report (detailing the status of each outstanding resolution) is required to be presented to Council at each of its Ordinary Meetings in future commencing with Ordinary Meeting 296 (scheduled for the 30 January 2017).”
- The Notices of Motion Report as at 11 December 2017 is attached and will continue to be updated and reported at each Ordinary Council Meeting.
- Four (4) Notice of Motion actions are reported ‘complete’ and will be archived from the document. The Notice of Motion’s relating to:
 - NOM 1328 - Consultants Register
 - NOM 1299 - Level Crossing Removal
 - NOM 1301 - Eel Race Road Closure Opposition
 - NOM 1368 - "Thumbs Up" Policy
- Eight (8) resolution actions are reported ‘complete’ since the 1st of November 2017. The resolutions relating to:
 - Frankston District Basketball Association Inc. Expansion Project
 - Further Response to NOM 1290 - New Rule for Closed Council Decisions
 - Response to NOM 1314 - Seaford Road Level Crossing Removal
 - Domestic Animal Management Plan
 - Planning Application 283/2017/P - To use the land at 372 Nepean Highway Frankston to sell or consume liquor (Restaurant and Café Licence) and a reduction in the car parking requirements of the Frankston Planning Scheme.
 - Frankston City Council Annual Report 2016-2017
 - Frankston City News Editorial Committee - Terms of Reference
 - Increase Animal Adoptions
- Due to various factors, it is sometimes not possible for reports to be brought back before Council as resolved. There is an update on the below items.
 - *NOM 1361 Seaford Station*

No response has been received from PTV. A meeting date is being established with staff from PTV and the Local Member’s office.
 - *Project Implementation Procedures*

Revised project implementation plans will be developed for the 2018/19 capital works program to strengthen the planning and scoping phase and a more robust consideration of project needs. This will be presented to council at the first OM 2018.

12.3 Resolution Progress Update**Executive Summary**

- *Response to NOM 1245 - Frankston Volunteer Coastguard*

A survey and consultation of the community and key stakeholders has been undertaken as per Council resolution. The analysis is currently being prepared and a report will be submitted to the January Ordinary Meeting.

Financial Impact

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

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

Consultation**1. External Stakeholders**

Nil.

2. Other Stakeholders

Nil.

Analysis (Environmental / Economic / Social Implications)

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

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

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

Legal

Nil.

Policy Impacts

There is no impact on Council Policies.

Officer's Declaration of Interests

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

Risk Mitigation

There is no risk associated with this report.

12.3 Resolution Progress Update**Executive Summary****Conclusion**

The purpose of this report is to brief and update Council on the implementation and status of resolutions including Notices of Motion. Council Officers are continuously working to implement a range of Council resolutions and in addition to noting the work completed, it is recommended that the Notices of Motion as listed within this report now be archived.

ATTACHMENTS

Attachment A: [↓](#) Cost Summary as at 11 December 2017

Attachment B: [↓](#) Notices of Motion as at 11 December 2017

Attachment C: [⇒](#) Notice of Motion Confidential as at 11 December 2017 (*Under Separate Cover*)

Attachment A: Cost Summary as at 11 December 2017

Councillor	Number	Primary Cost	Ongoing Cost	Outcome Cost
Cr Cunial	5	\$4,649	\$500	\$190,500
Cr McCormack	10	\$4,260	\$0	\$135,000
Cr Toms	22	\$3,577	\$0	\$60,000
Cr Aitken	24	\$9,654	\$0	\$55,000
Cr Bolam	52	\$13,912	\$0	\$149,000
Cr O'Connor	17	\$2,980	\$0	\$163
Cr Mayer	3	\$2,450	\$0	\$66,000
Cr Hampton	14	\$8,294	\$1,050	\$0
Cr O'Reilly	0	\$0	\$0	\$0
TOTAL	147	\$ 49,776	\$ 1,550	\$ 655,663

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
30-Jan-17	13.8	NOM 1265 - Cleanliness of Frankston City Cr Bolam	<p>Council Decision: Moved: Bolam Secoded: Aitken</p> <p>To ensure the cleanliness of our streets, parks and reserves – Council resolves that the following measures occur:</p> <ol style="list-style-type: none"> 1. That the CEO reviews the management of the cleaning maintenance of all council land and presents a maintenance model to Council's satisfaction in May 2017. The model must ensure Council land is maintained to an agreed service level which also includes random audits against the service levels. 2. That a letter be sent to Frankston MP, Mr Paul Edbrooke and the relevant government Ministers expressing concern about the presentation and cleanliness of land belonging to VicRoads in the Frankston LGA. The letter outline the proposal of a pilot project between Council and VicRoads to implement a cleaning maintenance program at an appropriate and similar service level to that endorsed by Council as a consequence of the maintenance service review and further, the council undertake maintenance works on their behalf on the proviso that VicRoads be invoiced for services rendered. 3. That a letter be sent to Frankston MP Paul Edbrooke and the relevant government Ministers expressing concern about the presentation and cleanliness of VicTrack land and that Council, should there be no improvements by May 2017, considers it option to pursue issuing infringement notices for unsightly land under the General Local Law No. 8. 4. That the outcome of the responses from VicRoads, VicTrack and the State Government be included in the report to council in May 2017. If the responses are not to the satisfaction of council it considers options including a public campaign to State Government to compel VicRoads and or VicTrack to improve its cleaning regime on the land for which they are responsible. 5. That a 'rapid response' team be established to improve responsiveness to community requests for maintenance of a reactive nature. Such a team would be able to respond to reactive requests quickly, which in turn would ensure programmed maintenance activities remain on track. The team also report any unsightly private land to Council's Authorised Officers for follow up investigation and infringement. 6. It be noted that council formally impounds abandoned trolleys found on council/common land under the appropriate subject to General Local Law Number 8. Council officers are to seek formal Australian Tax Office advice to assess Council's ability to 'donate' a proportion of shopping trolley impound and or release fees to the Frankston Charitable Fund and include the advice in the May 2017 report to Council. 7. That state legislative provisions to curtail rubbish dumping outside private properties are included in the May 2017 report. If considered necessary recommendations regarding the need for further legislative change also be included. 8. That a detailed letter be prepared and included in the next rates notice to all property owners on the rates register to remind them of the council's expectations that they ensure no rubbish is placed the nature strip outside of the provisions for hard waste collections. 9. That officers improve and provide a supportive customer service response to public reports of dumped rubbish and abandoned shopping trolleys and this also be considered in the May 2017 report. 10. The document titled "Possible Initiatives to Rid the City of Trolleys and Rubbish" (Seiffert, B. 2017) also be considered in the May 2017 report to Council. <p>CARRIED UNANIMOUSLY</p>	Gill Kay	<p>31 October 2017 - The report is scheduled for a Councillor briefing 4/12/17</p> <p>02 October 2017 - Report was considered back to Council at its 25 September 2017 meeting. Was deferred.</p> <p>11 September 2017 - Response to NOM1265 is going to Council on 25 September 2017.</p> <p>31 July 2017 - A briefing has been scheduled for 21/8. A further report will come back to Council OM 4/9</p> <p>19 July 2017 - Additional staff member has been appointed to address the trolley issues. Outcome cost added.</p> <p>10 July 2017 - A meeting has been scheduled on 13/07/2017 with Councillor Bolam and Mr Seiffert to discuss his recommended initiatives.</p> <p>21 June 2017 - A meeting has been sought with VicTrack and VicRoads to discuss maintenance. A separate meeting has been arranged with Councillor Bolam and Mr Seiffert to discuss his recommended initiatives.</p> <p>20 June 2017 - A report was provided to 22 May OM and deferred until September for further information</p> <p>13 June 2017 - Report deferred for further discussion with Cr Bolam.</p> <p>01 June 2017 - Action reassigned to Gillian Kay by Andrea Gaynor</p> <p>22 May 2017 - Report submitted to this meeting.</p> <p>1 May 2017 - Council Report will be provided to 22 May 2017.</p> <p>3 April 2017 Council report will be provided to May 2017 meeting.</p> <p>21 Feb 2017 -</p> <ol style="list-style-type: none"> 1. Noted - a report will be prepared 2. A letter has been sent. 3. A letter has been sent. 4. Noted 5. A Rapid Response Team had been established by the time of the January OM. 6. Advice from the ATO has been sought. 7. Noted 8. Finance Department has been requested to include a reminder in the next rates notices. 9. Officers have been requested to revise advice to customers. 10. A copy of the document has been requested. 	Primary Cost: \$4,412.75 (staff cost of \$1,452 removed)
30-Jan-17	13.17	NOM 1274 - Procurement Policies and Contracts Cr McCormack	<p>Council Decision: Moved: McCormack Secoded: Mayer</p> <p>That a review be undertaken of all procurement policies and contracts for goods and service provision to Council and a report be provided to Council within 12 weeks detailing where efficiencies could be achieved and where further local investment can be promoted.</p> <p>CARRIED UNANIMOUSLY</p>	Martin Poole	<p>02 October 2017 - As per last note, changes to this request will be submitted to the Audit and Risk Committee.</p> <p>11 September 2017 - As per last note, changes to this request will be submitted to the Audit and Risk Committee.</p> <p>13 July 2017 - As the report was deferred to include further changes these will need to be referred to Council's Audit and Risk Committee for the 22 September 2017. The report will go back to Council at the Ordinary Meeting for 16 October 2017.</p> <p>10 July 2017 - As per last note, changes to this request will be submitted at the Audit and Risk Committee.</p> <p>20 June 2017 - Reponse to this NOM was submitted to Council Meeting in May but was deferred to include further changes. These changes will need to be referred to Council's Audit and Risk Committee. The report will go to Council in October 2017.</p> <p>22 May 2017 - Report submitted to this meeting.</p> <p>1 May 2017 - Council Report will be provided to 22 May 2017.</p> <p>3 April 2017 No change to the status.</p> <p>24 March 2017 - Action reassigned to George Vass</p> <p>14 Mar 2017 - 2:12 PM - Report will be presented to May 2017 meeting.</p> <p>21 Feb 2017 - 2:36 PM - Review process will be undertaken in accordance with NOM.</p>	Primary Cost: \$400

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
20-Feb-17	13.4	NOM 1279 – Local Government/State Government Financial Arrangements Cr Hampton	<p>Council Decision: Moved: Hampton Secoded: Mayer</p> <p>That:</p> <p>1. The Council write to the Premier of Victoria, the Treasurer of Victoria and the Minister for Local Government, to again highlight the future loss of revenue to Local Government as a result of the introduction of Rate Capping and that it will diminish Council's capacity to provide services and major projects.</p> <p>2. The Council call upon the Premier of Victoria and the Treasurer of Victoria, to undertake an urgent review of all current legislation that imposes financial burdens on Local Government in having to pay levies to the State Government eg, Waste Levy, Building Levy, Dog and Cat Registration Levy due to the impact of the Rate Capping legislation and that support for the legislative review be sought from the Minister for Local Government on the basis of the commitment to the State/Local Government Accord.</p> <p>3. The Premier of Victoria be requested to review the legislation whereby Local Government is required to pay annually for Fire Plug Maintenance on the basis that the Fire Services Levy pool of funding is significantly higher now due to it being linked to Local Government rate bases and the Fire Plug Maintenance could be funded from this fund and the Minister for Local Government be requested to support this request in the spirit of the State/Local Government Accord and recognising the impact of Rate Capping on Councils.</p> <p>4. The Premier of Victoria and the Treasurer of Victoria be requested to urgently review the prohibition placed upon Local Government to not be able to apply rates charges on State Government property in recognition of the impact rate capping and amend legislation to allow for rates to be levied on State Government properties.</p> <p>5. The Member for Frankston and the Member for Carrum be called upon to support Council in its efforts to address the imbalances and requirements that the current legislation imposes on Local Government in having to pay levies to the State Government and not being able to impose charges on State Government.</p> <p>6. Council writes to all members of State Parliament representing the municipality raising its concerns and seeking support for legislative change to address the imbalance.</p> <p>7. Council reconsider its membership with the VLGA so as to have a vehicle to promote these recommendations within the Local Government forum and also with the State Government.</p> <p>8. A decision be made at the next Ordinary Meeting on our VLGA membership.</p> <p>CARRIED UNANIMOUSLY</p>	Michael Craighead	<p>21 August 2017 - Follow up letters sent to all parties seeking a response.</p> <p>31 July 2017 - No response to the letter sent to Kathryn Arndt (VIC Local Governance Association), Mr Paul Edbrooke (member for Frankston), The Hon Matthew Guy (Leader of the VIC State Opposition) and Mr Timothy Pallas (Treasurer of VIC).</p> <p>Acknowledgement letter from The Hon Natalie Hutchins MP (Minister for Local Government) and a response from The Hon Daniel Andrews MP (Premier of VIC).</p> <p>13 June 2017 - No change to status. Council voted against rejoining the VLGA at 22 May 2017 OM301.</p> <p>22 May 2017 - No change on State Government matters. Letter received from VLGA dated 5 May 2017 (A3349018). VLGA report submitted to this meeting.</p> <p>1 May 2017 - Councillor Briefing on VLGA membership held on 18 April 2017.</p> <p>No response to report to 1 May 2017 from letters sent.</p> <p>Additional Cost \$150.</p> <p>3 April 2017 - Working towards a briefing to Council by VLGA. Report will be provided following the Councillor Briefing.</p> <p>14 Mar 2017 - 2:18 PM - Letters have been written to all nominated in the various recommendations.</p>	Primary Cost: \$600
3-Apr-17	13.1	NOM 1295 - Mental Health Cr O'Connor	<p>Council Decision: Moved: Councillor O'Connor Secoded: Councillor Toms</p> <p>That Frankston City Council writes to both the (State) Minister for Mental Health, The Hon. Martin Foley, and the (Federal) Minister for Health, the Hon. Greg Hunt, advocating for improved local mental health services and increased local mental health awareness.</p> <p>Prior to this occurring, the CEO is to instruct officers to identify specific service shortfalls in Frankston which require rectification. This should be reflected in the letter to the relevant ministers. The final draft of this letter is to be provided at the May Council meeting for consideration. This letter should form the basis of Frankston City Council's future advocacy relating to mental health based outcomes in the Frankston municipality.</p> <p>Carried Unanimously</p>	Liz Daley	<p>11 September 2017 - Phone calls were made on 18 July 2017 to Ministers offices who indicated a response was pending. Awaiting these responses.</p> <p>21 August 2017 - Phone calls were made to the (State) Minister for Mental Health, The Hon. Martin Foley, and the (Federal) Minister for Health, the Hon. Greg Hunt, offices on 18 July 2017. The Hon. Greg Hunt's office advised the letter is with the Ministerial office to prepare a response. The Hon. Martin Foley's office advised letters are with advisors, response will follow in a few weeks.</p> <p>10 July 2017 - Awaiting on response to letters sent to relevant Ministers on 14 June 2017.</p> <p>21 June 2017 - The letter was submitted to Council for endorsement OM 22/5 and sent to the relevant Ministers.</p> <p>13 June 2017 - Letter approved by Council and sent to all intended recipients. Primary cost of \$1,580 added.</p> <p>22 May 2017 - No change to the status.</p> <p>1 May 2017 - Letters being prepared along with report.</p>	Primary Cost: \$1,580

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
3-Apr-17	13.5	NOM 1299 - Level Crossing Removal Cr McCormack	Moved: Councillor McCormack Seconded: Councillor Bolam 1. Requests from the Level Crossing Removal Authority and the Hon Jacinta Allen MP, Minister for Transport, as a matter of urgency, the release of all technical reports and associated information to the Council and community, which provides justification for the chosen options for treatments at the Frankston railway line grade separations located within the Frankston municipality. 2. Notes that the State Government has failed to provide all of the information as requested previously by Council to date. 3. Technical information also be sought on the proposed – and council opposed – Seaford/Kananook train stabling yard. Carried Unanimously	Kate Jewell	27 November 2017 - Two (2) letters have been sent in regards to this Notice of Motion (NoM), the initial letters and a follow up email noting original correspondence. Due to only a partial response being received, we propose that this NoM now be archived. If future correspondence is received in response to the letters, it will be made available to the Councillors. 31 October 2017 - As at 19 October 2017 no response on follow up from the Minister's office following a phone call made 13 September 2017. Partial response only (technical information) received from LXRA as per 27 September 2017 officer comment. 02 October 2017 - Still no reply from the Minister for Public Transport on letter sent (see 13 September 2017 entry for relevant action taken to date). Letter received addressed to the Mayor dated stamped 21 September 2017 from Adam Maguire Project Director LXRA noting the following: "With regards to the request for groundwater data for the Seaford Road project, as discussed at the meeting, the geotechnical and groundwater flow data gathered is very technical, especially considering the local environment in the area, including the wetlands and Kananook Creek. These elements, along with the complexity of removing the level crossing means analysing the data and understanding the impact of the level crossing removal method requires specialist knowledge and experience, that is generally possessed by experts in the hydrogeology field. Given this, the raw data has not been released, however the understanding the community and Council's desire to understand potential local impacts, we have published a technical report that covers that impact, changes to groundwater could have on the nearby Seaford Wetlands and Kananook Creek. The report is available at levelcrossing.vic.gov.au/crossings/seaford-road-seaford . I encourage Council to review this report if not already done so." 13 September 2017 - Follow up phone call - 13/9/17 - 11.57am. Spoke with Trina in the Minister's office noting recent email sent to Mayor 11 September 2017 however the letter attached was not responding to this specific matter. Trina from Minister's office will follow up the 4 April 2017 dated correspondence attached to the email sent 7 September 2017 and provide further advice shortly. 11 September 2017 - Matter raised with Project Director Adam Maguire during Council briefing -	Primary Cost: \$100
1-May-17	13.2	NOM 1301 - Eel Race Road Closure Opposition Cr Bolam	Moved: Councillor Bolam Seconded: Councillor Aitken That Frankston City Council writes to LXRA, the Premier of Victoria (The Hon. Daniel Andrews), the Opposition Leader of Victoria (The Hon. Matthew Guy), the Minister for Transport (The Hon. Jacinta Allan) and the State Member for Carrum (Ms. Sonya Killkenny), expressing concern of the closure of Eel Race Road. Much like the recent decisions relating to Overton Road (Seaford), Seaford Road (Seaford) and the sudden announcement of a train stabling facility at the Kananook Railway Station (Seaford), the process has once again failed Frankston residents in that no consultation and no justification was evident in arriving at this decision. Frankston City Council formally opposes the closure of Eel Race Road on a number of grounds including the increase of congestion, particularly on Railway Parade (Seaford), Armstrongs Road (Seaford) and Station St (Seaford); and the impact that this will have on the amenity/character of Seaford and pedestrian safety. Council commits to this new position given contemporary community feedback. Carried Unanimously	Kate Jewell	27 November 2017 - Two (2) letters have been sent in regards to this Notice of Motion (NoM), the initial letters and a follow up email noting original correspondence. Due to only a partial response being received, we propose that this NoM now be archived. If future correspondence is received in response to the letters, it will be made available to the Councillors. 31 October 2017 - As at 19 October 2017 - no formal reply from Premier and Member for Carrum. No acknowledgement of follow up emails that were sent 7 September 2017 either. A reply has been received from The Hon. Matthew Guy MP Opposition Leader - reply sent to the Mayor directly noting the correspondence and an extract from the letter notes 'the Liberal Nationals Coalition shares Council's concern at the impact that the closing the road would have on traffic flow, congestion, and neighbourhood amenity and safety, as well as the lack of consultation by the Andrews Labor Government's Level Crossing Removal Authority.' A reply has been received from Level Crossing Removal Authority sent directly to the Mayor noting the correspondence and an extract from the letter notes 'The short distances between the Patterson River, the Station level crossing and the Eel Race Road level crossing requires the two level crossings to be removed with the same design solution. Given this, significant work was undertaken to consider options in the area and it has been determined a rail trench solution under McLeod Road is not technically possible.' 02 October 2017 - Still no reply from the Premier, Opposition Leader and Member for Carrum as at 27 September 2017. Noting follow up and investigation comments made on 7 September 2017 07 September 2017 - As per Council Resolution procedure - investigated outstanding reply to Council's correspondence. Letter had been received by the Mayor's office from the Minister for Public Transport, the hon. Jacinta Allan MP relating to the decision for Council to change its position on the Eel Race Road level crossing. Noted our views however noted 'we are now getting on with it, and called for EOI to remove the Eel Race Road crossing and others along the Frankston line.' Thanked Council for writing to her. Letter was not copied to any other departments or the Premier. No official reply from the Premier, Opposition Leader and Member for Carrum as at 7 September 2017. Reminder email sent 7 September 2017 enquiring if reply is forthcoming. Awaiting reply.	Primary Cost: \$100

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
22-May-17	13.7	NOM 1318 - Metropolitan Waste and Resource Recovery Group Cr Hampton	Moved: Councillor Hampton Seconded: Councillor Aitken That Council formally endorse the Notice of Motion carried at last meeting of the Metropolitan Waste and Resource and Recovery Group (MWRRG) which read as follows: "That the MWRRG write to the Minister for Energy, Environment and Climate Change and Shadow Minister for Energy and Resources requesting that funding generated through the collection of the Municipal and Industrial Landfill Levy be constrained to the purpose for which the Levy was introduced and raising concerns with the Levy funds being allocated to supplement Park Victoria initiatives not related to the purpose of the Levy" Also forward to the MWRRG this endorsement along with all the amounts of money collected by this Council and which has been passed on to the State Government over the last 10 years from the Levy and what this Council has received back from the Government in programs associated directly with this Levy over this same period." Carried Unanimously	Bruce Howden	27 November 2017 - In November Waste forum meeting MWRRG reported that the Forum is writing to Minister D'Ambrosio advocating for additional Sustainability Fund investment and will include the position paper which outlined the process for prioritising funding from workshop in Sept. 10 July 2017 - Letter from Mayor has been sent to MWRRG. 20 June 2017 - The letter to MWRRG has been drafted and provided to Cr Hampton for any additional changes/inclusions. The letter will be finalised and sent out week commencing 19/6/17. 13 June 2017 - Letters have been prepared. Primary Cost added \$75.00 (A3365636 and A3367373)	Primary Cost: \$75.00
22-May-17	13.8	NOM 1319 - Access to Hindu Temple via Boundary Lane Cr Hampton	Council Decision: Moved: Councillor Hampton Seconded: Councillor Mayer That the CEO investigates the cost required to open Boundary Lane to one way vehicular traffic as an alternate entry into the Hindu temple on Boundary Road and that a report be provided to the 13 June Ordinary Meeting. Carried Unanimously	Phil Cantillon	27 November 2017 - Discussion with Hindu Temple Committee to occur in December 2017. 02 October 2017 - Report was considered back to Council at its 25 September 2017 meeting. Was deferred. 12 September 2017 - Subject of a report to Ordinary Meeting on 25/09/2017. 21 August 2017 - The Officer met with a Fulton Hogan representative onsite to discuss requirements to make Boundary Lane accessible. A preliminary scope of works includes: Lowering entrance and culvert under Strip and clean area prior to placement of rock (removal of any soft spots) Placement and compaction of approx. 300 tonne of rock Install approx. 250m gaurdrail along creek side, and is estimated to be \$120K plus to complete. 10 July 2017 - Officers have met with Councillor Hampton who indicated gravel access may be appropriate. Officers are investigating existing conditions and low cost improvements to facilitate access. 20 June 2017 - A meeting has been arranged with Councillor Hampton to explore options further. 13 June 2017 - An update has been included in the Resolution Progress report for 13 June indicating costs for the investigation to occur.	
22-May-17	13.1	NOM 1321 - Wells Street Lighting Cr Aitken	Moved: Councillor Aitken Seconded: Councillor Toms That the Chief Executive Officer oversee the works required to ensure all lighting in Wells Street is made fully operational and that this be completed within four weeks of this motion being adopted by Council. Carried Unanimously	Phil Cantillon	27 November 2017 - Electrical repairs undertaken, 2 lights to be reinstated following works in Young St. 31 October 2017 - Remedies to correct the anomalies have progressed. Data controllers are in, up lights are being installed under 3 trees and a solution to gravel over the lights also being undertaken. 02 October 2017 - Electrical works are underway to locate and remedy the situation. Up lights in centre Wells Street will be \$10K to replace and a solution to gravel is \$9,500. These will be funded by maintenance and reprioritising work respectively. Efforts to ensure original completed work is continuing. 11 September 2017 - Electrical works are underway to locate and remedy the situation. 31 July 2017 - Original installer attended meeting and identified unfinished work 17/7/17. Electrical contractor has fixed a number of issues but identified some further safety issues 17/7/17 22 June 2017 - The original installer of the lights has been contacted. He is available second week of July to advise on rectification 13 June 2017 - In order to effectively action an electrical engineer is required to assess the cause of persistent problems. Identifying of remaining issues occurring.	
22-May-17	C.7	NOM 1311 - St Kilda Football Club Withdrawal Cr Bolam	Under Separate Cover	Liz Daley	Under Separate Cover	

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
13-Jun-17	13.2	NOM 1316 - Frankston Ambassador Cr Bolam	<p>Council Decision: Moved: Councillor Bolam Seconded: Councillor Toms That the following be actioned in regards to the Frankston Ambassador site: 1 A quarterly report to councillors and relevant officers highlighting the numbers of Notices to Comply and Infringements issued relating to unsightly and dilapidated building be prepared. 3 Subject to credible advice and reasonable cause, Authorised Officers inspect accommodation units at the Ambassador to ensure all compliance codes are being met. The findings from the initial audit of this site be provided to Councillors and relevant officers. 4 Council officers survey residents in the vicinity of the Ambassador about their perceptions of safety, amenity and quality of life as neighbours of the Ambassador. The results of the survey should contribute to exploration of 'eminent domain' (compulsory acquisition) of the Ambassador site with the local MP and relevant Ministers. 5 Council officers source examples of unsightly and dilapidated clauses in other municipal local laws to determine if improvements can be made to Frankston general local law No. 8. 7 All directives are to be responded to in the form of a report no later than November 2017. Carried Council Decision Moved: Councillor Bolam Seconded: Councillor Toms That the following be actioned in regards to the Frankston Ambassador site: 2 Council officers meet with the new owner of the vacant land at the Ambassador site to enable an understanding of their plans for redeveloping the site and any short term options to improve the appearance of the site. 6 Council officers investigate and infringe dumped rubbish and also explore opportunities to work with Victoria Police and Sherriff's office to address anti-social and criminal behaviour in and around the Ambassador site. Carried Unanimously</p>	Leonie Reints	<p>27 November 2017 - Recommendations were carried and report due back to council in January 2018 outlining opportunities to explore the options of eminent domain. 31 October 2017 - A report has been prepared to go to Open Council Meeting in November to report on responses from the survey. 02 October 2017 - A survey has been sent to households in the vicinity of the Ambassador to ascertain any negative experiences. 11 September 2017 - Building Services in the conjunction with CFA & VicPol inspected the Ambassador 29 August. As a result of this inspection and a report is currently being written. A survey has been developed and distributed to neighbouring properties within 200 metres of the Ambassador. Responses will be collated and included in the report to be presented to Council 23 October 2017. 28 August 2017 - A joint visit at the Ambassador with Frankston Council Building Services, CFA & VicPol was undertaken 29 August 2017, a report will be written once CFA provide their report. The survey has been delivered to residents living in the vicinity of the Ambassador with a closing date of 22 September 2017. A report will be presented at the Ordinary Meeting in November 2017 to respond to this NOM. 21 August 2017 - The new owner has been contacted and advised that he intends to submit a Planning Application by November 2017 and hopes to commence work by April 2018. the new owner has a team who will regularly maintain the site. Continuous liaison with Police will identify support unities to work together. A joint visit to the Ambassador is scheduled for August 2017. 31 July 2017 - Following a meeting held 19 July 2014 with Senior VicPol Officers, Cr Bolam and FCC Officers a report will be written for council meeting 9 November 2017. 10 July 2017 - 1) Unslightly and dilapidated NTC and infringement will be included in a quarterly report. 3) Noted 4) A survey will be designed and distributed.</p>	Primary Cost:
13-Jun-17	13.3	NOM 1325 - Student Action Grants Cr Bolam	<p>Council Decision: Moved: Councillor Bolam Seconded: Councillor Aitken That a report be provided to Council at the September 2017 Ordinary Meeting on the introduction of a new grants route for primary and secondary student representative councils and/or local youth movements (i.e. Scouts) designed for such groups to identify local advocacy campaigns to bring about positive improvements. Grant inclusions are to include minor funding for appropriate projects and/or in-kind support by officers to assist in progressing appropriate projects (i.e. assisting with submission writing / advocacy / advertising / hiring of facilities). Any grant considered must be deemed appropriate and should be accompanied with sufficient information to demonstrate the need basis, as well as forward planning (i.e. 'action plan'). The model to base this report upon should be the work done by the Student Representative Council of Karingal Park Secondary College in the early 2000's to bring about the creation of 'Nats Track' in Karingal. This was a community-wide beneficial project and greatly enhanced students feelings of belonging in the area (i.e. they felt they were listened to). The report should consider the overall grants mechanism (i.e. grants vs. in-kind support vs. hybrid), the monetary amount that a fiscal grant amount will carry per representative council/association, and the role the Frankston Youth Council could perform in either authorising such grants or referring such grants to Council for approval. Carried Unanimously</p>	Liz Daley	<p>27 November 2017 - Funds referred to mid-year budget. 31 October 2017 - A Councillor Briefing is being scheduled for 30 October, after which, the report will be presented to Council. 11 September 2017 - A Councillor Briefing is being scheduled, after which, the report will be presented to Council. 21 August 2017 - A report has been scheduled to come to 4th September 2017 Ordinary Meeting. 31 July 2017 - Report is being developed for September Council meeting. 06 July 2017 - Meeting requested with Councillor to seek direction. 20 June 2017 - A report has been scheduled to come to 25/9 OM</p>	Primary Cost:
13-Jun-17	13.6	NOM 1328 - Consultants Register Cr Hampton	<p>Council Decision: Moved: Councillor Hampton Seconded: Councillor Aitken That: 1. Council produce a register of consultants and or any companies which have invoiced Council for services provided and the amounts invoiced for the work they have undertaken; 2. A brief description of the services and the name of the officer(s) who initiated the consultancy and or services, also the department(s) who used them, be included in the register; 3. This is to include any legal advice obtained; 4. This register be updated on a monthly basis and be made available to Councillors. 5. Tenders that have come before Council for approval are to be included in this register. Carried Unanimously</p>	Martin Poole	<p>27 November 2017 - The confidential transaction listings register will be updated monthly and can be viewed in the office of the Manager Administration and Corporate Projects by appointment from Friday 11th August. Michael Craighead - telephone 9784 1709. Copies of the document will not be permitted. Request NoM to be archived. 21 August 2017 - The confidential transaction listings register will be updated monthly and can be viewed in the office of the Manager Administration and Corporate Projects by appointment from Friday 11th August. Michael Craighead - telephone 9784 1709. Copies of the document will not be permitted. 10 July 2017 - Investigating request for report information inclusion re: officer and department raising invoice. 20 June 2017 - A register of payments made to companies for services delivered to Council will be made available monthly in the Councillors lounge area for perusal.</p>	Primary Cost:

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
13-Jun-17	13.10	NOM 1333 - Enquiry to Wells Street Lighting Cr Aitken	Council Decision: Moved: Councillor Aitken Seconded: Councillor Toms That an immediate and a full enquiry be made into the special effect lighting in Wells Street and that a working party be established comprising the Mayor, CEO and interested Councillors who will work harmoniously together to oversee the project to achieve a satisfactory outcome. Carried	Gillian Kay	02 October 2017 - Requested status update to present at Council Meeting the 25/09/2017. A gravel solution has been sourced and an RFQ prepared. This will ensure gravel/bark cannot be kicked over the up lights. Replacement bulbs for the older up lights outside the entertainment centre have been sourced at a significant cost. These are imported. Please also see NoM 1321. 21 August 2017 - All of the lighting has been audited and maintenance undertaken. Additional up lights installed where they were previously missing, seat lighting is working and new safety certificate issued where 'issues' were identified. The lighting expert will be in Frankston week of 21st August 2017 to install DX data cable box to program feature lighting. A solution to gravel is being sourced. The 'pot' lighting outside the Entertainment Centre is now connected to power (and lights) but not data cabling due to impact on paving. 31 July 2017 - Officers are working with the original lighting designer and an electrical contractor. safety issues and incomplete wiring have been identified and will be resolved. A solution to the gravel is also being explored and costed 19 July 2017 - Meeting held with Councillors and updated on the action take to get the lights to work. 20 June 2017 - A meeting with interested Councillors and CEO will be organised	Primary Cost: \$150
3-Jul-17	13.13	NOM 1347 - Budget addition for Pre-Schools Cr McCormack	Council Decision: Moved: Councillor McCormack Seconded: Councillor Toms That the sum of \$5,000 be made available to each parent association of pre-schools within the municipality to assist with renewal works, maintenance, three year old kindergarten programs, advertising, children's necessities and the like. This funding is to be made available in this current year budget (from the operating surplus of Frankston City Council's 2017/2018 Budget) and each association be notified of the funding allocation and its purpose. Carried	Joanne Ferrie	11 September 2017 - Invoices continue to be received for processing. 22 August 2017 - Noted- awaiting end of financial year account reconciliation. 19 July 2017 - Correspondence is being prepared to send to all pre-schools with a parent association with a view to this action being completed by the end of the 31 July 2017	Primary Cost: (Outcome Cost of \$135,000 added)
3-Jul-17	13.7	NOM 1341 - Anti-Truancy Strategy Cr Bolam	Council Decision: Moved: Councillor Bolam Seconded: Councillor Aitken That Frankston City Council works with local schools, politicians and (state and federal) Department of Education officials, to crackdown on instances of truancy in local secondary schools. In order to facilitate this, the following actions should be undertaken: 1. Frankston City Council devises a strategy with local school principals and local politicians to curtail truancy and/or better detection of truants; 2. That the strategy includes what role council bylaws officers and Victoria Police could perform in identifying and mitigating truancy; 3. That the strategy includes views from the Frankston Youth Council insofar creative options to identify and curtail local truancy; 4. Advocacy to the Victorian Department of Education and Training (including the relevant minister and Frankston MP Paul Edbrooke), and the Australian Department of Education and Training (including the relevant minister and Dunkley MP Chris Crewther) to consider models, such as the 'Show Up, Standout' initiative currently operating in the United States, which pro-actively seek to decrease unexcused school absences; and 5. That progress on all directives be reported back to Council in November 2017. Carried Unanimously	Kim Kearsey	27 November 2017 - a report is scheduled to be presented to Council Ordinary Meeting 11/12/2017. 31 October 2017 - A meeting was held on Tuesday 29 August with representatives of DET, Victoria Police and Council officers. Detailed background information was given on the current measures used to address truancy which will be included in the Council Report. The report was due back to Council November however this has been delayed. 11 September 2017 - A meeting was held on Tuesday 29 August with representatives of DET, Victoria Police and Council officers. Detailed background information was given on the current measures used to address truancy which will be included in the Council Report. A further meeting will be held in September to continue to discuss this issue between the parties. 21 August 2017 - A meeting has been scheduled for 29 August to discuss truancy in Frankston. Representatives from DEECD and Victoria Police will attend along with Council officers and interested Councillors. 31 July 2017 - Youth Services staff have raised this issue with the Youth Council and provided feedback on areas to investigate further.	Primary Cost:
3-Jul-17	13.8	NOM 1342 - Mayor's Role of Speaking in Ordinary Meetings of Council Cr Aitken	Council Decision Moved: Councillor Aitken Seconded: Councillor Bolam That Council give consideration to amending the Governance Local Law when it is next reviewed; to require any Mayor who wishes to speak at an ordinary meeting (when it has been established that Councillors wish to speak to a motion), to speak immediately after the mover and seconder have spoken and where the seconder defers, then the Mayor is to speak in the space the seconder would normally have occupied. Carried Unanimously	Michael Craighead	31 October 2017 - Nearing finalisation of revised draft for further discussion with Councillors. 11 September 2017 - Working thru legal advice obtained 8 September 2017. Further discussion of points not yet agreed required to finalise the draft. 21 August 2017 - The proposed change has been incorporated into the revised draft Local Law which has yet to be settled and agreed by Council. Staff are seeking legal advice on several points of issue between Councillors and the matters will then be reconsidered by Council for a direction forward. Awaiting legal advice. 19 July 2017 - Noted. The proposal will be discussed with councillor in the Local Law workshop to be held on Monday 17 July and incorporated into the proposed revised Local Law to be adopted by Council in due course.	Primary Cost:

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Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
3-Jul-17	13.9	NOM 1343 - Use of Microphones in Council Meetings Cr Aitken	Council Decision Moved: Councillor Aitken Seconded: Councillor Bolam That all Councillors be required to turn their microphones on at Ordinary meetings of Council for the purpose of transparency and accountability. Carried Unanimously	Michael Craighead	27 November 2017 - Councillors have met and discussed. A requirement for all Councillors to use the microphone provided in the Council Chambers when in a Council Meeting has been incorporated into the revised draft Local Law which is nearing finalisation. 31 October 2017 - Councillors have agreed to meet on 8 November to progress the Local Law review. 11 September 2017 - A requirement for all Councillors to use the microphone provided in the Council Chambers when in a Council Meeting has been incorporated into the revised draft Local Law to be adopted by Council. This and other proposed changes are yet to be finalised with councillors. 21 August 2017 - A requirement for all Councillors to use the microphone provided in the Council Chambers when in a Council Meeting has been incorporated into the revised draft Local Law to be considered by Council when other matters are resolved 19 July 2017 - A requirement for all Councillors to use the microphone provided in the Council Chambers when in a Council Meeting will be incorporated into the revised draft Local Law to be	Primary Cost:
3-Jul-17	13.12	NOM 1346 - My Frankston App and Crime Stoppers Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Toms In addition to the street and park signage designed to increase awareness of the 'myFrankston' app and Crime Stoppers (per 'Hoon Driving Report'), the following should also be implemented: • \$9,000 be referred to the 2017/2018 Mid-Year Budget Review for the strategic placement of durable footpath/walking path street decals throughout the municipality, advertising the 'MyFrankston' app and Crime Stoppers. Council should also seek permission to have decals installed outside major shopping centres (i.e. Karingal Hub, The Gateway etc.) where footpaths are not owned by Frankston City Council. Carried Unanimously	Phil Cantillon	27 November 2017 - Reassessment of Budgets has identified installation of the decals as a part of the 2017/18 budget, all works are planned 2018 following consultation with the major shopping centres. 31 October 2017 - The officer has commenced assessment. 21 August 2017 - A status update to be provided in Jan 2018 following mid year budget review.	Primary Cost:
14-Aug-17	14.3	NOM 1354 - Urban Design Excellence` Cr Aitken	Council Decision: That a report identifying the ways in which urban design excellence may be embedded in all relevant Council processes and procedures be prepared by Council's planning department. This report is to outline the statutory planning methods currently employed by Council, and other metropolitan municipalities, which facilitate reputable urban design outcomes. The report is to also investigate alternative or additional approaches Council might adopt to improve the urban design quality of development applications. Carried Unanimously	Gill Kay	22 August 2017 - The Town Planning department will produce a report reviewing the processes Council currently employs to ensure urban design excellence is achieved in all new development applications. The department has commissioned a series of guideline documents to direct and improve the urban design and built form outcomes of medium and higher density development within the municipality. These will be presented to Council in conjunction with the findings and recommendations of the above-mentioned report.	Primary Cost:
14-Aug-17	14.6	NOM 1357 - Young Street Redevelopment Works Cr Aitken	Council Decision: That Council call on the State Government to release the full financials to date (Forecast and Actual) of the Young Street Redevelopment Works. Carried	Kate Jewell	27 November 2017 - Matter raised again with the Senior Project Manager at State Government at meeting held 14 November 2017. Noted reply forthcoming. 31 October 2017 - On the 5 October 2017, Senior Project Manager - State Government acknowledged receipt of letter and that a reply would be forthcoming. 02 October 2017 - No reply received to date. 11 September 2017 - Matter discussed with State on 25 August 2017. Official advice sent in a letter signed by the CEO and sent 6 September 2017 (A3436003). 21 August 2017 - Matter highlighted with the Senior Project Manager - State Government 17 August 2017. Listed for discussion with Council and the State at the next PCB meeting - Friday 25	Primary Cost:
4-Sep-17	14.1	NOM 1360 - Frankston CSR and Corporate Stewardship Cr Bolam	Council Decision: 1. That the Chief Executive Officer (CEO) prepares, for Council consideration at the November Ordinary Meeting, the creation of a formal Frankston City Council Corporate Social Responsibility (CSR) Policy and/or Strategy. The intent of either the policy or strategy to encourage Frankston City Council staff to tangibly increase volunteerism in the Frankston community and to articulate Frankston City Council's dedication to 'corporate stewardship'. This proposed approach is consistent with other organisations and municipalities. The CEO, in preparing the CSR, is to determine whether un sourced funds are required from Council to give the policy/strategy ample effectiveness; and 2. A separate report, also presented at the November Ordinary Meeting, is to be prepared in relation to increasing awareness of and commitment to 'corporate stewardship' practices by local businesses and industries. The intention of the report is to explore how to encourage more local businesses and industries to participate in worthy citywide cause (i.e. the Frankston Homelessness Fund and the Frankston Charitable Trust). Carried	Russell Joiner	27 November 2017 - Recommendation 2: A report will be presented to Council for consideration on 11 December 2017	Primary Cost:

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Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
4-Sep-17	14.2	NOM 1361 - Seaford Substation Cr Bolam	Council Decision: That a report be provided to Council at the December Ordinary Meeting on the iconic Seaford Substation. The report should consider: 1. The internal and external status of the Seaford Substation site; 2. Whether there is the presence of asbestos, signs of concrete cancer, concerns with the building's structural integrity; and 3. Future plans for the site, and the possible public use of the substation for community purposes (i.e. local museum, community hub etc). Carried	Gill Kay	27 November 2017 - No response has been received from PTV. A meeting date is being established with staff from PTV and the Local Member's office. 31 October 2017 - As at this date, no response has been received from PTV. 02 October 2017 - Background information within Council being researched and a draft letter prepared seeking status and PRV's future plans for the site and building.	Primary Cost:
4-Sep-17	14.5	NOM 1364 - Duplication of Lathams Road Cr Hampton	Council Decision: 1. That Frankston City Council supports the duplication of Lathams Road between Frankston Dandenong Road and the M3 Freeway. 2. Councillors request the CEO to make available the most suitable qualified Council Officer to join in a working group comprising the Committee for Greater Frankston and VicRoads to scope the remodelling of Lathams Road and to develop costings for its duplication. 3. Once the costing have been established, Council vigorously lobby State Government to complete this project. 4. That the duplication of Lathams Road project is added to the Council Advocacy priorities for the upcoming State and Federal elections. C/U	Brad Hurren/Sam Jackson	27 November 2017 - Council officers attended working group meetings with Vic Roads to scope remodelling of Lathams Road. 02 October 2017 - An advocacy letter was sent to VicRoads 19 Sept informing of Council's resolution. A meeting was also convened by communications department of Council and consultant The Agenda Group on 25 Sept planning an advocacy strategy for this project. 11 September 2017 - Acting Director Community Assets had phone conversation with VicRoads Executive officer regarding the current State Govt priority of Lathams Road with a view to establishing a working group to develop the project and costings. A formal letter will now follow together with advocacy.	Primary Cost:
4-Sep-17	14.6	NOM 1365 - Victorian Wide EBA Cr Hampton	Council Decision: Alternate Recommendation by Cr Hampton That an information sheet outlining the benefits of a single Victorian wide EBA be produced and distributed to all MAV delegates prior to the May 2018 Conference. This information sheet is to outline the need for a single Victoria wide EBA agreement negotiated through the Fair Work Commission. The EBA is to have three separate sections – Inner Metropolitan, Outer Metropolitan and Country. That a final draft be brought back to Council for approval. Hampton / Aitken Carried	Russell Joiner		Primary Cost:
4-Sep-17	14.7	NOM 1366 - Official Invitations to the Head of State, Victorian Vice Regal and Government Leaders Cr Bolam	Council Decision: Given the electoral volatility of the state seat of Frankston, and the federal seat of Dunkley, the Council formally extends invitations to leaders from both levels of government to visit the Frankston municipality to discuss local issues of importance. This approach is consistent with council's state and federal advocacy efforts. The following is to occur: 1. Individual invitations are to be extended to the Premier and Opposition Leader to formally visit Frankston and meet with the Frankston City Council; and 2. Individual invitations are to be extended to the Prime Minister and Opposition Leader to formally visit Frankston and meet with the Frankston City Council. C/U	Dennis Hovenden	31 October 2017 - Letters to Prime Minister and Leader of the Opposition posted (A3463292). 02 October 2017 - Letters have been posted (A3449331 and A3448328). 12 September 2017 - Letters are currently being prepared.	Primary Cost:
4-Sep-17	14.8	NOM 1367 - Homelessness in Australia Cr Aitken	Council Decision: That a letter be drafted for approval of Council with the intent to send a communication to the Federal Government and all Councils in Australia calling on the Federal Parliament to dedicate adequate resources and finance to satisfactorily deal with the issues of homelessness in our country. C/U	Liz Daley	27 November 2017 - 1. Letter to Prime Minister (A3463984) signed by Mayor on 31 October 2017 and sent on 1 November 2017. 2. Letter addressed to Mayor of every Council (A3463999) signed by Mayor on 31 October 2017 and sent on 1 November 2017. 31 October 2017 - The draft letter will be presented to OM 16/10 for approval. 02 October 2017 - A letter has been drafted for Mayor's signature and will be sent to Federal Government and all Councils in Australia.	Primary Cost:
4-Sep-17	14.9	NOM 1368 - "Thumbs Up" Policy Cr Aitken	Council Decision: Alternate Recommendation (Cr G Aitken) That all Councillors be provided as soon as practicable with information of any major building project, development or approach by major organisations or other major bodies (once it is established that contact is genuine) or alternatively, a register be kept for Councillors perusal at their convenience. Council has a "no surprise" policy with future development and investment or approaches. C/U	Michael Craighead	27 November 2017 - Requesting NoM to be archived. 31 October 2017 - A Register has been established and is available for perusal by any Councillor on request. Notice of the registers availability has been provided to all Councillors in the Cr bulletin 11 September 2017 - A register is to be established and maintained by the Administration Department. Meeting to be convened on how best to populate the register in a timely manner.	Primary Cost:

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Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
25-Sep-17	14.2	NOM 1370 - Keyboard Cowards Cr Aitken	Council Decision: That the Chief Executive Officer request Council Officers to write to the Attorney General indicating that greater controls need to be put in place in respect to statements made through Facebook and social media, currently with limited or little accountability or penalty to the writer. Carried	Michael Craighead	31 October 2017 - Draft letters being prepared	Primary Cost:
25-Sep-17	14.3	NOM 1372 - Biennial Staff Engagement Survey Cr Bolam	Council Decision: 1. That Council refers to the budget every two (2) years, financial resources within future budgets to facilitate an organisation-wide 'Staff Engagement Survey'; and 2. That in the event Council allocates financial resources to facilitate an organisation-wide Staff Engagement Survey, the Chief Executive Officer be requested to keep the Council informed on the progress of future biennial surveys at integral stages Carried	Tim Frederico	31 October 2017 - 1. Will be referred to budget process. 2. Noted.	Primary Cost:
25-Sep-17	14.4	NOM 1373 - Funds from Trader's Assistance Package Cr Toms	Council Decision: That a report be presented at the November 2017 Council Meeting on any remaining funds from the traders assistance package being re directed to hold a street fair or night market with the purpose of bringing shoppers back to the Young Street precinct. This is in accordance with the wishes of the majority of traders in the Central Activity Area. Carried	Sam Jackson	31 October 2017 - Noted - a report will be presented at the next appropriate Council Meeting (Officers are awaiting the Statutory Meeting on 9 November 2017 to know when the next appropriate Council meeting is). There may be difficulty achieving a November deadline as the grants do not close until 1 November and the final assessment panel meeting is scheduled for 3 November 2017. Until this final meeting it will not be known how much funding is available to be considered for reallocation. 02 October 2017 - Noted - a report will be presented at the 11 December 2017 Council Report. This item will not be able to meet the reporting deadlines for the November Meeting (9 November 2017) as the grants do not close until 1 November and the final assessment panel meeting is scheduled for 3 December 2017. Until this final meeting it will not be known how much funding is available to be considered for reallocation.	Primary Cost:
25-Sep-17	14.5	NOM 1375 - East / West Wells Street Project Cr Hampton	Council Decision: In light of the findings around this project contained in the Pitcher Partners Internal Audit of Project Management, Council initiates a full forensic audit of this project. The Audit is to be conducted by an auditor experienced in Local Government tendering and project management processes, and an amount of \$25,000 be allocated for this purpose in the mid-year budget review. The audit is to determine who initiated the changes in the scope of the project during construction and the reasons and drivers behind it. The audit should also review the changes to the Project Management arrangements which led to the lead consultant, Aspect Studios Pty. Ltd. being removed from the project. It is expected that the Auditor will interview key staff and Councillors (both current and former) and contractors involved in the project. It should also review the process for the initiation of the scope changes and cost escalations and the timeliness of Council's approval of the changes. In consultation with the Chief Executive Officer, the Independent Auditor will prepare a brief for the scope of work to be completed. The scope is to be approved by the independent members of Council's Audit and Risk Management Committee by electronic resolution. The final report is to be presented to Council at its first Ordinary Meeting in 2018. Carried	Martin Poole	27 November 2017 - An auditor has been appointed; a project inception meeting is scheduled for 24 November 2017. 31 October 2017 - Scope is being prepared to allow for E.O.I. process to be undertaken.	Primary Cost:
16-Oct-17	14.1	NOM 1376 - Inconsistencies of Clause 52.48 - Bushfire Protection Exemptions (Known as the 10/30 Right) Cr Aitken	That Council make representations through all local Members of Parliament with reference to the inconsistencies of the Clause 52.48 – Bushfire Protection Exemptions (otherwise known as the 10/30 Right) The introduction of a uniform ability for residents to remove trees without any impediment when located within 10 metres of their house (if constructed or approved prior to September 2009), entirely negates the recognition particularly of highly important or heritage trees that contribute greatly to the streetscape. The irreparable damage to the character of local communities by the provision of this exemption as it currently stands means that vast numbers of trees are being removed throughout the greater Melbourne area in situations that are at either very low or negligible fire risk because of the blanket status of this provision. This is entirely against widely upheld state policy of greening our suburbs and represents an administrative measure which was taken at a moment of understandably high public emotion following the devastating bushfires of 2009. However, as outlined above the unfortunate nett effect is that vegetation has been removed from locations where it cannot be reasonably justified. C/U	Michael Papageorgiou	30 October 2017 - Letters are currently being drafted to Local members of Parliament referencing the inconsistencies of the clause.	Primary Cost:

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Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
16-Oct-17	14.2	NOM 1377 - McClelland Gallery Interconnectedness and Peninsula Link Cr Bolam	That a report be provided to Council on: 1. Improving relations with the McClelland Gallery; and furthering its interconnectedness within the greater Frankston community; 2. The potential loaning and/or gifting of sculptures - monuments to the municipality in secured and prefabricated locations to improve amenity and civic pride; and 3. Advocacy to the relevant authority on consultation with Frankston City Council/Frankston public on future sculptures - monuments on the Frankston portion of the Peninsula Link (i.e. chrome gnome, 'tree of life' etc.). 4. Advocacy to the relevant authority on the possibility of Frankston City Council utilising additional signage and flags, on the Peninsula Link portion of Frankston, to advertise Frankston and its surrounds (ie. Frankston Nature Conservation Reserve, The Pines Flora and Fauna Reserve, Langwarrin Flora and Fauna Reserve, Ballam Park, Frankston and Seaford foreshores, etc). A report to Council is to be provided in December on the outcomes of the above four considerations. C/U	Andrew Moon	27 November 2017 - A report is currently scheduled to come to OM11/12/2017 31 October 2017 - Currently scheduling a meeting with Cr Bolam	Primary Cost:
16-Oct-17	14.3	NOM 1378 - Restoration of roads damaged as a result of ongoing and future Level Crossing Removal Works Cr Bolam	That the Council formally writes to the LXRA organisation and relevant State Ministers expressing concern about the state of Council and non-Council roads within the municipality that have been impacted upon by heavy machinery, and increased patronage of large vehicles, due to ongoing (and future) level-crossing removal works. The Council seeks confirmation that Council roads and non-Council roads will be returned to the standard they were in, prior to the initiation of level-crossing removal upgrades. The Council is to make mention to particular roads that have been visibly affected by LXRA level-crossing removal efforts, such as Dandenong Road East (Frankston), David Street (Frankston) and Raymond Street (Frankston) that are now in need of resurfacing as a consequence of the aforementioned works. The CEO is requested to ensure that other damaged roads - beyond the three mentioned - are identified to enable Frankston City Council to relay to the LXRA organisation and the State Government the full scope of damaged roads that require remedial repairs upon the completion of level-crossing removal works. In the event that the LXRA organisation and relevant Ministers are unable to give a satisfactory commitment to the rehabilitation of damaged roads, due to level-crossing removal upgrades, then this matter is to form part of Frankston City Council's state election advocacy agenda. C/U	Kate Jewell	27 November 2017 - Response to the Mayor's office from the Hon. Luke Donnellan MP Minister for Roads & Road Safety - dated 14 November 2017 received 21 November 2017. Extract from letter "As this matter falls within the portfolio responsibility of Minister for Public Transport, the Hon Jacinta Allan MP, your email has been forwarded to Minister Allan's office for consideration." 21 November 2017 - Response provided from LXRA/Northern Alliance - Ben Ryan Alliance General Manager/North Western Program Alliance - dated 31 October 2017. Noting earlier letter sent - extract from letter "We are committed to protecting Frankston City Council (FCC) assets, and have gathered CCTV footage and pace tested all local roads within our area of impact." "As part of our overall commitment and our safety requirements, we will be setting up the project work area behind concrete new jersey barriers and will alter road linkmarking with temporary water borne technique that will last the duration of the project, and therefore require minimal removal at the end." 31 October 2017 - Letters signed by Mayor and sent 23 October 2017. - Project Director Michael Calkin (LXRA), Minister for Public Transport and Minister for Roads (A3467714, A3467711, A3467699).	Primary Cost:
16-Oct-17	14.4	NOM 1379 - Additional Food Safety Measures Cr Bolam	That a report be provided to Council at the December Ordinary Meeting on the potential implementation of the following two measures utilised by other municipalities in relation to food safety: 1. 'Eat Safe' database which is designed to encourage adherence to good food safety practices. The report is to explore the creation of an online database, available to the public as per the Brisbane City Council 'Eat Safe' model, as well as the use of certificates, which identify the food hygiene standard of given local businesses; and 2. The 'i'M ALERT' online food training program (or equivalent) which could be offered to new food-based businesses and/or non-complying food-based businesses. The report is to consider how the use of online certification - new and present - for food safety awareness can be better formalised for Safety and Compliance, as well as Planning, Environmental and Health purposes. Carried	Leonie Reints	31 October 2017 - Council is running similar programs to what has been recommended within this NOM. Officers will investigate the recommendations and prepare a report to come back to Council on the 11/12/17	Primary Cost:
16-Oct-17	14.5	NOM 1380 - Adding Value to Rates Cr O'Connor	That Council consider the inclusion of annual discount vouchers with annual residential and business rate notices. Vouchers for consideration should include the FRRRC (Frankston Regional Recycling and Recovery Centre), PARC (Peninsula Aquatic Recreational Centre) and the Frankston Arts Centre. The inclusion of vouchers with rate notices should be explored either on a recurrent basis or for the following budget periods: 2018/2019, 2019/2020 and 2020/2021. That a report be provided at the first Council Meeting in 2018 on the workability of the above proposition and/or a varied version. C/U	Kim Jaensch	31 October 2017 - A coordinated approach will be initiated with relevant Managers across the organisation to determine the options available and the associated costing/loss of income to implement this initiative.	Primary Cost:
16-Oct-17	14.6	NOM 1381 - Committee for the Future Occupancy of Linen House Cr Hampton	That a committee of interested Councillors, Chief Executive Officer and appropriate Council officers be formed to oversee the future occupancy of Linen House including the Expressions of Interest (EOI) that go out to organisations interested in participating. That this committee meet on a monthly basis and report back to Council on the issues covered. C/U	Liz Daley	27 November 2017 - Expression of Interest process, including committee, being drafted. 31 October 2017 - Committee will be established.	Primary Cost:

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Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
16-Oct-17	14.7	NOM 1382 - Increased Community Gardens in Frankston City Cr Toms	That a report be provided at the March 2018 Council Meeting on the practice of Community Gardens in the Frankston municipality. This report must consider: 1. Evaluation on how the four present sites are operating and what could be done to improve them. 2. Introduction of new sites to achieve greater municipal balance – Karingal, Seaford, Carrum Downs, Skye and Frankston South. 3. Investigate how to encourage residents / neighbourhood to create their own community garden cooperative. This is to include (but not limited to) grants, staff information sessions for residents, seeds and permit rental modification. C/U	Liz Daley	31 October 2017 - Report will be provided to March 2018 Council Meeting	Primary Cost:
16-Oct-17	14.8	NOM 1383 - Lack of consultation for Frankston Nature Conservation Reserve Cr McCormack	That Council: 1. Writes to the Minister for the Environment, the Hon Lily D'Ambrosio MP, expressing concern that there has been: (a) No community consultation regarding current management arrangements for Frankston Nature Conservation Reserve; and (b) No community consultation regarding access arrangements for Frankston Nature Conservation Reserve under the current management, noting that the reserve is presently closed to the public and that the Master Plan successfully implemented at the reserve, received overwhelming community endorsement during a thorough consultation period. 2. Seeks a meeting with Parks Victoria forthwith to discuss their future management and their proposed access arrangements. C/U	Michael Papageorgiou	31 October 2017 - A letter is currently being drafted to Minister for Environment Hon Lily D'Ambrosio expressing Councils concern	Primary Cost:
20-Nov-17	14.1	NOM 1384 - City Wide Summit Cr Bolam	That a report be provided at the January Ordinary Meeting on consolidated data derived during numerous public consultations (i.e. 'Think Big' workshops, Frankston 2025 brainstorming, Frankston City Community Plan outcomes etc.) in relation to unexplored initiatives designed to improve the Image of Frankston; and enhance civic pride. The ideas considered in the context of this report to Council should be tangible, realistic and within the confines of local government purview. Carried	Liz Daley		Primary Cost:
20-Nov-17	14.2	NOM 1385 - The Pines Flora and Fauna Reserve Cr Bolam	That a meeting be sought with Parks Victoria regarding the Pines Flora and Fauna Reserve. The Council is to request the meeting on the basis of: 1. The ongoing dumping of rubbish and vehicles in the reserve; 2. How Frankston City Council can work more closely with Parks Victoria and the 'Friends of the Pines Flora and Fauna Reserve' group insofar enhancing public safety and increased compliance with Frankston City Council and Parks Victoria bylaws. 3. Anti-social behaviour in the reserve including the use of monkey bikes/motorised scooters, vandalism, illegal fires and the consumption of alcohol; and 4. Exploring the installation of CCTV and signage (to deter anti-social behaviour) at the entrances of the reserve (notably the Ballarto Rd entrance). As well as appropriate Frankston City Council staff, interested Councillors, Parks Victoria representatives and the relevant local state member/s are to be invited (Paul Edbrooke MP and Sonya Kilkenny MP), as well as any representatives from the 'Friends of the Pines Flora and Fauna Reserve'. Carried	Michael Papageorgiou		Primary Cost:
20-Nov-17	14.3	NOM 1386 - Financial Literacy Assistance Cr Bolam	That Frankston City Council provides ongoing advertising for free financial counselling services (within the Frankston municipality) to assist Frankston residents and ratepayers in need of assistance with their financial affairs. This advertising is to include print media (i.e. 'What's On' columns, Frankston City News, Frankston City Council website etc.) as well as updates on social media (i.e. Twitter and Facebook). The sought advertising is to be budgeted and incorporated into existing advertising means. A memorandum is to be provided to Councillors on the execution of the proposed advertising campaign. Carried	Sam Jackson		Primary Cost:
20-Nov-17	14.4	NOM 1387 - Central Park in Frankston Cr Aitken	That a working party be established of appropriate officers and interested Councillors and any other party that the Councillors or Officers may see fit to consider various options, with a view, to establishing a significant green space in the Frankston town centre i.e. a central park, the results of which will be reported back to Council. The first meeting of the working party would be held prior to the Christmas break. Carried	Kate Jewell		Primary Cost:

Executive Summary

12.4 Councillor Training and Development Policy

Enquiries: (Russell Joiner: Corporate Development)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

Purpose

To provide a framework to enable the effective management and administration of the annual Councillor training and development budget and other Councillor training

Recommendation (Director Corporate Development)

That the Councillor Training and Development Policy be endorsed by Council.

Key Points / Issues

- At its meeting on 16 October 2017, Council resolved:
That Council:
 1. *Notes the report*
 2. *Notes that appropriate guidelines will be prepared to cover the use and management of funds allocated for Councillor training and development and presented to the December 2017 Council meeting*
 3. *Authorises Councillor Bolam and Councillor McCormack to attend the Company Directors Course. Expenditure is to be sourced from the Councillor's future training budgets up to 2019.2020.*
- A draft Councillor Training and Development Policy has been developed for endorsement by Council. The draft Policy covers the use and management of the Councillor training budget.
- The training and development budget is in addition to any corporate organised training which is provided for Councillors, including but not limited to:
 - Induction – a structured program of training and information at the commencement of each new Council term of office
 - Statutory obligations and responsibilities as a Councillor – the legal framework within which local government operates
 - Attendance at approved industry Conferences and seminars
 - Other relevant training e.g. media training.

Financial Impact

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

12.4 Councillor Training and Development Policy**Executive Summary**

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

Council may approve an annual training and development budget for Councillors which is included in Council's annual budget and which is provided equally to each Councillor.

Currently, that amount is \$3,000 per Councillor per year, or \$12,000 for the term of office of a Councillor.

Consultation**1. External Stakeholders**

Not applicable

2. Other Stakeholders

The Administration and Corporate Projects with the Financial and Corporate Planning departments have been consulted.

Analysis (Environmental / Economic / Social Implications)

Not applicable.

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

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

Legal

Not applicable.

Policy Impacts

The Policy needs to be considered in conjunction with the annual Budget, the

Officer's Declaration of Interests

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

Risk Mitigation

The Policy will ensure that Councillors are undertaking training and development with approved, accredited and/or registered training providers.

Conclusion

A draft Councillor Training and Development Policy has been developed for endorsement by Council. The draft Councillor Training and Development Policy covers the use and management of the Councillor training budget.

ATTACHMENTS

Attachment A: [↓](#) Draft Councillor Training and Development Policy

12.4 Councillor Training and Development Policy**Executive Summary****Issues and Discussion**

The key issues in the draft Policy are:

- Councillors will receive an annual Professional development Allowance (PDA) – currently \$3,000 per Councillor
- The PDA may, subject to the Policy, be used for:
 - Attendance at recognised and industry approved conferences, seminars or events
 - Participation in approved study and training courses that are relevant to their role and which provide a significant professional development opportunity to the benefit of Council
 - Individual training, coaching or mentoring
 - Other approved training and development.
- Use of the PDA is subject to the following conditions:
 - The PDA is not transferable between Councillors or available to be used for other purposes
 - An application for a Councillor to spend more than the specific annual PDA amount (currently \$3,000) in any single year, must be approved by a resolution of Council after consideration of a written submission from the Councillor requesting approval of the expenditure
 - All providers used are approved, accredited and registered with an appropriate body or association
 - No Councillor may spend more than the total projected PDA budget for their term of office (currently \$12,000) on their personal professional development in each term of office i.e. in any four (4) year period
 - Councillors must not personally pay for any training or development and seek reimbursement of expenditure. All training providers are required to invoice Council and will be paid by Council.
- Municipal Association of Victoria (MAV) 'credit points' will allocated be on equal share basis for each Councillor at the start of each year of the Council term of office.
- Where relevant to the role of the Mayor or Councillor, a Councillor may undertake **formal study**, subject to this Policy.
- Participation in any **formal study** must be approved by Council subject to the following conditions and considerations:
 - The course must be directly relevant to the role of a Councillor or Mayor
 - The course is formally recognised and accredited
 - The provider is a Registered Training Organisation (RTO) and holds appropriate professional accreditation and/or memberships etc
 - The indirect costs associated with and additional to the cost of enrolment in the course (e.g. location, accommodation, travel etc.)
 - The status of the qualification obtained, if applicable

12.4 Councillor Training and Development Policy**Executive Summary**

- Any Continuing Professional Development (CPD) requirements e.g. whether the course has mandatory CPD requirements to maintain the status of the qualification
- The potential for the training to be used for personal gain, future employment or income-earning opportunities.
- Failure to attend or failing to pass any required examinations or assignments will result in the termination of Council payment for the study i.e. Council will not pay for a Councillor to repeat a unit or part of a course.
- Course or tuition fees may be paid by Council up-front, subject to a resolution of Council.
- Where a Councillor is attending a conference, seminar or event as an authorised representative of Council, Council will:
 - pay the registration fees on registration of the Councillor
 - reimburse or pay all **reasonable expenses** for travel, transport, accommodation, meals and other necessary associated **out of pocket expenses** on production of appropriate tax invoices.
- After attending a conference, seminar, event or training course, a Councillor is required to provide a written summary to Council, which outlines:
 - the purpose of the conference
 - learning objectives and outcomes
 - matters of relevance to the Frankston municipality
 - issues for consideration by Council
 - any recommendations or actions.
- Expenditure under this Policy will comply with Council's Procurement Policy and Guidelines, as relevant and applicable.

Options Available including Financial Implications

There are no financial implications associated with the report.

The resource requirements associated with this report are included in the annual budget allocation of for this purpose.

Councillor Training and Development Policy

Record Number:
Issue:
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1. POLICY STATEMENT

Council recognises the importance of appropriate training and professional development to support and assist Councillors in the effective performance of their *official duties and functions*. Councillors are encouraged to undertake appropriate training and professional development during their term in office.

2. REASONS FOR POLICY

- To provide Councillors with support to undertake appropriate and approved professional development opportunities to:
 - assist and support them to undertake and effectively fulfil their roles and responsibilities as Councillors as set out in the *Local Government Act 1989 (Act)*
 - increase their understanding of the issues faced in local government
 - network with Councillors and Officers from other councils.
- To provide a framework for funding, approving, monitoring and accounting for training undertaken by Councillors.
- To ensure fairness, equity and consistency in the provision of and access to training and development opportunities.
- To ensure that funding for professional development is used for approved training and development purposes only.
- To provide transparency in, and accountability for expenditure on Councillor training and development.

3. SCOPE

This Policy applies to all Councillors.

4. AUTHORISATION

This Policy is approved by the Mayor and Chief Executive Officer (CEO), and is managed and monitored by the Manager Human Resources, in accordance with the resolution of Frankston City Council at its Ordinary Council meeting of xxxxxxxx.

Mayor

CEO

5. REVIEW

This Policy will be reviewed and presented to Council no later than three (3) months after each general Council elections, for inclusion in the budget for the first year of the new Council's term, or earlier if deemed necessary by Council.

Councillor Training and Development Policy

Record Number:
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6. PRINCIPLES

6.1 Council will provide Corporate training or development opportunities for all Councillors, including (but not limited to):

- Induction – a structured program of training and information at the commencement of each new Council term
- Statutory obligations and responsibilities as a Councillor – the legal framework within which local government operates
- Attendance at approved industry conferences and seminars.

6.1.1 Approved Corporate training provided for all Councillors in accordance with clause 6.2, is in addition to the training and development budget as set out in clause 6.2.

6.2 A specific Councillor training and development allocation may be made in the Council's annual budget, to meet the costs of Councillor's Professional Development, in accordance with this Policy.

Note: At the time of preparing this Policy [November 2017], the annual budget allocation is \$3,000 per Councillor per year, or \$12,000 per Councillor for the term of office.

6.3 Each Councillor will be entitled to an annual Professional Development Allowance (PDA) equivalent to an equal share of the annual training and development budget.

6.4 The PDA must only be used for participation in approved study and training courses relevant to the role of a Councillor which provide a significant professional development opportunity to the benefit of Council and support and assist Councillors to effectively fulfil their responsibilities as Councillors.

6.5 Subject to this Policy, the PDA may be used for:

- Attendance at recognised and industry approved conferences, seminars or events (in addition to any Corporate approved conferences under clause 6.2)
- Individual training, coaching or mentoring
- Other approved training and development.

6.6 The PDA may also be used to pay for *reasonable* costs relating to attending or participating in approved training or development, including:

- Travel and transport
- Accommodation
- Meals and other necessary out of pocket expenses.

6.7 Any travel to participate in training or development activities outside of the state of Victoria must be approved by resolution of Council and formally recorded in the Register of Overseas and Interstate Travel, as required by Reg.12(a) of the *Local Government (General) Regulations 2015*.

Councillor Training and Development Policy

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6.8 Use of the PDA is subject to the following conditions:

- The PDA is not transferable between Councillors and cannot be used for other purposes
- An application for a Councillor to spend more than the annual PDA allocation (currently \$3,000) in any single year, must be approved by a resolution of Council after consideration of a written submission from the Councillor requesting approval of the additional expenditure
- All providers used must be approved, accredited and registered with an appropriate body or association
- No Councillor may spend more than the total projected PDA budget for their term of office (currently \$12,000) on their personal professional development in each term of office i.e. in any four (4) year period
- Councillors must not personally pay for any training or development and seek reimbursement of expenditure. All training providers are required to invoice Council and will be paid by Council following confirmation that the requirements for accreditation and registration have been met.

6.9 MAV 'credit points'

- 6.8.1 Council accrues 'credit points' from training undertaken through the Municipal Association of Victoria (MAV). Allocation of the accrued 'credit points' will be on equal share basis for each Councillor at the start of each year of the Council term.
- 6.8.2 At the start of each year of the Council term the Manager Human Resources will provide advice to Council on the allocation of 'credit points' available to each Councillor.
- 6.8.3 'Credit points' may be used to supplement the PDA for any Councillor for any training undertaken through the MAV.
- 6.8.4 Councillors may not re-allocate any 'credit points' to another Councillor or use them for any purpose other than training and development.
- 6.8.5 Any accrued 'credit points' at the end of a Council term will carry over to the next Council term, for use by incoming Councillors.

6.9 Formal Study

- 6.9.1 A Councillor may undertake **formal study** relevant to the role of the Mayor or Councillor, subject to this Policy.
- 6.9.2 Participation in any **formal study** must be approved by Council resolution, subject to the following conditions and considerations:

Councillor Training and Development Policy

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Conditions

- The course must be directly relevant to the role of a Councillor or Mayor
- The course must be formally recognised and accredited
- The provider must be a Registered Training Organisation (RTO) and must hold appropriate professional accreditation and/or memberships etc

Considerations

- The indirect costs associated with and additional to the cost of enrolment in the course (e.g. location, accommodation, travel etc.)
- The status of the qualification obtained, if applicable
- Any Continuing Professional Development (CPD) requirements e.g. whether the course has mandatory CPD requirements to maintain the status of the qualification
- The potential for the training to be used for personal gain, future employment or income-earning opportunities.

- 6.10.3 The Manager Human Resources will provide advice on any **formal study** proposed to be undertaken by a Councillor.
- 6.10.4 Where a course extends beyond the Councillor's term of office, Council will only pay the fees and associated costs relating to the current term of office.
- 6.10.5 Councillors are required to provide appropriate evidence of attendance at and the successful completion of each unit of study.
- 6.10.6 Failure to attend or to pass any required examinations or assignments will result in the termination of Council payment for the study i.e. Council will not pay for a Councillor to repeat a unit or part of a course.
- 6.10.7 Course or tuition fees may be paid by Council up-front, subject to a resolution of Council.

Such payment must be refunded to Council in the event that the Councillor fails to complete a required unit or course of study, unless there are mitigating circumstances which are accepted and approved by the Mayor and the CEO.

6.11 Conferences, Seminars, Events and Training Courses

- 6.11.1 Where a Councillor is attending a conference, seminar or event as an authorised representative of Council, Council will:
- pay the registration fees on registration of the Councillor
 - reimburse or pay all **reasonable expenses** for travel, transport, accommodation, meals and other necessary associated **out of pocket expenses** on production of appropriate tax invoices.

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The costs of such authorised attendance are not part of and are additional to the Councillor's PDA.

6.11.2 Council will not reimburse personal expenditure by Councillors on alcohol.

Reimbursement of expenses is covered by the Councillor Expense Reimbursement Policy.

6.11.3 Councillors' attendance at conferences, seminars, events and training within the state of Victoria must be approved by the **CEO or delegate**, or as determined by **Council**, in order for reimbursement of associated expenses to be claimable.

6.11.4 Councillors' attendance at conferences, seminars, events and training outside the state of Victoria is subject to prior approval by Council after consideration of a submission from the Councillor and the advice of the **CEO or delegate**.

6.11.5 Matters relevant to the approval of a Councillor's attendance at a particular conference, seminar, event or training course are:

- (i) course topic, content, location, date and duration
- (ii) relevance of conference to **Council business** and the Councillor's personal development requirements
- (iii) analysis of the costs including the course, course material, travel and accommodation for the Councillor
- (iv) benefits expected to result from attendance.

6.11.6 Where overnight accommodation is required, the **CEO or delegate**, or as determined by **Council**, will arrange booking and payment for a Councillor's accommodation at the conference hotel (or appropriate nearby venue, in accordance with Council's Procurement Policy, if the cost is less than that promoted by the conference organiser).

6.11.7 After attending a conference, seminar, event or training course, a Councillor is required to provide a written summary to Council, which outlines:

- the purpose of the conference
- learning objectives and outcomes
- matters of relevance to the Frankston municipality
- issues for consideration by Council
- any recommendations or actions.

6.12 Procurement

Expenditure under this Policy will comply with Council's Procurement Policy and Guidelines, as relevant and applicable.

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7. ROLES AND RESPONSIBILITIES

- 7.1 Councillors will undertake agreed and approved training, including general training as set out in clause 6.2, above.
- 7.2 Councillors are required to actually attend and participate in any approved training and course.
- 7.3 Councillors must not personally pay for any training or development activity and then seek to be reimbursed. All training providers must invoice Council directly (and not an individual Councillor) for all training provided.
- 7.4 The Manager Human Resources will provide advice to Council at the start of each year of the Council term of office on the allocation of 'credit points' available to each Councillor.

7.5 Reports to Council

- 7.5.1 After attending a conference, seminar, event or training course, a Councillor will provide a written summary to Council, which outlines the purpose of the conference, learning outcomes, matters of relevance to the Frankston municipality, issues for consideration by Council and any recommendations.
- 7.5.2 A status report on expenditure of the PDA for each Councillor will be provided to Council at the end of each financial year.

8. POLICY NON-COMPLIANCE

- 8.1 If a Councillor enters into an arrangement for training or enrolls for a course in contravention of this Policy, the costs or fees for such training or course may not be paid by Council.
- 8.2 If a Councillor personally pays for training or a course in contravention of this policy, they may not be reimbursed for the training.
- 8.3 In such cases, payment of the fees or costs, or reimbursement of the fees or costs, must be approved by Council resolution.
- 8.4 Failure to comply with this Policy may result in Council not paying for the services, in which case the Councillor may personally incur the costs for any non-approved training.

9. RELATED DOCUMENTS

Councillor Expense Reimbursement Policy

Procurement Policy and Guidelines

Councillor Code of Conduct

Councillor Training and Development Policy

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14 IMPLEMENTATION OF THE POLICY

This Policy (in conjunction with other Related Documents) will be implemented following endorsement by Council.

15 DEFINITIONS

CEO or delegate means the Chief Executive Officer of Council, or another Council officer who has been given the responsibility for performing the particular duty or function on the CEO's behalf. The delegate must have an appropriate level of training relevant to the performance of the duty or function.

Council means Frankston City Council.

Council business means activities and matters relevant to Council's objectives, role and functions, as described in the Local government charter (Part 1A of the Act). It includes the performance of **official duties and functions**.

Council term means the term of office of a Councillor.

Formal study means training or education provided by a recognised tertiary education provider that leads to a formal qualification that is relevant to the Councillor's performance of their role as a Councillor or as Mayor.

Official duties and functions means activities consistent with the role of a Councillor as defined in s.65 of the Act. It includes **Council business**, civic and statutory duties and activities conducted on behalf of Council to further the achievement of Council's objectives. Examples include preparing for, attending and participating in Council meetings, Councillor briefings, committee meetings, workshops and inspections; attending civic functions, representing Council at ceremonies and community events where formally invited as Councillor to undertake an official duty; attending public meetings, annual meetings or presentation dinners where invited as a Councillor; and attending meetings of community groups where invited to speak about Council programs or initiatives; private meetings with residents, ratepayers, community groups, developers etc, where arranged through official Council channels and details of discussions are documented in official records or diaries.

Out of pocket expenses means expenses that have been met by the Councillor using their own funds, which may later be reimbursed.

Professional Development Allowance ('PDA') means an allocation made in the Council's annual budget to meet the costs of Councillors' Professional Development, in accordance with this Policy. Each Councillor is entitled to an equal share of the PDA.

Reasonable in relation to expenses and costs, means expenses and costs incurred in

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performing *official duties and functions* or *Council business* which, in amount and nature, are consistent with public expectations. When determining whether an expense or cost is *reasonable*, relevant factors will include whether the expense or cost is necessary, cost-conscious and capable of withstanding public scrutiny.

Executive Summary

12.5 South East Councils Climate Change Alliance (SECCCA) membership

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.3 Natural and sustainable environment
Priority Action	1.3.2 Reduce Council's energy use and greenhouse gas emissions and progress towards carbon neutrality

Purpose

To brief Council on the membership opportunities of re-joining the South East Councils Climate Change Alliance (SECCCA) and to consider participation in their Zero Emissions Strategy (ZEST) project for the south east.

Recommendation (Director Community Development)

That:

- 1a. Council commits to re-joining the South East Councils Climate Change Alliance (SECCCA) and refers \$16k to the mid-year budget review for 12 months membership. Funding for future years will be subject to Council's annual budget review.

Should Council resolve to re-join SECCCA, then Council to support the participation of two officers for representation on SECCCA's Management Committee, and note that in-kind support will be provided for participating in the governance and administration of SECCCA and in the delivery of projects.

Or

- 1b. Council does not re-join the South East Councils Climate Change Alliance (SECCCA).
- 2a. Council participate in SECCCA's proposed Zero Emissions Strategy (ZEST) project for the south east.

Should Council resolve to participate in this project, then a formal letter of support be provided to SECCCA committing Council's involvement and contribution in the ZEST project, including \$20k funding over two years (2018-19, 2019-20).

Or

- 2b. Council does not participate in SECCCA's proposed Zero Emissions Strategy (ZEST) project.

Key Points / Issues

- The South East Councils Climate Change Alliance (SECCCA) recently presented at a Councillor briefing on the 30 October 2017 at the request of Frankston City Council's former Mayor, Cr Brian Cunial and CEO, Mr Dennis Hovenden.
- In Council's recently adopted Health and Wellbeing Plan (2017-2021) Council committed to the Year 1 action (2017-18) – *'Investigate the cost and benefits of Council re-joining the South East Councils Climate Change Alliance (SECCCA) to leverage funds into the Municipality to deliver community and Council environmental sustainability programs such as energy and water saving initiatives for low-income households'*.

12.5 South East Councils Climate Change Alliance (SECCCA) Membership**Executive Summary**

- The South East Councils Climate Change Alliance (SECCCA) is an advocacy and program delivery not-for-profit organisation. SECCCA's vision is for the communities of south east of Melbourne to produce zero net emissions and be resilient to the impacts of climate change. Established in June 2004 and incorporated in 2009 on behalf of its member Councils, SECCCA seeks external funding, usually from the Victorian and Australian Governments, to carry out major regional projects to assist Councils with their work in greenhouse gas mitigation and climate change adaptation.
- SECCCA is a membership based alliance which currently consists of nine Councils that surround Frankston City Council. SECCCA's members are the shires of Bass Coast, Baw Baw, Cardinia and Mornington Peninsula and the Cities of Port Phillip, Bayside, Casey, Greater Dandenong and Kingston. Frankston is considered to be the missing link in the regional alliance (see **Attachment A**).
- The SECCCA membership offers 'value for money' by building the capacity of its member Councils to engage in climate change responses and assists individual Councils progress their carbon neutral, greenhouse reduction, energy efficiency and climate change strategies and plans (see **Attachment B** for a list of current SECCCA projects). Since 2004, SECCCA has secured \$8.1 million in state and federal government grants for the delivery of climate change projects across the south east of Melbourne.
- In 2013-14, Frankston City Council withdrew its membership to SECCCA, although it was a founding member from its inception in 2004. Prior to withdrawing its membership, Council had paid \$82,500 in membership fees, but participated and benefited from projects well in excess of its membership costs.
- Examples of past projects Council benefited from include a research project undertaken in 2005-06 to raise awareness and assess the potential impacts of climate change across the region. This project informed the development and implementation of Council's Climate Change Impacts and Adaptation Plan (2011). In addition, from 2011 to 2013, Council participated in SECCCA's Sustainable Homes Program which provided local residents with essential information to make their home more sustainable and save on energy and water bills (see **Attachment B** for further details on previous projects).
- As well as project delivery, Council membership provides:
 - access to external funding and partnerships which Council would otherwise not be eligible for (for example, the Victorian Government's *Climate Change Act 2017* and Adaptation Plan 2017-2020 mention collaborating and supporting local government greenhouse alliances, such as SECCCA)
 - knowledge sharing and improved access to research and best practice approaches undertaken by other Councils, which results in cost savings
 - greater opportunities for improved advocacy to the state and federal government and their agencies.

12.5 South East Councils Climate Change Alliance (SECCCA) Membership**Executive Summary**

- The current vision and projects/advocacy role of SECCCA align to Council's existing climate change strategies and plans and membership would add value to Council progressing its 2025 carbon neutral goal and building climate change resilience across its communities. Should Council re-join SECCCA, it is unclear to what extent Council would be able to participate in SECCCA's current projects (this would be subject to negotiation and grant conditions for some projects), however Council would be eligible to participate in future projects.
- A potential future project of SECCCA is a Zero Emissions Strategy (ZES) for the south east region of Melbourne. The project is pending the outcome of a \$300k funding application through the Victorian Government's Climate Change Innovation Grant. Should Council wish to participate in this project, it will need to contribute in-kind support (by way of officer involvement in SECCCA) as well as contributing \$20k funding over 2 years commencing in 2018-19 (see **Attachment C** for further information).
- SECCCA is an incorporated association which is run by a Management Committee which is made up of two staff (one ordinary member and one second member) from each member Council. It is governed by the Rules of the Association (**Attachment D**). SECCCA employs two permanent staff – an executive officer and a project coordinator – to support the running of the association.
- SECCCA holds an Annual Leaders Breakfast and a Regional Update Forum to which Councillors and other senior staff from its member Councils are invited to, with a key aim to inform them about what climate change activities are taking place due to SECCCA, to share information, and to hear from keynote speakers and stakeholders who are making a significant positive difference within the industry.

Financial Impact

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

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

The cost of renewing Council's membership to SECCCA would be \$16k for 12 months. Future years of membership would be subject to additional funding for consideration by Council at the annual budget review.

The total cost for Council's participation in the ZES project would be \$20k over two years, commencing in 2018-19, should SECCCA's funding bid to the Victorian Government be successful.

Council staff would be required to provide an in-kind contribution to the governance and administration of SECCCA (the Management Committee meets approximately 5 times a year, and officer representation is required on one of three sub committees). Estimated officer time could vary from 3-8 hours per week, but subject to Council's involvement in future projects).

12.5 South East Councils Climate Change Alliance (SECCCA) Membership**Executive Summary****Consultation****1. External Stakeholders**

SECCCA's Executive Officer and SECCCA member Councils have been consulted in the development of this report.

2. Other Stakeholders

Council's Executive team and departments of Planning and Environment, Sustainable Assets, Financial and Corporate Planning, Administration and Corporate Projects have been consulted in the development of this report.

Analysis (Environmental / Economic / Social Implications)

By re-joining SECCCA, it is expected that Council's capacity to respond to and manage its energy consumption and greenhouse gas emissions will improve through shared knowledge, projects and partnerships. In addition, Council will be better equipped to prepare for the impacts of climate change.

In terms of social outcomes, Council will be able to provide additional guidance and support to its community in both climate change adaptation and mitigation. In addition, by having all Councils across the south east involved in SECCCA, it is more likely that a consistent advocacy voice can be achieved across the region.

Economic opportunities that can be delivered by transitioning to zero carbon will be investigated by SECCCA and its member Councils, particularly through potential projects such as ZEST. Funding opportunities will be enhanced through access to grants for regional projects (or projects requiring Council partnerships).

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

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

Legal

The Victorian Government's *Climate Change Act 2017* is relevant to this report.

Policy Impacts

Council's Environmental Sustainability Policy, Greening Our Environment Strategy 2014-2024, Health and Wellbeing Plan 2017-2021, Climate Change Impacts and Adaptation Plan 2011, Carbon Neutral Action Plan 2012-2016 and Coastal Management Plan 2016 are relevant to this report.

Officer's Declaration of Interests

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

Risk Mitigation

The risk of re-joining SECCCA is the potential impact on Council officer time. Dedication to SECCCA projects may redirect available officer time away from existing work plans. However, it is expected that many projects will complement Council's existing climate change priorities. The projects that Council participates in will need to be determined on their merit and in some cases direction from the Executive may be required, particularly where a reprioritisation of projects may be required.

12.5 South East Councils Climate Change Alliance (SECCCA) Membership**Executive Summary**

Council also faces a potential reputational risk by not re-joining SECCCA, as it may be perceived by others to be a lack of commitment to leadership in climate change adaptation and greenhouse gas mitigation responses. Council would continue to have less access to external funding opportunities, best practice research, shared knowledge and participation in larger scale regional projects that contribute to positive community outcomes.

Conclusion

The South East Councils Climate Change Alliance (SECCCA) is an advocacy and program delivery not-for-profit organisation. SECCCA is a membership based alliance which currently consists of nine Councils that surround Frankston City Council. Frankston is considered to be the missing link in the regional alliance. The SECCCA membership offers value for money by building the capacity of its member Councils to engage in climate change responses and assists individual Councils progress their carbon neutral, greenhouse reduction, energy efficiency and climate change strategies and plans. If Council was to renew its membership with SECCCA at a cost of \$16K per annum, it is expected that Council's capacity to respond to climate change will improve through shared knowledge, projects and partnerships. In addition, Council will be better equipped to provide additional guidance and support to its community in climate change adaptation and mitigation. Funding opportunities will be enhanced through access to grants for regional projects (or projects requiring Council partnerships).

Council will also have the opportunity to join a potential future project of SECCCA, the Zero Emissions Strategy (ZES) for the south east region of Melbourne. The project is pending the outcome of a \$300k funding application through the Victorian Government. Should Council wish to participate in this project, it will need to contribute in-kind support (by way of officer involvement in SECCCA) as well as contributing \$20k funding over 2 years, commencing in 2018-19.

The success of the outcome of Council's participation in SECCCA is largely dependent on the allocation of staff resources. Should Council resolve to re-join SECCCA, Council needs to support the participation of two officers for representation on SECCCA's Management Committee, and note that in-kind support will be provided for participating in the governance and administration of SECCCA as well as in the delivery of projects.

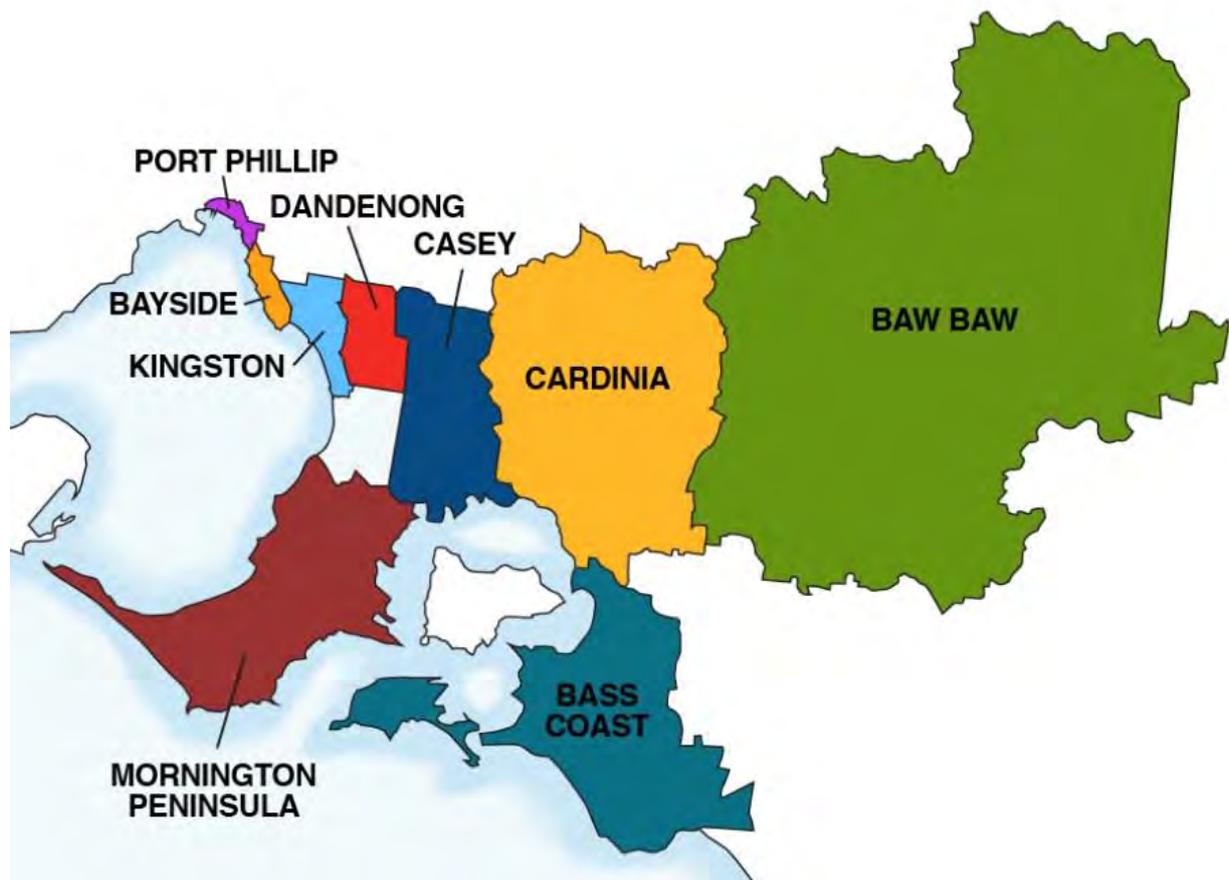
ATTACHMENTS

- Attachment A: [↓](#) Map of council members - South East Councils Climate Change Alliance - December 2017
- Attachment B: [↓](#) SECCCA's current and past projects
- Attachment C: [↓](#) Zero Emissions Strategy Project Summary - SECCCA
- Attachment D: [↓](#) Rules of the Association - South East Councils Climate Change Alliance Incorporated

ATTACHMENT A

The South East Councils Climate Change Alliance (SECCCA) is an advocacy and program delivery not for profit organisation. It is a membership based alliance currently consisting of nine councils that surround Frankston City Council.

SECCCA's members are the shires of Bass Coast, Baw Baw, Cardinia and Mornington Peninsula and the Cities of Port Phillip, Bayside, Casey, Greater Dandenong and Kingston.



ATTACHMENT B

1) Current SECCCA projects and advocacy

- **EcoDriver Fleet Efficiency Project**
The EcoDriver Fleet Efficiency Project is a driver education and behaviour change program helping organisations to improve the efficiency of their fleet. Drivers are taught techniques such as progressive gear shifting and braking, smooth operating, scanning ahead and optimum speeds. The program can reduce fuel consumption by an average of 15-20% with further savings expected on vehicle maintenance.
- **Energy Saver Study**
The Energy Saver Study is providing direct support to 320 households in the south east region to help improve their resilience to weather extremes while reducing their energy bills and consumption. With support from the CSIRO, the study will identify barriers to energy efficiency and the best interventions to overcome them, developing broader insights for future government programs.
- **New Home Owner Energy Advisory Service**
The service makes it easy for new home owners to install energy efficiency and renewable energy technology. SECCCA is working with builders and new home owners to reduce energy bills and ensure homes are comfortable in summer and winter.
- **Residential Energy Efficiency Scorecard**
Delivering a pilot of the first home energy efficiency rating tool which has been specifically designed to help householders save on their power bills.
- **Save it for the Game**
Backed by sporting champions Liz Ellis and Bill Brownless, this initiative helps cash-strapped local sports clubs save money, maintain low fees and keep sports accessible for the local community. The program helps sports clubs identify and implement energy saving actions so they can cut an average of 30% off their energy bills and invest the money saved in other aspects of the game.
- **Financial Risk Adaptation Planning**
The Financial Risk Adaptation Planning (FRAP) initiative helps councils evaluate climate-related risks and prepare financially, for the less obvious impacts of climate adaptation. The project aims to strengthen councils' capacity to respond to severe weather events and cumulative effects of climate change in a more financially sustainable way, in turn supporting the ongoing liveability of the south east region.
- **ESD Matrix**
Development of an easy to use tool that enables sustainability requirements for council assets to be included project tender documentation.
- **Climate resilience mapping**
Working with the Enliven PCP and DHHS, SECCCA is exploring how councils can be supported to strengthen climate resilience including addressing health impacts of climate change.
- **APH Senate Inquiry into the current and future impacts of climate change on housing, buildings and infrastructure**
SECCCA was invited to make a submission to this Inquiry.

2) Previous SECCCA projects

Frankston City Council has participated in and benefited from a range of past SECCCA projects including the following:

- **Electric Vehicle Trial**
Member councils received a minimum of \$10,000 in support through the provision of an electric vehicle for three months and the donation of charging infrastructure from the Victorian Government for the successful trial of electric vehicles (EV). Frankston City Council trialed an EV with its Home and Community Care team. The information and learning outcomes assisted both the Victorian Government progress its EV trial and Council in its evaluation of EVs for Council's vehicle fleet.
- **Sustainable Homes Program**
SECCCA received \$275,000 funding from the Victorian Government for member councils to provide practical information, training programs, demonstrations and displays on sustainable living. Through a series of workshops, residents learnt about energy and water efficiency in the home and how to reduce the environmental impact and save money. Sustainable living workshops continue to be part of Council's annual *Greening Our Future* environmental events program.
- **Heatwave Strategies**
Councils developed strategies to help their communities manage heat stress caused by a rise in consecutive hot days.
- **Carbon Sink**
Trees were planted on behalf of member councils for regional carbon sinks to reduce carbon dioxide in the atmosphere.
- **Deciding for the Coast**
This project provided a decision-making process for councils to use in their approaches to climate change adaptation. It investigated what processes are best for dealing with the uncertainty of climate change when it comes to making decisions about coastal planning and protecting assets and infrastructure.
- **Impacts of Climate Change on Human Settlements in the Western Port Region: An Integrated Assessment (2006-2008)**
This project was made possible through \$500,000 funding from both the Commonwealth and Victorian Governments. In this project data regarding likely biophysical changes due to global warming were developed by CSIRO specifically for the member councils. This was used to identify where infrastructure for human settlements is at risk. An associated component of the project covered the socioeconomic impacts analysis to show what and who was at and where, and possible adaptation options were identified. This project was a finalist in the United Nations Association of Australia Awards for Excellence in Marine and Coastal Management in 2009 and was the Winner in the Innovation category of the Victorian Coastal Council Awards for Excellence in that same year. The project findings informed the development of Frankston City Council's Climate Change Impacts and Adaptation Plan (2011).
- **Sustainable Public Lighting Action Plans**
\$65,000 funding from the Victorian Government was received to assist member councils improve the environmental and economic performance of public lighting. The Plan assisted Frankston City Council to develop a subsequent business case to replace inefficient public lighting to more efficient T5 lights with major energy and cost savings.

- **Planet Savers**
SECCCA received \$22,800 from the Victorian Government for 8 schools in Frankston City to be involved in a school curriculum program to reduce their energy costs and greenhouse gas emissions.
- **Heatwave Strategies for Western Port Councils**
\$62,000 funding from the Victorian Government was received for member councils to develop pilot heat wave strategies. The project provided advice for the protection of communities in times of climate change induced extreme weather.
- **Community Engagement for Climate Change Response**
\$90,000 from the Victorian Government was received to work with member councils on communicating impacts due to climate change around Western Port. The project provided councils with processes for community engagement and developing community preparedness for an increase in frequency and intensity of extreme weather events.

ATTACHMENT C

Zero Emissions Strategy (ZEST)

Project summary

The South East Councils Climate Change Alliance (SECCCA) is proposing to develop a South East Melbourne Zero Emissions Strategy (ZEST) in conjunction with the region's businesses and community.

ZEST will examine the regional economic opportunities that can be delivered by transitioning to zero carbon and the investment decisions required to achieve this. The transition will support the growth of local jobs in sustainable and innovative businesses and industries, strengthen the region's competitiveness and prepare the regional economy for exposure to national and international emissions pricing.

The key questions to be addressed by the Strategy:

- What is the current greenhouse gas emissions profile in the SECCCA region? (based on sectors outlined in the Victorian Government's Climate Change Framework)
- What emissions reduction programs currently exist, which ones could be scaled to achieve transformative outcomes?
- How would the economy and communities in the south east region achieve a target of zero net emissions and when could this be achieved by?
- What are the key pathways that can be implemented to achieve a zero emission target?
- What are the key investment decisions that need to be made by governments, business and the community to achieve a target of zero net emission?
- What are the socio-economic benefits and costs of achieving a zero emission target?

Key outcomes to be achieved by the ZEST for the SECCCA region include:

- Establishment of interim emissions reduction targets for sectors with timeframes that align with science and government targets.
- Identification of the most efficient and cost-effective allocation of resources to drive the transition
- Engagement with the region's businesses to facilitate a transition to a zero emissions region to assist a reduction in their energy costs and help realise new business opportunities
- Engagement with the region's community's to facilitate a transition to a zero emissions region and opportunities to assist households reduce their costs of living and improve their well-being
- Regional economic opportunities emanating from a ZEST will be well understood and investment pathways and decisions articulated
- Taking a leadership role nationally and globally and as well as inspiring other regions and councils.
- Assisting SECCCA councils who are signatories to the Global Compact of Mayors fulfil their obligations
- A foundation for all SECCCA activities and present a blueprint for SECCCA's 10-year strategy.

A key part of ZEST will be the identification of the most cost-effective ways to address rising energy prices. This is a critical issue of concern for the south east region. It is important that solutions reflect the inevitability of stationary energy de-carbonisation. ZEST will assess the

most cost competitive low carbon energy solutions for the region and examine how different sectors can develop innovative zero emissions pathways.

ATTACHMENT D**Associations Incorporation Act (1981)**

RULES for the South East Councils Climate Change Alliance (SECCCA) Incorporated**1. Name**

The name of the association is the **South East Councils Climate Change Alliance Incorporated** – its purposes appear in Appendix 1.

2. Definitions

(1) In these Rules, unless the contrary intention appears:

"Act" means the **Associations Incorporation Act 1981**;

"associate member" means a non-council organisation approved for membership by the committee. An associate member does not have voting rights.

"committee" means the committee of management of the Association;

"financial year" means the year ending on 30 June;

"general meeting" means a general meeting of members convened in accordance with rule 12;

"member" means a full member of the Association, being a council through its representatives;

"ordinary member of the committee" means a member of the committee who is not an officer of the Association under Rule 21;

"Regulations" means regulations under the Act; and

"relevant documents" has the same meaning as in the Act.

(2) In these Rules, a reference to the Secretary of an Association is a reference:

(a) if a person holds office under these Rules as Secretary of the Association – to that person; and

(b) in any other case, to the public officer of the Association.

3. Alteration of the rules

These Rules and the Statement of Purposes of the Association must not be altered except in accordance with the Act.

4. Membership, entry fees and subscription

(1) A council is eligible to be a member of the Association.

- (2) An organisation other than a council, approved for membership by the committee, may become an associate member of the Association without voting rights.
- (3) A member council must nominate two representatives from its staff to represent it on the Association.
- (4) A council which was not a member of the Association at the time of the incorporation of the Association (or which was a member at that time but has ceased to be a member) must not be admitted to membership unless:
 - (a) the council applies for membership; and
 - (b) the admission as a member is approved by the committee.
- (5) An application of a council for full membership or organisation for non-voting associate membership of the Association must:
 - (a) be made in writing in the form set out in Appendix 2; and
 - (b) be lodged with the Secretary of the Association.
- (5) As soon as practicable after the receipt of an application, the Secretary must refer the application to the committee.
- (6) The committee must determine whether to approve or reject the application.
- (7) If the committee approves an application for membership, the Secretary must, as soon as practicable:
 - (a) notify the applicant in writing of the approval for membership; and
 - (b) request payment within 28 days after receipt of the notification of the sum payable under these Rules as the entrance fee and the first year's annual subscription.
- (8) The Secretary must, within 28 days after receipt of the amounts referred to in sub-rule (7), enter the applicant's name in the register of members.
- (9) An applicant for membership becomes a member and is entitled to exercise the rights of membership when the name of the council is entered in the register of members.
- (10) If the committee rejects an application, the committee must, as soon as practicable, notify the applicant in writing that the application has been rejected.
- (11) A right, privilege, or obligation of a council by reason of membership of the Association:
 - (a) is not capable of being transferred or transmitted to another council; and
 - (b) terminates upon the cessation of membership whether by withdrawal or otherwise.
- (12) The annual subscription is the relevant amount set out in Appendix 5 or as determined by the committee from time to time, and is payable in advance on or before 1 July in each year.

5. Register of members

- (1) The Secretary must keep and maintain a register of full and associate members containing:
 - (a) the name and address of each member; and
 - (b) the date on which each member's name was entered in the register.
- (2) The register is available for inspection free of charge by any member upon request.
- (3) A member may make a copy of entries in the register.

6. Ceasing membership

- (1) A member of the Association which has paid all moneys due and payable by a member to the Association may resign from the Association by giving one month's notice in writing to the Secretary of its intention to resign.
- (2) After the expiry of the period referred to in sub-rule (1):
 - (a) the member ceases to be a member; and
 - (b) the Secretary must record in the register of members the date on which the member ceased to be a member.

7. Discipline, suspension and expulsion of members

- (1) Subject to these Rules, if the committee is of the opinion that a member has refused or neglected to comply with these Rules, or has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association, the committee may by resolution:
 - (a) fine that member an amount not exceeding \$500; or
 - (b) suspend that member from membership of the Association for a specified period; or
 - (c) expel that member from the Association.
- (2) A resolution of the committee under sub-rule (1) does not take effect unless:
 - (a) at a meeting held in accordance with sub-rule (3), the committee confirms the resolution; and
 - (b) if the member exercises a right of appeal to the Association under this rule, the Association confirms the resolution.
- (3) A meeting of the committee to confirm or revoke a resolution passed under sub-rule (1) must be held not earlier than 14 days, and not later than 28 days, after notice has been given to the member in accordance with sub-rule (4).
- (4) For the purposes of giving notice in accordance with sub-rule (3), the Secretary must, as soon as practicable, cause to be given to the member a written notice:
 - (a) setting out the resolution of the committee and the grounds on which it is based; and

- (b) stating that the member may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after the notice has been given to that member; and
 - (c) stating the date, place and time of that meeting; and
 - (d) informing the member that they may do one or both of the following:
 - (i) attend that meeting; or
 - (ii) give to the committee before the date of that meeting a written statement seeking the revocation of the resolution;
 - (e) informing the member that, if at that meeting, the committee confirms the resolution, they may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that they wish to appeal to the Association in general meeting against the resolution.
- (5) At a meeting of the committee to confirm or revoke a resolution passed under sub-rule (1), the committee must:
- (a) give the member an opportunity to be heard; and
 - (b) give due consideration to any written statement submitted by the member; and
 - (c) determine by resolution whether to confirm or to revoke the resolution.
- (6) If, at the meeting of the committee, the committee confirms the resolution, the member may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that they wish to appeal to the Association in general meeting against the resolution.
- (7) If the Secretary receives a notice under sub-rule (6), he or she must notify the committee and the committee must convene a general meeting of the Association to be held within 21 days after the date on which the Secretary received the notice.
- (8) At a general meeting of the Association convened under sub-rule (7):
- (a) no business other than the question of the appeal may be conducted; and
 - (b) the committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
 - (c) the member must be given an opportunity to be heard; and
 - (d) the members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- (9) A resolution is confirmed if, at the general meeting, not less than two-thirds of the members vote in person, or by proxy, in favour of the resolution. In any other case, the resolution is revoked.

8. Disputes and mediation

- (1) The grievance procedure set out in this rule applies to disputes under these Rules between:

- (a) a member and another member; or
 - (b) a member and the Association.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- (4) The mediator must be:
- (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement:
 - (i) in the case of a dispute between a member and another member, a person appointed by the committee of the Association; or
 - (ii) in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- (5) A member of the Association can be a mediator.
- (6) The mediator cannot be a member who is a party to the dispute.
- (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (8) The mediator, in conducting the mediation, must:
- (a) give the parties to the mediation process every opportunity to be heard; and
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (9) The mediator must not determine the dispute.
- (10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

9. Annual general meetings

- (1) The committee may determine the date, time and place of the annual general meeting of the Association.
- (2) The notice convening the annual general meeting must specify that the meeting is an annual general meeting.

- (3) The quorum for an Annual General Meeting will be one representative from each member council.
- (4) The ordinary business of the annual general meeting will be:
 - (a) to confirm the minutes of the previous annual general meeting and of any general meeting held since that meeting; and
 - (b) to receive from the committee reports upon the transactions of the Association during the last preceding financial year; and
 - (c) to elect officers of the Association and the ordinary members of the committee; and
 - (d) to receive and consider the statement submitted by the Association in accordance with section 30(3) of the Act.
- (5) The annual general meeting may conduct any special business of which notice has been given in accordance with these Rules.

10. Special general meetings

- (1) In addition to the annual general meeting, any other general meetings may be held in the same year.
- (2) All general meetings other than the annual general meeting are special general meetings.
- (3) The committee may, whenever it thinks fit, convene a special general meeting of the Association.
- (4) If, but for this sub-rule, more than 15 months would elapse between annual general meetings, the committee must convene a special general meeting before the expiration of that period.
- (5) The committee must, on the request in writing of members representing not less than 20 per cent of the total number of members, convene a special general meeting of the Association.
- (6) The request for a special general meeting must:
 - (a) state the objects of the meeting; and
 - (b) be signed by the members requesting the meeting; and
 - (c) be sent to the address of the Secretary.
- (7) If the committee does not cause a special general meeting to be held within one month after the date on which the request is sent to the address of the Secretary, the members making the request, or any of them, may convene a special general meeting to be held not later than 3 months after that date.
- (8) If a special general meeting is convened by members in accordance with this rule, it must be convened in the same manner so far as possible as a meeting convened by the committee and all reasonable expenses incurred in convening the special general meeting must be refunded by the Association to the persons incurring the expenses.

11. Special business

All business that is conducted at a special general meeting and all business that is conducted at the annual general meeting, except for business conducted under the rules as ordinary business of the annual general meeting, is deemed to be special business.

12. Notice of general meetings

- (1) The Secretary of the Association, at least 14 days, or if a special resolution has been proposed at least 21 days, before the date fixed for holding a general meeting of the Association, must cause to be sent to each member of the Association, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.
- (2) Notice may be sent by electronic transmission.
- (3) No business other than that set out in the notice convening the meeting may be conducted at the meeting.
- (4) A member intending to bring any business before a meeting may notify in writing, including by electronic transmission, the Secretary of that business, who must include that business in the notice calling the next general meeting.

13. Quorum at general meetings

- (1) No item of business may be conducted at a general meeting unless a quorum of members entitled under these Rules to vote is present at the time when the meeting is considering that item.
- (2) The quorum for general meetings will be a simple majority of member councils (being members entitled under these Rules to vote at a general meeting) as represented by at least one representative.
- (3) If, within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present:
 - (a) in the case of a meeting convened upon the request of members – the meeting must be dissolved; and
 - (b) in any other case – the meeting shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, members personally present (being not less than 7) shall be a quorum.

14. Presiding at general meetings

- (1) The President, or in the President's absence, the Vice-President, shall preside as Chairperson at each general meeting of the Association.
- (2) If the President and the Vice-President are absent from a general meeting, or are unable to preside, the members present must select one of their number to preside as Chairperson.

15. Adjournment of meetings

- (1) The person presiding may, with the consent of a majority of members present at the meeting, adjourn the meeting from time to time and place to place.
- (2) No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.
- (3) If a meeting is adjourned for 14 days or more, notice of the adjourned meeting must be given in accordance with rule 12. (4) Except as provided in sub-rule (3), it is not necessary to give notice of an adjournment or of the business to be conducted at an adjourned meeting.

16. Voting at general meetings

- (1) Upon any question arising at a general meeting of the Association, a member has one vote only.
- (2) All votes must be given personally or by proxy.
- (3) In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- (4) A member is not entitled to vote at a general meeting unless all moneys due and payable by the member to the Association have been paid, other than the amount of the annual subscription payable in respect of the current financial year.

17. Poll at general meetings

- (1) If at a meeting a poll on any question is demanded by not less than 3 members, it must be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- (2) A poll that is demanded on the election of a Chairperson or on a question of an adjournment must be taken immediately and a poll that is demanded on any other question must be taken at such time before the close of the meeting as the Chairperson may direct.

18. Manner of determining whether resolution carried

If a question arising at a general meeting of the Association is determined on a show of hands:

- (a) a declaration by the Chairperson that a resolution has been:
 - (i) carried; or
 - (ii) carried unanimously; or
 - (iii) carried by a particular majority; or
 - (iv) lost; and
- (b) an entry to that effect in the minute book of the Association is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

19. Proxies

- (1) Each member is entitled to appoint another member as a proxy by notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (2) The notice appointing the proxy must be:
 - (a) for a meeting of the Association convened under rule 7(7), in the form set out in Appendix 2; or
 - (b) in any other case, in the form set out in Appendix 3.

20. Committee of Management

- (1) The affairs of the Association shall be managed by the committee of management.
- (2) The committee:
 - (a) will control and manage the business and affairs of the Association;
 - (b) may, subject to these Rules, the Act and the Regulations, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules to be exercised by general meetings of the members of the Association; and
 - (c) subject to these Rules, the Act and the Regulations, has power to perform all such acts and things as appear to the committee to be essential for the proper management of the business and affairs of the Association.
- (3) Subject to section 23 of the Act, the committee will consist of:
 - (a) the officers of the Association; and
 - (b) four ordinary members-

each of whom shall be elected at the annual general meeting of the Association in each year.
- (4) Each member council which is a full member shall be represented on the committee.

21. Office holders

- (1) The officers of the Association shall be:
 - (a) a President;
 - (b) a Vice-President;
 - (c) a Treasurer; and
 - (d) a Secretary/Public Officer.
- (2) The provisions of rule 23, so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices referred to in sub-rule (1).

- (3) Each officer of the Association shall hold office until the annual general meeting next after the date of his or her election but is eligible for re-election to a position other than the position previously held.
- (4) In the event of a casual vacancy in any office referred to in sub-rule (1), the committee will appoint a representative of the unrepresented member to the vacant office. The representative may continue in office up to and including the conclusion of the annual general meeting next following the date of the appointment.

22. Ordinary members' representatives of the committee

- (1) Subject to these Rules, each ordinary member of the committee will hold office until the annual general meeting next after the date of election but is eligible for re-election.
- (2) In the event of a casual vacancy occurring in the office of an ordinary member of the committee, the committee may appoint a member of the Association, representative of the unrepresented member, to fill the vacancy and the members shall hold office, subject to these Rules, until the conclusion of the annual general meeting next following the date of the appointment.

23. Election of officers and ordinary committee members

- (1) Nominations of candidates for election as officers of the Association or as ordinary members of the committee must be:
 - (a) made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
 - (b) delivered to the Secretary of the Association not less than 7 days before the date fixed for the holding of the annual general meeting.
- (2) A candidate may only be nominated for one office, or as an ordinary member of the committee, prior to the annual general meeting.
- (3) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected and further nominations may be received at the annual general meeting.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (5) If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.
- (6) The ballot for the election of officers and ordinary members of the committee must be conducted at the annual general meeting in such manner as the committee may direct.

24. Vacancies

The office of an officer of the Association, or of an ordinary member of the committee, becomes vacant if the council or approved organisation:

- (a) ceases to be a member of the Association; or

- (b) becomes an insolvent under administration within the meaning of the *Corporations Act 2001*; or
- (c) resigns from office by notice in writing given to the Secretary.

25. Meetings of the committee

- (1) The committee must meet at least 8 times in each year at such place and such times as the committee may determine.
- (2) Special meetings of the committee may be convened by the President or by any 3 members of the committee.

26. Notice of committee meetings

- (1) Written notice of each committee meeting must be given to each member of the committee at least 2 business days before the date of the meeting.
- (2) Written notice must be given to members of the committee of any special meeting specifying the general nature of the business to be conducted and no other business may be conducted at such a meeting.

27. Quorum for committee meetings

- (1) A simple majority of member councils, (being members entitled under these Rules to vote at a general meeting) as represented by at least one representative, constitutes a quorum for the conduct of business at a meeting of the committee.
- (2) No business may be conducted unless a quorum is present.
- (3) If within half an hour of the time appointed for the meeting a quorum is not present:
 - (i) in the case of a special meeting – the meeting lapses;
 - (ii) in any other case – the meeting shall stand adjourned to the same place and the same time and day in the following week.
- (4) The committee may act notwithstanding any vacancy on the committee.

28. Presiding at committee meetings

At meetings of the committee:

- (a) the President or, in the President's absence, the Vice-President presides; or
- (b) if the President and the Vice-President are absent, or are unable to preside, the members present must choose one of their number to preside.

29. Voting at committee meetings

- (1) Questions arising at a meeting of the committee, or at a meeting of any sub-committee appointed by the committee, will be determined on a show of hands or, if a member requests, by a poll taken in such manner as the person presiding at that meeting may determine.
- (2) Each member present at a meeting of the committee, or at a meeting of any sub-committee appointed by the committee (including the person presiding at

the meeting), is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

30. Removal of committee member

- (1) The Association in general meeting may, by resolution, remove any member of the committee before the expiration of the member's term of office and appoint another member in his or her place to hold office until the expiration of the term of the first-mentioned member.
- (2) A member who is the subject of a proposed resolution referred to in sub-rule (1) may make representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.
- (3) The Secretary or the President may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting.

31. Minutes of meetings

The Secretary of the Association must keep minutes of the resolutions and proceedings of each general meeting, and each committee meeting, together with a record of the names of persons present at committee meetings.

32. Funds

- (1) The Treasurer of the Association must:
 - (a) collect and receive all moneys due to the Association and make all payments authorised by the Association; and
 - (b) keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two members of the committee.
- (3) The funds of the Association shall be derived from entrance fees, annual subscriptions, donations and such other sources as the committee determines.

33. Seal

- (1) The common seal of the Association must be kept in the custody of the Secretary.
- (2) The common seal must not be affixed to any instrument except by the authority of the committee and the affixing of the common seal must be attested by the signatures either of two members of the committee or, of one member of the committee and of the public officer of the Association.

34. Notice to members

Except for the requirement in rule 12, any notice that is required to be given to a member, by or on behalf of the Association, under these Rules may be given by:

- (a) delivering the notice to the member personally; or

- (b) sending it by prepaid post addressed to the member at that member's address shown in the register of members; or
- (c) facsimile transmission, if the member has requested that the notice be given to him or her in this manner; or
- (d) electronic transmission, if the member has requested that the notice be given to him or her in this manner.

35. *Winding up*

In the event of the winding up or the cancellation of the incorporation of the Association, the assets of the Association must be disposed of in accordance with the provisions of the Act.

36. *Custody and inspection of books and records*

- (1) Except as otherwise provided in these Rules, the Secretary must keep in his or her custody or under his or her control all books, documents and securities of the Association.
- (2) All accounts, books, securities and any other relevant documents of the Association must be available for inspection free of charge by any member upon request.
- (3) A member may make a copy of any accounts, books, securities and any other relevant documents of the Association.

Appendix 1

**South East Councils
Climate Change Alliance
Incorporated
SECCCA Inc.**



Vision, Purpose, Mission and Values

Vision

Working with communities to achieve zero net emissions and adapt to climate change

Purpose

To work as a regional collaboration for reducing the impact of climate change

Mission

SECCCA Inc. provides leadership for local government and their communities to respond to climate change.

Values

The following values comprise the SECCCA Inc. philosophy. These values provide an underpinning framework for all actions and projects.

Consensus: SECCCA Inc. aspires to make all decisions through a democratic process of consensus of all full members.

Participation: all full members have the opportunity to contribute to all decisions made.

Equity: all full members are equally recognised in activities and have equal access to resources.

Professionalism: at all times the SECCCA Inc. conducts itself in a credible and professional manner.

Transparency: all actions and decisions are made in an open and transparent manner.

Collaboration and co-operation: The SECCCA Inc. structure promotes collaboration, co-operation, facilitating a free exchange of ideas and open communication.

Respect, integrity and trust: SECCCA Inc. aims to create a culture based on integrity, trust and respect for each other, for the planet and its diversity.

Positivity: SECCCA Inc. is committed to a culture of positive thinking and action.

Leading by example: providing leadership for the region in making changes to reduce greenhouse gas abatement.

Learning by doing: SECCCA Inc. is committed to iterative action that is, taking action, reflecting on the process and outcomes of the actions to adapt future approaches.

Appendix 2

Application for Full/Associate Membership (strike out as applicable) of the South East Councils Climate Change Alliance Incorporated

.....
 (council or organisation)
 through our authorised representative,
 (full name)
 wishes to become a member of the
 (title)
South East Councils Climate Change Alliance Incorporated.

In the event of admission as a member, we agree to be bound by the rules of the Association for the time being in force.

.....
(Signature of Authorised representative)

Date:

I,....., a member of the Association, nominate the
 (name)
 applicant, who is personally known to me, for membership of the Association.

.....
Signature of Proposer

Date:

I,....., a member of the Association, second the nomination
 (name)
 of the applicant, who is personally known to me, for membership of the Association.

.....
Signature of Secunder

Date:

Appendix 3

FORM OF APPOINTMENT OF PROXY FOR MEETING OF ASSOCIATION CONVENED UNDER RULE 7(7)

I,.....
(name)

of:.....
(council or approved organisation)
being a full member of the **South East Councils Climate Change Alliance Incorporated**

appoint:.....
(name of proxy holder)

of:.....
(council or approved organisation)

being a member of that Incorporated Association, as my proxy to vote for me on my behalf at the appeal to the general meeting of the Association convened under rule 7(7), to be held on:

..... and at any adjournment of that meeting.
(date of meeting)

I authorise my proxy to vote on my behalf at their discretion in respect of the following resolution (insert details of resolution passed under rule 7(1)).

.....
Signed

Date:

Appendix 4

FORM OF APPOINTMENT OF PROXY

I,
(name)

of:
(council)

being a full member of the **South East Councils Climate Change Alliance Incorporated**

appoint:
(name of proxy holder)

of:
(council)

being a member of that Incorporated Association, as my proxy to vote for me on my behalf at the annual/special* general meeting of the Association to be held on
and at any adjournment of that meeting. (date of meeting)

My proxy is authorised to vote in favour of/against* the following resolution (insert details of resolution).

.....
Signed

Date:

* Delete if not applicable

Appendix 5**SCHEDULE OF FEES**

<i>Fee</i>	<i>Amount</i>
Entrance fee	\$0
Annual subscription fee for full members	\$15,000 plus an index of 3% per annum from 01/07/2015, payable on July 1 of each year
Subscription fee for associate membership	as determined by the committee

NOTES**"SCHEDULE 1****PREPARATION OF FINANCIAL STATEMENTS BY PRESCRIBED ASSOCIATIONS-- AUSTRALIAN ACCOUNTING STANDARDS****Australian Accounting Standard Number****Name of Australian Accounting Standard Issued**

AASB 1018 (replaces
AAS 1) Statement of Financial Performance June 2002
AAS 4 Depreciation August 1997
AAS 5 Materiality September 1995
AAS 6 Accounting Policies March 1999
AAS 8 Events Occurring After Reporting Date October 1997
AAS 15 Revenue June 1998
AAS 17 Leases October 1998
AAS 28 Statement of Cash Flows October 1997
AAS 36 Statement of Financial Position October 1999
AASB 1041 (replaces
AAS 38) Revaluation of Non-Current Assets July 2001

Appendix 6



Nomination Form for election of Ordinary Members and Officer Bearers to the Committee of Management of SECCCA Inc

**South East Councils
Climate Change Alliance
Incorporated**

Purpose: This Nomination Form shall be used by SECCCA Inc for the election of officers and the ordinary members of the committee of the Association, as established in the 'Rules for the South East Councils Climate Change Alliance Incorporated'.

Nominations of candidates must be:

- a) made in writing using this form, signed by two members of the Association and accompanied by the written consent of the candidate, and
- b) delivered to the Secretary of the Association not less than 7 days before the date fixed for the holding of the annual general meeting.

1 Nomination of Council Representatives

Please record the name and position title of the two staff that will represent your organisation on the South East Councils Climate Change Alliance Incorporated Committee of Management. Please note: at least one of these positions must be an authorised staff member with sufficient financial authorisation so as to conduct the normal affairs of the association.

The following staff will represent _____
Name of Council

as a full member on the South East Councils Climate Change Alliance Incorporated Committee of Management:

(i) Name: _____

in the position of _____
Current position

Signed (consent of candidate above): _____

(ii) Name: _____

in the position of _____
Current position

Signed (consent of candidate above): _____

2 Nomination of Office Bearers and Ordinary Members



This section relates to the Office Bearers of the SECCCA Inc Management Committee.

Please complete this section if an above mentioned staff-member is nominating for election to one of the following positions; President, Vice-President, Treasurer, Secretary or Ordinary Member, for a period of 12 months from the date of the Annual General Meeting.

Name: _____

Council the nominee represents: _____

Position of nomination (i.e., President, Vice-President, Treasurer, Secretary, Four (4) Ordinary Members)

Signed (consent of candidate above): _____

Authorised by (Name): _____

in the position of _____

To be signed by a Council senior executive of at least Director/General Manager level

Please Note:

It is recommended that each Council member update the position descriptions of the staff nominated above to ensure that the staff and the organisation they represent are aware of and supportive of fulfilling the obligations of these nominated roles, following the conclusion of the Annual General Meeting.

Please return the completed Nomination Form to the Secretary of the Association not less than 7 days before the date fixed for the holding of the Annual General Meeting.

Executive Summary

12.6 Procurement Policy 2017/2018 - Review

Enquiries: (Martin Poole: Corporate Development)

Council Plan

Community Outcome:	4. A Well Managed City
Strategy:	4.2 Systems
Priority Action	4.2.2 Embed a culture of Business Improvement to improve processes, applications and utilisation

Purpose

To request Council to approve the Draft 2017/18 Procurement Policy and 2017/18 Procurement Strategy (as amended).

Recommendation (Director Corporate Development)

That Council:

1. Adopts the Draft 2017/18 Procurement Policy and Draft 2017/18 Procurement Strategy.
2. Adopts the Audit and Risk Management Committee's recommendation to not proceed with the Procurement Oversight Committee.
3. Notes that the 2018/19 review of the Procurement Policy will be presented to the May 2018 Council meeting.

Key Points / Issues

Introduction

- Section 186A (7) of the *Local Government Act 1989* requires each Council to review and publish its Procurement Policy at least once during each financial year. Council last reviewed its Procurement Policy at its meeting on the 6 June 2016.
- At its meeting on 30 January 2017 Councillor McCormack tabled a Notice of Motion regarding Procurement Policies and Contracts (NOM 1274). Council resolved:

“That a review of all procurement policies and contracts for goods and service provision to Council and a report be provided to Council within 12 weeks detailing where efficiencies could be achieved and where further local investment can be promoted.”
- At its meeting on 23 May 2017 Council considered the Draft 2017-2018 Procurement Policy and Draft 2017-2018. Council resolved
“That this report be deferred and be presented at the July Ordinary Meeting with consideration of the following measure to bolster confidence in procurement standards within Frankston City Council:

The creation of a ‘Purchasing and Procurement Oversight Committee’ comprised of local commercial/industry luminaries. The presence of individuals with demonstrated probity skills is also desirable. This oversight committee will review contractual and purchasing practices throughout the entire organisation with a view to achieving greater cost effectiveness for ratepayers; and will monitor substantial negotiations and purchases (over \$70k) relating to procurement. The oversight committee should have a direct relationship with the Audit and Risk Management Committee.

12.6 Procurement Policy 2017/2018 - Review**Executive Summary**

The introduction of this measure, in the report back to council, should recommend to Council the composition of the committee, staff-councillor involvement and Terms of Reference and the cost or not to acquire the skills of the local commercial industry luminaries and people that demonstrate appropriate skills.

Procurement Oversight Committee

A report was presented to the Audit and Risk Management Committee on 22 September 2017, recommending the following:

That the Audit and Risk Management Committee:

- 1. Notes the report and the work being done to further improve Council's procurement practices;*
- 2. Recommends to Council that at this time it not proceed with the Purchasing and Procurement Oversight Committee for the reasons outlined in the report.*
- 3. Requests that prior to the review of the Procurement Policy going to Council, it be brought before the Audit and Risk Management Committee at its November meeting.*
- 4. Refers improved Audit and Risk Management Committee oversight of Council's procurement policy and practices for consideration when the Committee reviews its Charter in early 2018.*

The Committee accepted this recommendation on the basis that the establishment of a procurement oversight committee would add to the procurement process, the cost associated with the management of the committee and the diversity of the contracts that Council enter. Further feedback from the Committee suggested removing the provision to accept verbal quotations for supply of goods or services less than \$5,000. Management accepts this is not best practice and the policy has been amended to reflect this change.

Summary of Procurement Strategy 2016-2017

- The 2016-2017 Procurement strategy reflected a continuation of existing practices in achieving procurement compliance noting that the procurement audit undertaken by Pitcher Partners found that there were no significant breaches of S186 of the *Local Government Act 1989* and Council's Procurement Policy.
- Increased collaboration across Council has led to improved compliance with procurement requirements, namely in the areas of tendering practices, commercial negotiations, specification development and risk management. Opportunities for improvement still exist particularly in relation to active contract management to ensure adherence to agreed terms and conditions and that Council is not exposed to legal, financial and reputational risks.
- In 2016-2017, Council issued 126 major contracts over \$70,000 in value and largely comprising infrastructure and building project construction contracts, facility maintenance contracts, major plant and equipment supplies and for operational maintenance and community service needs. Under-threshold purchases and purchase orders have been reduced by over 65% since 2013 through the establishment of formalised supply contracts under sole-supply arrangements or through the establishment of contracts under panels or by using available suppliers under schemes such as Procurement Australia.

12.6 Procurement Policy 2017/2018 - Review**Executive Summary**

- The Contracts and Procurement Unit (C&PU) has endeavoured to achieve best value for money through collaborative procurement arrangements offered by Procurement Australia (58 Council's participated in a tender for gas and electricity supply) and in structuring and negotiating substantial contracts such as the facilities maintenance contract that will over a five-year period, lead to a substantial saving and improvement in building compliance. However, there is a great deal of work ahead in realising efficiencies through the implementation of a contract management system and through the improvement of contract administration practices in infrastructure and building project contracts and this is discussed under the proposed procurement strategy for 2017-2018.

Proposed Procurement Strategy 2017-2018

- While the C&PU will continue to work on key areas largely through collaborative procurement channels to deliver savings, an organisational commitment to implement a formal procurement management system will deliver significant savings and a reduction in Council's risk exposure. While a great deal of work has been undertaken to review delegations in order to assist officers in making project-related decisions, it is evident that a more specific contract management training, better contract administration practices and better technical documentation are required as well as an improved platform in reporting to Council to reduce these risks and improve efficiencies.
- It is envisaged in 2017-2018 this will require:
 - Integration of contract management with Council's finance system that will allow for online and controlled publication, control and monitoring of expenditure, progress and contract performance.
 - Understanding the extent to which Council can support and improve its commitment to local content in the purchase of goods and services with exposure to sanctions and significantly affecting competition in the market.
 - Improving the quality of specifications and undertaking due diligence to improve the enforceability of contractual provisions.
 - Developing a reporting platform to effectively manage design and construction-related issues and to expedite direction from Council and the Executive in order to resolve such matters.
- A contract management audit has been undertaken and a specification has been prepared that articulates Council's requirements regarding a procurement management system. Work to develop a specification to approach the market for the supply of an electronic procurement system is currently being undertaken.

Draft 2017-2018 Procurement Policy***Objective***

The draft 2017-2018 Procurement Policy aims to continue channelling procurement and contract management compliance through a structure of middle management support and accountability; allowing the C&PU to allocate resources in pursuing cost-effective services for the community through strategic procurement. This strategy will allow the C&PU to continue to realise and deliver more tangible savings by reviewing current practices and supply channels, commercial arrangements, reporting and to provide internal and external training.

12.6 Procurement Policy 2017/2018 - Review**Executive Summary***Structure of the draft 2017-2018 Procurement Policy*

What Council officers often refer to as the Procurement Policy are procurement procedures, rules, Council's delegation instruments or any other document intended to ensure compliance with the *Local Government Act*, competition law and Council's objectives. While Policies are often written in a brief format that incorporate the supporting principles that need to be considered, such documents provide little assistance to staff members that seek to use such documents as a guide when making procurement and contract management decisions.

The draft policy is intended to incorporate a number of instruments and subordinate Council policies that work together collectively in assisting Council to achieve its procurement and contract management objectives.

They include the:

- Instrument of Sub-delegation authorising officers to incur expenditure,
- Purchasing Guidelines that provide guidance and general procedures for the raising of purchase orders etc.,
- Contract Management Templates and Guidelines that provides instructions and directions.

Procurement thresholds under the draft 2017-2018 Procurement Policy

- It is proposed that the procurement thresholds for the organisation remain unchanged. The current thresholds promote competitive procurement and achievement of best value for the organisation are consistent with the recommendations of the LGV Procurement Guide and as was highlighted in when compared with other Councils are reasonable expectations.

Local Content – Re: NOM 1274 - Procurement Policies and Contracts

The Local Content criteria under Council's Procurement Policy is stipulated at 5% of the weighting and this does not appear to be sufficient given our need to protect the local economy and jobs and some good work has been undertaken by Council's Economic Development Unit and other within other Councils to introduce various economic resilience packages and schemes. This was undertaken following the state government's introduction of the Victoria Industry Participation Policy (VIPP) to encourage procurement practices to support and grow the local economy. VIPP defines local as Australian and New Zealand as opposed to international content. If Council was to define 'local' as within our municipality we may find that we are limiting ourselves as the required skills and expertise may not be available.

An increase in the weighting of local content from 5% to say 10% as part of the tender evaluation process has in the past been considered. However, there is some concern that Council may be exposed to liability under the anti-competitive provisions of the Competition and Consumer Act which can attract substantial fines.

There is a model in operation that was first implemented in Ballarat and that aims to prescribe local content as a significant criterion but it does so in a manner that requires tenderers to disclose the value of local goods and services that form part of the tender offer. Compliance with the tenderer's disclosed local content contribution is then considered in any future tender submissions to Council. This was presented in the Ballarat model with significant qualifications that were later omitted and not disclosed to tenderers which demonstrates that the approach has a propensity to mislead suppliers and expose Council.

12.6 Procurement Policy 2017/2018 - Review**Executive Summary**

It is possible to make an application to the Competition and Consumer Commission seeking immunity from prosecution in the event that the exclusive dealing provision under the Act is breached but this would require a detailed understanding about how competition in the market is affected for various categories of goods and services and costs can outweigh gains.

The Procurement Policy has been amended to provide greater clarity to officers regarding the support of local businesses and to introduce the concept of Social Procurement. Social Procurement generates positive community outcomes by building on initiatives already undertaken by Council in enhancing sustainable and strategic procurement practice, further enabling procurement to effectively contribute towards building stronger communities and meeting the social objectives of Council.

Future Review of Policy

The 2018/19 review of the Procurement Policy will be presented to Council at the May 2018 meeting. This review will consider the following aspects for potential inclusion:

- a) Further elaboration on/of 'ethical', 'sustainable' and 'social' procurement principles;
- b) Entering contracts in the case of 'emergency' situations;
- c) Kingston City Council's 'Local Supplier Preference' component; and
- d) Increasing threshold delegations and authorisations in exchange for stringent and accountable mechanisms to ensure improved efficiency, value-for-money and procedural compliance

Financial Impact

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

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

It is anticipated that through good procurement practices that savings will be achieved.

Consultation**1. External Stakeholders**

Consultation has occurred with suppliers, Procurement Australia, neighbouring municipalities and the wider municipal procurement group.

2. Other Stakeholders

Departments have been consulted with in relation to their ongoing procurement needs.

Analysis (Environmental / Economic / Social Implications)

Environmental, economic and social implications are fundamental principles of sustainable procurement practices, which not only achieves value for money, but also benefit society, the economy and minimise damage to the environment.

12.6 Procurement Policy 2017/2018 - Review**Executive Summary****Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities

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

Legal

Procurement is in part governed by Section 186 of the *Local Government Act* and requires Council to give public notice and invite tenders before it can enter into any contract, unless exempt under other provisions.

Section 208B refers to the 'Best Value Principles' which requires all services to meet quality and cost standards as prescribed under Section 208D.

Council also needs to be cognisant of the *Privacy and Data Protection Act 2014* and the *Freedom of Information Act 1982*.

Policy Impacts

Council's Procurement Policy is the governing document.

Officer's Declaration of Interests

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

Risk Mitigation

Increased organisational capacity around specification development, contract management and compliance with procurement procedures will reduce the likelihood of strategic risks being realised. Specifically risks related to the Long Term Community Outcomes of being a well-managed and well governed City.

Conclusion

The Procurement Policy presented for Council's review and endorsement maintains a conservative position with regard to category expenditure and delegations that will also be incorporated into the Policy once reviewed and approved by Council. The proposed 2017/18 procurement strategy outlines the recommendations that if adopted by Council, will lead to significant efficiencies and perhaps a meaningful way forward in improving local content in the purchase of goods and services.

ATTACHMENTS

Attachment A: [↓](#) Procurement Policy 2017/2018



opportunity » growth » lifestyle

Procurement Policy

2017/2018

Responsible Directorate: Corporate Development

Authorised by: Council

Date of adoption: TBA

Review date: Annually

(Note that the Local Government Act 1989 requires that this Policy be reviewed at least once each financial year)

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FOREWORD

In November 2008, amendments to the Local Government Act 1989 were passed which included a new Section 186A that required a council to prepare and approve a procurement policy, that a procurement policy must include any prescribed matter and that a council must have regard to Ministerial Guidelines made under the Section when preparing its policy. Further, a council must review its procurement policy annually and make it available for public inspection.

NOTE: *This Procurement Policy replaces the earlier Procurement Policy adopted by Council in 6 June 2016*

1 PRINCIPLES

1.1 Background

Frankston City Council ("Council"):

- recognises that:
 - developing a procurement policy and adopting appropriate best practice contracting and procurement principles, policies, processes and procedures for all goods, services and works by Council, will enhance achievement of Council objectives such as providing better cost-effective services for the community, supporting the local and regional economy, developing an organisation that is recognised for its innovative approach and progressive character and is consistent with community expectations that Council and Council officers will achieve these objectives and will remain accountable at all times.
 - the elements of best practice applicable to local government procurement incorporate:
 - Broad principles covering ethics, value for money, responsibilities and accountabilities;
 - Guidelines giving effect to those principles;
 - a system of procurement authorisation limits (aligned with the delegated level of authority vested in Council officers by the Chief Executive Officer under the Instrument of Sub-delegation) to approve and undertake a range of functions in the procurement process;
 - procurement processes, with appropriate procedures covering minor, simple procurement to high value, more complex procurement; and
 - a professional approach.
- Council's contracting, purchasing and contract management activities endeavour to:
 - support Council's corporate strategies, aims and objectives;
 - achieve value for money and quality in the acquisition of goods, services and works by Council;
 - can demonstrate that public money has been well spent;
 - are conducted, and are seen to be conducted, in an impartial, fair and ethical manner;
 - seek continual improvement including the embrace of innovative and technological initiatives such as electronic procurement processes to reduce activity cost; and
 - support business in the local community.

1.2 Scope

This Procurement Policy is made under Section 186A of the Local Government Act 1989. This Section of the Local Government Act requires Council to prepare, approve and comply with a Procurement Policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by Council.

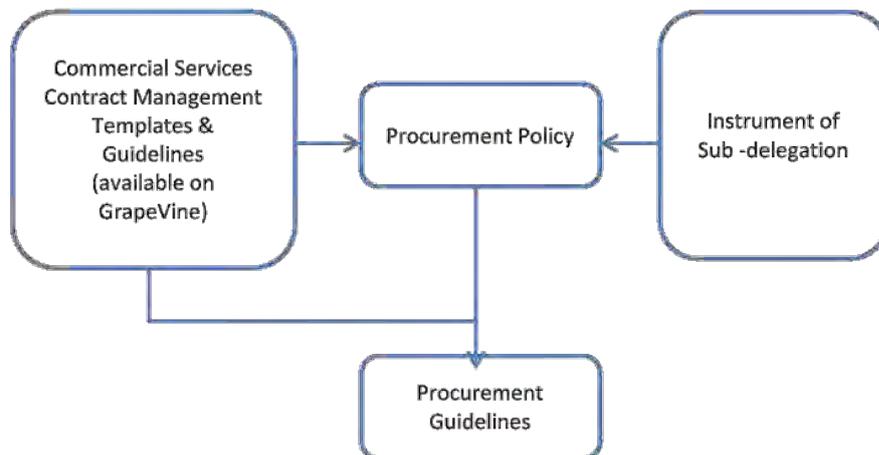
This Policy is an overarching policy that applies to all procurement activities conducted and/or overseen by Council and is binding upon Councillors, Council officers and consultants and contractors engaged by Council provided that the application of the policy is expressly provided for in their contractual agreement with Council.

Under this Policy fall a number of Instruments and other subordinate Council policies and guidelines that provide further specific detail relevant to their area. In particular, the following should be noted where the:

- Instrument of Sub-delegation authorising Council officers to incur expenditure;
- Purchasing Guidelines provide guidance and general procedures for the raising of purchase orders etc; and
- Contract Management manual provides guidance and instructions of how to administer and report on projects.

In addition to the above documents, procedural Contract Management templates and guidelines is under construction for Council staff members in the administration and management of contracts are available until the Contract Management manual is incorporated with the Contract Management system and to ensure a consistent and compliant approach across Council to these activities.

Copies of these documents are available on Council's Intranet site (GrapeVine).



1.3 Purpose

The purpose of this Policy is to:

- Provide policy and guidance to Council to allow consistency and control over procurement activities;
- Demonstrate accountability to ratepayers;
- Provide guidance on ethical behavior in public sector purchasing;
- Demonstrate the application of elements of best practice in purchasing; and
- Implement a culture of accountability and provide a degree of empowerment among Council staff members when undertaking purchasing-related transactions on behalf of the Council.

1.4 Treatment of GST

All monetary values stated in this Policy include GST except where specifically stated otherwise.

1.4 Definitions and Abbreviations

Term	Definition
Best Value (refer also section 3.4)	Best Value or value for money in procurement is about selecting the supply of goods, services and works taking into account both cost and non-cost factors. Lowest price is not the sole determinant of Best Value (<i>subject to conditions</i>).
Commercial in Confidence	Information that, if released, may prejudice the business dealings of a party e.g., prices, discounts, rebates, profits, methodologies and process information, etc.
Contract management and CMS	The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money. CMS is the Contract Management System that will be integrated with Council's Financial System in 2018.

Term	Definition
Council staff	Includes full-time and part-time Council officers, and temporary employees, contractors and consultants and authorised agents of Council.
RMS	A record management system being Council's corporate electronic data storage system.
EMT	Council's Executive Management Team
External Procurement Auditor	An expert from outside Council who has been engaged to provide advice and a degree of impartiality on a particular procurement.
Probity	The dictionary definition of probity refers to uprightness, honesty, and integrity. Within government, the word "probity" is often used in a general sense to mean "good process" or "good governance". A procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with Council's policies and legislation are established, understood and followed from the outset. These procedures are required to ensure ethical and responsible conduct and to maintain transparency. They also need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated fairly and equitably.
Sustainability	Activities that meet the needs of the present without compromising the ability of future generations to meet their needs
Tender or quotation process	The generic process of inviting parties to submit a proposal, followed by the evaluation of submissions and selection of a successful respondent. Council's invitation to parties may include a simple quotation request or a more formal request for expressions of interest or tenders.

2 ETHICS AND PROBITY

2.1 Requirements

Council's procurement activities shall be performed with integrity and in a manner able to withstand the closest possible scrutiny.

2.2 Conduct of Councilor's and Council Staff

2.2.1 General

- Councillors and Council staff members shall at all times conduct themselves in accordance with the Councillors Code of Conduct and the Code of Conduct for Staff, and in ways that are, and are seen to be, ethical and of the highest integrity and will:
- ensure fair, equitable, and unbiased treatment of all parties including potential and existing suppliers;
- use consistent and transparent processes;
- not seek or receive personal gain;
- maintain confidentiality of Commercial in Confidence information such as contract prices and other sensitive information;
- present the highest standards of professionalism and probity;
- deal with suppliers in an honest and impartial manner that does not allow conflicts of interest;
- provide all suppliers with the same information and equal opportunity;
- be able to account for all decisions and provide feedback on them so that all decisions are understood and can be subsequently justified;
- ensure their actions embody the principles of sound financial and risk management; and
- comply with all legal and policy requirements.

Council staff members who are responsible for managing or supervising contracts are prohibited from performing any works under the contract they are supervising and must not have or have had an association with the procurement of the goods, services or works or the design thereof in a personal capacity.

2.2.2 Members of Professional Bodies

Councillors and Council staff members belonging to professional organisations shall, in addition to the obligations detailed in this Policy, ensure that they adhere to any code of ethics or professional standards required by that body.

2.3 Procurement Processes

All procurement processes shall be conducted in accordance with the requirements of this Policy and any associated policies, procedures, relevant legislation, relevant Australian Standards and the Local Government Act 1989.

2.4 External Probity Auditors

There are circumstances where the use of an external probity auditor is required. The use of an external probity auditor is mandated when the value of the goods, services or works exceeds \$5 million (inclusive of GST).

The appointment of an external probity auditor for purchases below this value can also be considered and mandated by the relevant Director or Chief Executive Officer having considered:

- the complexity of the procurement project;
- where the risk associated with the procurement process is considered very high;
- where the procurement project has the potential for risk to Council's reputation; or
- the specialist nature of any potential issues.

Where a decision is made to appoint an external probity auditor it is recommended that the appointment be made as early as possible in the procurement process and a probity plan should be prepared and in place before the procurement is commenced.

2.5 Conflict of interest

Councillors, Council staff members and any external procurement auditor shall at all times act in compliance with the conflict of interest requirements in the Local Government Act 1989 and the guidelines available from Local Government Victoria.

- In particular, Councillors, Council staff and any external procurement consultants shall:
- avoid situations in which private interests conflict, or might reasonably be thought

to conflict, or have the potential to conflict, with their Council duties;

- not participate in any action or matter associated with the arrangement of a contract (i.e., evaluation, negotiation, recommendation, or approval), where that person or any member of their immediate family has a significant interest, or holds a position of influence or power in a business tendering or quoting for Council work; and
- note that the onus is on the individual involved being alert to and promptly declaring an actual or potential conflict of interest to Council.

2.6 Openness and fairness

Prospective contractors and suppliers must be afforded an equal opportunity to tender or quote. Impartiality must be maintained throughout the procurement process so it can withstand public scrutiny.

The commercial interests of existing and potential suppliers must be protected. Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to prices, discounts, rebates, profit, manufacturing and product information.

2.7 Accountability and transparency

Accountability in procurement means being able to explain and provide evidence on the process followed. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.

Therefore the processes by which all procurement activities are conducted will be in accordance with Council's procurement policies and procedures as set out in this Policy and related, relevant Council policies and procedures and all procurement activities are to provide for an audit trail for monitoring and reporting purposes.

2.8 Gifts and hospitality

Councillors and Council staff members must at all times act in accordance with all laws, relevant policies, guidelines and employment agreements.

One of the underlining principles of Council's Gift and Hospitality Policy is that no member of Council staff shall seek or accept substantial favours or gifts from anyone who could benefit by inappropriate influence.

2.9 Disclosure of information

Commercial in Confidence information received by Council must not be disclosed and is to be stored in a secure manner.

Councillors and Council staff members are to protect information disclosed by organisations by refusing to release or discuss the following:

- any information that is Commercial in Confidence information; and
- pre-contract information including but not limited to information provided in tenders and quotations or subsequently provided in pre-contract negotiations.

Councillors and Council staff members are to avoid references to current or proposed contracts in discussion with acquaintances or outside interests.

Discussion with potential suppliers during tender or quotation evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier.

At no stage should any discussion be entered into which could have potential contractual implications prior to the contract approval process being finalised other than authorised pre-contract negotiations.

Failure to maintain confidentiality of Commercial in Confidence information is a breach of the Frankston City Council Code of Conduct.

3 GOVERNANCE

3.1 Structure

Council shall:

- establish a procurement management responsibility structure and a system of procurement authorisation limits (based on Council's Instrument of Sub-delegation); ensuring accountability, traceability and auditability of all procurement decisions made over the lifecycle of all goods, services and works purchased by Council;
- ensure that Council's procurement structure:
 - is flexible enough to purchase in a timely manner the diverse range of material, goods, works and services required by Council;
 - Informs Council staff member's their purchasing limits (delegated level of authority) and the fact that they are required to accept responsibility for ensuring that their procurement-related decisions comply with this Policy;
 - ensures that prospective contractors and suppliers are afforded an equal opportunity to tender or quote; and
 - encourages competition.

3.2 Standards

Council's procurement activities shall be carried out to the professional standards required by best practice and, where relevant, in compliance with:

- the Local Government Act 1989 and other legislative requirements such as but not limited to the Competition and Consumer Act, Goods Act, Charter of Human Rights and Responsibilities Act, and the Environmental Protection Act. ;
- Council's Instrument of Sub-delegation and policies such as but not limited to the this Procurement Policy, the Contracts and Tendering Probity Policy and Corporate Credit Card Policy;
- Council's procedures such as but not limited to the Purchasing Guidelines and Contract Management templates and guidelines;
- Council's codes of behaviour such as but not limited to the Code of Conduct, Code of Ethics and Gifts and Hospitality policies; and,
- Local Government Procurement Best Practice Guidelines.

3.3 Integration with Council Strategy

Council's procurement strategy shall support its corporate strategy, aims and objectives, including but not limited to those related to sustainability, protection of the environment, corporate social responsibility and meeting the needs of the local community such as:

- achieving long term community outcomes in Councils Corporate Plan (ie a Planned City for future growth , a Livable city, a Sustainable City,
- feeling safe,
- living in a clean and pleasant environment, and
- receiving good quality and well managed Council services that represent Best Value.

3.4 Best Value

3.4.1 Requirement

Council's procurement activities will be carried out on the basis of obtaining value for money consistent with acceptable quality, reliability and delivery considerations.

Lowest price is not the sole determinant of Best Value. Best Value in Council procurement is about selecting the supply of goods, services and works taking into account both cost and non-cost factors including:

- contribution to the advancement of Council's priorities and objectives;
- non-cost factors such as fitness for purpose, quality, social and environmental impacts, service and support; and
- cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.

3.4.2 Approach

The Best Value approach will be facilitated by:

- developing, implementing and managing procurement strategies that support the co-ordination and streamlining of activities throughout the lifecycle;
- effective use of competition;
- using aggregated contracts and supply panels where appropriate;
- identifying and rectifying inefficiencies in procurement processes;

- developing cost efficient procurement processes including use of e-solutions for small value purchases and tendering where appropriate;
- Council's Contracts and Purchasing Unit being responsible for providing procurement services ,assistance, management of the Contract Management System (CMS), reporting and providing competent advice in terms of available products and agreements; and
- working with suppliers to create relationships that are professional and productive, and are appropriate to the value and importance of the goods, services and works being acquired.

3.4.3 Role of Specifications

Specifications used in tenders and quotations are to be used to support bid and quotation requests and incorporated into contracts are to support and contribute to Council's Best Value objectives through being written in a manner that:

- clearly describes what Council wishes to procure;
- ensures impartiality and objectivity;
- encourages the use of standard products;
- encourages sustainability;
- eliminates unnecessarily stringent requirements

3.4.4 Contract Management

The purpose of contract management is to ensure that Council receives the goods, services or works provided to the required standards of quality and quantity and ensuring that Council Staff members use commercially robust contracts to describe Council's intention and administer each contract competently. This is achieved by:

- establishing a system monitoring and achieving the responsibilities and obligations of both parties' under the contract; and
- providing a means for the early recognition of issues and performance problems and the identification of solutions
- adhering to Council's adopted Risk Management Strategy and adhering to relevant Occupational Health and Safety Contractor Compliance Procedures.

Contracts are to be proactively managed in accordance with the contract requirements by the member of Council staff responsible for the delivery of the contracted goods, services or works to ensure Council receives Best Value.

Council's Contract Management templates and guidelines are available on Council's Intranet (GrapeVine). The templates and guidelines provide guidance and assistance to Council staff in the administration and management of contracts and aims to ensure a consistent approach across Council to these activities.

A draft Contract Management manual has been prepared and will be incorporated as part of the completion of a Contract Management System in 2018

3.5 Methods

Council's standard methods for purchasing goods, services and works shall be by the following methods:

- credit card;
- purchase order following a tender or quotation process from suppliers for goods or services that represent Best Value under directed procurement thresholds (also includes under threshold operations-related purchases that do not require a purchase order);
- under contract following a tender or quotation process (this includes the use of panel supplies where they have been established);
- using aggregated purchasing arrangements with other councils, Victorian State Government (e.g. State Purchase Contracts, Whole-of-Government contracts etc), Procurement Australia, or other bodies; or
- other arrangements authorised by Council or the Chief Executive Officer (CEO) on a needs basis as required by unforeseen circumstances such as emergencies.

Council may, at its discretion and based on the complexity and cost of the project, conduct a one stage or multi-stage procurement process.

For example, a multi-stage procurement process would typically commence with an expression of interest stage followed by a tender process involving the organisations selected as a consequence of the expression of interest stage.

Expressions of Interest (EOI) may be appropriate where:

- the requirement is complex, difficult to define, unknown or unclear;
- the requirement is capable of several technical solutions;
- Council wishes to consider ahead of formal tender processes such issues as whether those suppliers likely to tender possess the necessary technical, managerial and financial resources to successfully complete the project;
- tendering costs are likely to be high and Council seeks to ensure that companies incapable of supplying the requirement don't incur unnecessary expense;

- it is necessary to pre-qualify suppliers and goods to meet defined standards; or
- the requirement is generally known but there is still considerable analysis, evaluation and clarification required (both of the objective and the solution).

3.6 Responsible financial management

Responsibility for financial management shall be accepted by Council Staff members in undertaking all their procurement activities. Accordingly, to give effect to this principle, the availability of existing funds within an approved budget, or source of funds, shall be established prior to the commencement of any procurement action for the supply of goods, services or works.

Council funds must be available and used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

Council seeks to improve its performance by capturing and analysing procurement financial information with an aim to:

- reduce transaction costs;
- make processes more efficient;
- improve management information and visibility of spend;
- increase control and consistency of processes; and
- improve spend compliance and reporting periodically to the Finance Department.

3.7 Council staff responsibilities

Council staff must be aware of their role in ensuring that the principle of responsible financial management is maintained in their own procurement activities. For example,

- Council staff must not authorise the expenditure of funds in excess of their procurement authority (delegated level of authority);
- Council staff must not authorise or write multiple purchase orders to avoid the authorisation process requirements or their procurement authority;
- Council staff must not approve expenditure that relates to them personally and expenditure of this nature must be referred to the next higher level of authority for approval;
- Council staff must ensure that any purchase orders are generated at the point where

the commitment to purchase goods, services or works has been made i.e. a purchase order must be raised in Tech One when the goods, services or works are ordered and not when the invoice is received; and

- Expenditure must be recorded in a timely manner i.e. once the services or works have been completed (or payment certificates authorised by the project superintendent), or the goods have been received, the appropriate Council officer must ensure that the correct amount is delivered against the relevant purchase order in Tech One.
- Failure to comply with this Policy has the potential to expose Council to financial loss, risks non-compliance with the 'Act' and damage of Council's reputation. In accordance with Councils staff code of conduct, which requires all staff to comply with all Council Policies, it is essential that the procurement criteria outlined in this Policy be strictly adhered to. Non-compliance with this Policy will constitute a breach of the Council's staff Code of Conduct.

4 PROCUREMENT PROCESSES AND THRESHOLDS

4.1 Process

Council's procurement processes shall be based on a number of principles as follows:

4.1.1 Achieving Best Value

The benefits of the procurement are weighed against the costs necessary for the optimum result for Council and the local community. Council is not required to accept the lowest tender but is required to take into account issues of quality, cost, accessibility of the service and other factors relevant to both the overall objectives and the Local Government Act 1989.

Best Value does not mean the lowest price. In terms of the contracting process, Best Value requires Council to balance quality, price and other factors such as local content with as much transparency as is reasonably achievable.

In this context price should take into account the whole life cost of the provision as far as is practicable. It follows that the delivery of Best Value is dependent on Council's priorities.

Achieving Best Value also requires challenging the need for the procurement and the way in which the service may be reconfigured to achieve improvements in service delivery, comparing service provision options against all those available, consulting with key stakeholders and ensuring competition in the open market. The weighting of price will largely be influenced by the goods, services or works that are being considered, the market and whether a pre-qualification process precedes the bid. Direction can be sought from the Contracts and Purchasing Unit as to the weighting of price against other selection criteria.

Achieving Best Value shall be the basis of all procurement decisions within Council.

4.1.2 Probity

All Council procurement processes shall be conducted in a fair, honest, open manner with the highest levels of integrity and in the public interest. All suppliers are to be treated fairly in an open and transparent manner (refer also section 2.6).

4.1.3 Accountability and transparency

All Council procurement decisions must be justifiable and Council shall be able to demonstrate that a fair, reasonable and transparent process has been followed (refer also section 2.7).

4.1.4 Risk management

Council shall have in place consistent strategies for managing risks associated with all procurement processes.

4.2 Spend thresholds

Guidelines will be determined from time to time for spend thresholds associated with Council's procurement activities. These will be decided by analysing the historical size and complexity of the procurement activity and of proposed procurement activities.

4.2.1 Publicly advertised procurements

Purchase of all goods and services for which the estimated expenditure exceeds the thresholds contained in the Local Government Act 1989 must be undertaken by public tender. These thresholds may be varied by the Minister at any time. The thresholds must represent the estimated value of the whole of term of the contract i.e. the initial term plus the value of any options to extend the initial contract term, and are to be inclusive of GST.

The options for a procurement process compliant with the public tendering requirements contained in the Local Government Act include:

- Council running its own publicly advertised tender process;
- Council appointing an external agent to run a tender process on its behalf. Organisations such as Procurement Australia, Procurement are active in this area;
- Council accessing Victorian State Government contracts (eg. State Purchase Contracts, Whole-of-Government contracts etc) that have been made available to Local Government and which Local Government can access without the need to comply with the requirements of Section 186 (1) of the Local Government Act; or
- Council accessing contracts for panels of suppliers where those panels have been put in place through a compliant tender process. These panel contracts may have been put in place through a Council run tender process, a tender process run by an external agent or be a Victorian State Government panel made available to Local Government.

Should the nature of the requirement and the characteristics of the market be such that it is considered a public tender process would lead to a better result for Council, public tenders may also be called for purchase of goods, services and works for which the estimated expenditure is below these thresholds. The Chief Executive Officer is authorised to mandate the tender process under these circumstances.

4.2.2 Other procurements

Purchase of goods or services having a total value of less than the thresholds contained in the Local Government Act 1989 may be undertaken using the following procurement methods. As above, these thresholds must represent the estimated value of the whole of term of the contract i.e. the initial term plus any options to extend the initial contract term, and are to be inclusive of GST.

Panel Contracts established through a compliant tender process generally will be a schedule of rates based contract. At times it may represent best value to Council to seek a lump sum price from the panel even though the panel has been competitively established. Management may request from time to time that officers seek a lump sum price from panel members. Individual commissions through Council established panels through a compliant tender process will be limited to less than \$150,000 (incl GST).

- **Goods, services or works with a value up to \$2,000 and from \$2,000 to \$5,000.**

Generally, low risk and low value purchases up to \$2,000 require 1 written quotation to be attained and if operational in nature, without a purchase order. All purchases between \$2,000 and \$5,000 require purchase orders and a written quotation to support it.

- **Goods, services or works with a value between \$5,000 to \$29,999.**

Generally procurement in this value range should be subject to a competitive process to ensure that Council can demonstrate it has achieved Best Value. Accordingly, at least three written quotations are required and should be received before placing and order with the quotation details recorded in RMS/Tech One.

However, it is recognised that there may be situations where the nature of the procurement is such that it is not practicable to obtain other quotations.

- For example: one-off, minor, low risk construction-type works or technical advice where the work needs to be done immediately or where a contractor has already undertaken previous related works and holds relevant materials (e.g. research, etc), specific knowledge or specialist equipment. Under these circumstances it may be appropriate to continue with the contractor for additional minor related works. However, Officers should use best endeavours to ensure that the likely value of the works is known and agreed with the contractor before any commitment to proceed.

And,

- For example: one-off, minor, low risk artistic and/cultural engagements (such as the securing of shows and events and where there is no identifiable market.

Written estimates or fee proposals obtained for these one-off, minor, low risk assignments are to be recorded in RMS/Tech One along with a brief note documenting the reasons behind the procurement approach adopted. If circumstances are such that this requirement is not achievable, the procurement

may still proceed with Director approval that must be documented and recorded in the RMS/Tech One.

A template called "Compliance Report" is available on GrapeVine to formally document the approval. The template is to be used to facilitate a simple and consistent approach to documenting the background and reasons why the required number of quotations has not been obtained.

▪ **Goods, services or works with a value between \$30,000 to \$69,999**

Council will require a minimum of three written quotations.

This requirement must be met. If circumstances are such that this requirement is not achievable, the procurement may still proceed with Chief Executive Officer approval that must be documented and recorded in the RMS/Tech One. A template called "Compliance Report" is available on GrapeVine to formally document the approval. The template is to be used to facilitate a simple and consistent approach to documenting the background and reasons why the required number of quotations has not been obtained.

The quotation offering Best Value must be confirmed by the supplier on its letterhead and the order placed with that supplier.

Details of all suppliers contacted and their quotations must be recorded on the RMS/Tech One.

▪ **Goods, services or works with a value between \$70,000 to \$149,999**

Council will require a minimum of three quotations by issuing a written Request for Quotation.

This requirement must be met. If circumstances are such that this requirement is not achievable, the procurement may still proceed with Chief Executive Officer approval that must be documented and recorded in the RMS/Tech One. A template called "Compliance Report" is available on GrapeVine to formally document the approval. The template is to be used to facilitate a simple and consistent approach to documenting the background and reasons why the required number of quotations has not been obtained.

All procurement for goods, services or works of value equal to or greater than \$100,000 must include following mandatory selection criteria 'local content' (5%) and 'Financial Cost to Council (50%) unless Director level approval obtained.

▪ **Goods, services and/or works with a value equal to and above \$150,000.**

A Publically advertised request for tender process is required for procurement of goods, services and/or works with a value equal to and above \$150,000. The minimum placement requirements include Council's website and publishing notice in any newspaper approved by Council for such purpose. Where the estimated value of the goods, services or works approaches the thresholds contained in the Local Government Act and it is reasonably foreseeable that the total value of the

contract may increase due to, for example, variations, Council staff should consider running a publicly advertised process in the first instance.

Tenders returned by the nominated closing date must be evaluated and a written recommendation made in favour of the supplier offering the Best Value outcome. The written evaluation and recommendation must include details of all suppliers contacted and their tenders and must be approved and signed off by the relevant authorized officer depending on their approved level of expenditure.

The evaluation and recommendation document including the original suppliers' tenders and the evidence of formal approval and sign-off by the appropriate delegation must be maintained in the RMS / Tech One.

All procurement for goods, services or works of value equal to or greater than \$100,000 must include following mandatory selection criteria 'local content' (5%) and 'Financial Cost to Council (50%) unless CEO level approval obtained.

4.2.3 Public advertising

Quotations may be advertised at the Council staff member's discretion or the Chief Executive Officer's direction in addition to the methods above. This may occur when a field of potential respondents hasn't been established, an innovative approach is required, the estimated value of the contract is approaching the thresholds contained in the Local Government Act or the project has broad appeal that may attract keen prices, etc.

5 PROCUREMENT AUTHORITY

5.1 Requirement

Procurement authority refers to the limitations within which a Council officer is permitted to procure goods, services or works on behalf of Council. This is essentially prescribed by the Instrument of Sub-delegation maintained by Council's Administration and Corporate Projects Department

The preparation, acceptance (and execution of associated documentation) of tenders, quotations, contracts, purchase orders or purchasing card transactions resulting in the expenditure of funds for the purchase of goods, services or works must only be authorised in accordance with the respective Council officer's delegated expenditure limit.

A Council officer should only authorise the procurement of goods, services or works where the value of the procurement is within their procurement authority limit and the officer is comfortable and familiar with the type of procurement being managed. If the procurement involves Council taking on a risk or accepting a liability that goes beyond those expressed in Council's standard contract terms and conditions, then the matter should be referred to the appropriate Manager or Director for approval and/or execution. A Council officer must not hesitate in referring the matter to their Manager or Director if the officer has any doubts or concerns about the terms of the procurement.

Council shall maintain a documented scheme of procurement authority limits identifying those

Council staff authorised to make procurement commitments in respect of goods, services or works on behalf of Council and their respective expenditure commitment limits.

5.2 Delegations to CEO by Council and Sub-delegation by CEO to officers

Council has delegated certain functions and approvals to the CEO and Council's Instrument of Delegation to the CEO includes specific limitations on the CEO's authority to approve certain purchases, tender, quotation and contractual processes without prior referral to Council.

The limitations are reflected in the CEO's Instrument of Sub-delegation of authority to nominated Council officers and these delegations, together with this Policy, set out the procurement authority limits of all Council staff members.

The Instrument of delegation is reviewed by Council at least once a year and a register is maintained by Council's Administration and Corporate Projects Department.

6 INTERNAL CONTROLS

Council will install and maintain a framework of internal controls over procurement processes, including regular internal audit review, that will ensure:

- more than one person is involved in and responsible for a transaction end to end;
- transparency in the procurement process;
- a clearly documented audit trail exists for procurement activities;
- appropriate authorisations are obtained and documented; and
- systems are in place for appropriate monitoring and performance measurement.

7 RISK MANAGEMENT

7.1 General

Risk Management is to be appropriately applied at all stages of procurement activities which will be properly planned and carried out in a manner that will protect and enhance Council's capability to prevent, withstand and recover from interruption to the supply of goods, services and works.

7.2 Supply by contract

The provision of goods, services and works by contract potentially exposes Council to risk. Council will minimise its risk exposure by measures such as:

- use of standard-form contracts where appropriate. Council's standard-form contracts are provided by Council's Contracts and Procurement Unit. Initial enquiries regarding Council's current standard-form contracts should be directed to the Contracts and Procurement Unit;
- ensuring contracts are updated where appropriate to include current, relevant clauses;
- use of or reference to relevant Australian Standards (or equivalent), where appropriate;
- referring specifications to the Contracts and Procurement Unit where required and/or relevant experts where considered appropriate;
- evaluating and selecting contractors whose operations are aligned with Council's specified occupational health and safety standards and systems of work; and who are appropriately experienced, licensed, qualified and have the required levels of appropriate insurances (workers compensation, public liability, professional indemnity, etc);
- requiring security deposits, where appropriate;
- requiring contractual agreement before allowing the commencement of work; and
- effectively managing the contract including monitoring and enforcing performance.

7.3 Health and safety considerations

Council procurements shall consider associated health and safety issues and these considerations shall include the following as appropriate:

- Council's relevant policies and procedures;
- need to ensure the health and safety of employees, contractors, visitors and the public at all times during Council operations; and
- verification of health and safety documentation related to the goods, services or works to be procured. This documentation may include manufacturers' risk assessments, specified regulatory requirements, equipment service records, substance safety data sheets, and any other documentation required by Council as a result of its risk assessments in the context of Council's specific workplace requirements.

7.4 Contractual terms and conditions

All contractual relationships must be documented in writing based on Council's standard terms and conditions. Council has a number of different standard-form contracts to cover different types of procurement; for example, annual supply, construction, consultancy, information technology (IT) products etc. Council staff members are not to accept changes to Council's standard terms and conditions proposed by a supplier as such changes are usually intended to protect the suppliers' interests and can weaken Council's position and expose Council to substantial and unacceptable risks. Similarly, Council staff must not accept suppliers' standard terms and conditions.

In the event that difficulties are encountered with a supplier accepting Council's standard contractual terms and conditions, no changes are to be accepted without the prior consultation with Council's Contracts and Procurement Unit and written approval from the appropriate Director. Such approval is to be supported with procurement, risk management and legal advice as relevant.

To protect the best interests of Council, contractual terms and conditions must be settled in advance of any commitment being made with a supplier. Any exceptions to doing this expose Council to risk and thus must be authorised by the appropriate Director member acting in accordance with the supporting procurement, risk management and legal advice as relevant. To facilitate this, Council's proposed contractual terms and conditions must be issued as part of any request for quotation or tender documentation to ensure that suppliers are fully aware of the contractual terms and conditions that will be the basis of any contractual relationship between the parties.

8 ENDORSEMENT

Council staff must not endorse any products or services. Individual requests received for endorsement must be referred to the relevant Director or CEO for prior written approval.

9 DISPUTE RESOLUTION

All Council contracts shall incorporate dispute management and alternative dispute resolution provisions to minimise the chance of disputes getting out of hand and leading to legal action.

10 PERFORMANCE MEASURES AND CONTINUOUS IMPROVEMENT

Appropriate performance measures are to be established and reporting systems will be used to monitor performance and compliance with procurement policies, procedures and controls.

Procurement procedures, practices and costs may be benchmarked externally, where appropriate. Internal service standards may also be agreed within Council where appropriate and performance against these targets measured and reviewed regularly to support continuous improvement.

The performance measurements developed will be used to:

- highlight trend and exceptions where necessary to enhance performance;
- improve the internal efficiency of the procurement process and where relevant the performance of suppliers; and
- facilitate programs to drive improvement in procurement to eliminate waste and inefficiencies across key spend categories.

11 SUSTAINABILITY

11.1 General

Council is committed to reducing its environmental impacts and operating in a socially and environmentally sustainable manner. To work towards this, Council will monitor and report on Council activities and programs that have an impact on, or contribute to the environment. This includes but is not limited to:

- waste management;
- recycling;
- energy management;
- emissions management;
- water conservation;
- building design; and
- environmentally preferable procurement.

11.2 Environmentally sustainable procurement

Council is committed to adopting a green procurement approach by supporting the principles of sustainable procurement. Council prefers to purchase environmentally preferred products whenever they achieve the same function and Best Value outcomes. Within this context Council will therefore consider the following environmental sustainability criteria:

- Reduce, reuse, and recycle
 - avoid unnecessary purchase of goods, services or works through identifying ways to carry out a function or task without using materials that generate waste (e.g. sending information via email instead of paper) and checking stores and other Departments for excess goods.
 - select products that reduce the amount of materials required such as packaging and consumables.
 - seek to re-use items where possible and extend the useful life of products and equipment through maintenance and repair or re-allocation.
 - seek to buy recycled/part-recycled products that optimise consumption and stimulate demand for recycled products, promoting the collection and reprocessing of waste and working towards zero discharge to landfill.
- Minimise greenhouse gas emissions

- prefer electronic products which are more energy efficient.
- select energy and fuel efficient products.
- in addition to operational energy efficiency, consider the energy and water requirements of a product during its production, transportation and eventual disposal.
- **Minimise habitat destruction**
 - purchase paper and wood products obtained from recycled, plantation, salvaged or renewable sources.
 - purchase products that reduce or eliminate the use of toxic chemicals.
- **Minimise toxicity**
 - purchase materials and products that reduce or eliminate toxic or polluting materials.
 - purchase products and materials that minimise or eliminate the release of toxic substances that can affect human health and pollute water, land or air at any stage of their life cycle.
- **Maximise water efficiency**
 - purchase products that have the best water rating for the price and conserve water or use water in an efficient way.
- **Minimise soil degradation**
 - purchase products, materials and services that will not degrade or pollute the soil or result in erosion through their use.
- **Green the supply chain**
 - develop tender, quotation and contract specifications that encourage suppliers to
 - adopt good environmental and management practices that also respect the rights of all
 - employees and the local community.
- **Use of Fairtrade products**
 - where practicable, Council will procure products which support farmers, their families and communities in developing nations in receiving more stable and secure incomes, better working conditions, and enhanced investment in quality and local environmental sustainability.

12 DIVERSITY

Promoting equality through procurement can improve competition, value for money, the quality of public services, satisfaction among users, and community relations. It should be a consideration in every procurement project and reflect corporate commitment to diversity and equal opportunities wherever possible.

13 SUPPORT OF LOCAL BUSINESS

Council is committed to buying from local businesses (within the City of Frankston and neighboring municipalities) where such purchases may be justified on Value-for-Money grounds. Of primary importance is the need to encourage open and effective competition to ensure the best possible outcome for Frankston City Council. The procurement process must be transparent and undertaken with favoritism or bias. The degree of available competition will vary and may be dependent upon such things as the type of good or service and the number of potential suppliers.

With all factors being equal then Council may give preference to local economic benefit when sourcing products or service. These benefits must be identifiable & reasonable, and may take the form of:

- Increased local employment
- Increased activity and spend in the local economy with identifiable benefits
- The level of local content in the goods, services or works.

The application of local content shall have regard to the:

- Best value Principles of the Local Government Act 1989
- Victorian Local Government Best Practice Procurement Guidelines 2013
- National Competition Policy (Competition and Consumer Act 2010)

14 CONTINUAL IMPROVEMENT

Council is committed to continuous improvement and will review this Procurement Policy both in accordance with the Local Government Act, and as necessary to ensure that it continues to meet its wider strategic objectives.

15 SOCIAL PROCUREMENT

Social Procurement generates positive outcomes by building on initiatives already undertaken by Council in enhancing sustainable and strategic procurement practice, further enabling procurement to effectively contribute towards building stronger communities and meeting the social objectives of the council.

Council is committed to Social Procurement by:

- Enhancing partnerships with other Councils, providers and community stake holders.

- Ensuring all procurement practices are sustainable and strategically aligned with the wider Council objectives.
- Ensuring all businesses have the same opportunity to bid for Council business.
- Building and maintaining a strong community by exploring ways to generate local employment (particularly among disadvantaged residents and further strengthening the local economy.
- Achieving value-for-money outcomes across the community through the use of effective procurement practices.

16 POLICY RESPONSIBLE OFFICER AND CONTACT DETAILS

The Coordinator Contracts and Procurement is the designated responsible officer of this Policy. The responsible officer coordinates the implementation, maintenance and review of this Policy and ensures that stakeholders are aware of their accountabilities.

For further information or queries or feedback on this Policy, please contact the above responsible officer via email <mailto:Procurement@frankston.vic.gov.au> or telephone (03) 9768 1306.

Executive Summary

12.7 Waste Minimisation and Management Plan - Year 2 Progress Report

Enquiries: (Luke Ure: Community Assets)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.2 Build a local community culture of good stewardship of the environment
Priority Action	3.2.3 Determine a long term Waste Management solution, including a Waste Recycling Centre

Purpose

To report to Council on year two progress of the delivery of Frankston City Council's *Waste Minimisation and Management Plan* actions and targets.

Recommendation (Director Community Assets)

That Council receives and notes this progress report.

Key Points / Issues

- Frankston City Council adopted its current *Waste Minimisation and Management Plan (WMMP) 2015-2020* at its Ordinary Meeting on 16 November 2015 (OM280). The WMMP includes 57 actions and targets for the delivery of Council's waste minimisation and management services over five years to reduce Frankston City's waste to landfill and increase resource recovery.
- Council and the community receive a report annually on the progress against each action and target in the WMMP.
- For year two progress of the WMMP (2016-17), two targets were achieved, whilst three targets were unable to be reported on and four were not achieved:
- Of the 51 actions scheduled in year two (2016-17), 42 actions were achieved, two were partially achieved, four were not achieved and three were discontinued. Two of these actions were originally year one actions carried over to year two. Of the actions that were not achieved, one was subject to external funding and three were deferred to year three for completion (refer to [Attachment A](#)).
- Council had a number of waste minimisation and management achievements in 2016-17 including:
 - The continued provision of a high-standard municipal-wide kerbside waste collection and disposal service (garbage, recycling, green waste (optional) and hard waste) for Frankston City households (and some businesses).
 - An increase in the overall waste diversion rate (kerbside waste diverted from landfill) from 53% in 2015-16 to 54% in 2016-17.
 - On average, there was a decrease from 8.53 to 8.50 kilograms of kerbside garbage sent to landfill, per property per week since 2015-16 (garbage stream only, through Council's kerbside collection service).
 - On average, the proportion of organic waste in household garbage bins for single-unit dwellings decreased from 57.32% to 55.38% since 2015-16.

12.7 Waste Minimisation and Management Plan – Year 2 Progress Report**Executive Summary**

- On average, there was a decrease from 20.25% to 17.54% in the contamination rate of household recycling bins for multi-unit developments since 2015-16.
- The introduction of Paintback at the Frankston Regional Recycling and Recovery Centre (FRRRC), allowing FRRRC to accept paint for diversion from landfill and to reduce the amount that is illegally dumped.
- Council becoming part of the South East Organics Processing Contract for the processing of organic waste.
- Endorsing the Metropolitan Waste and Resource Recovery Group's Notice of Motion to advocate to the Victorian Government for more funding for local waste minimisation and management services from the Municipal and Industrial Landfill Levy.
- Advocacy to the Victorian Government for a Victoria-wide ban on single-use lightweight plastic shopping bags.
- The annual Detox your Home Household Chemical Collection Day.
- The completion and implementation of Council's Waste Management Guidelines for Multi-unit Developments (MUDs).
- A broad range of well attended community waste related events and workshops.
- Improvements to Council's community waste education service.
- Council also experienced a number of waste minimisation and management **challenges** in 2016-17:
 - Despite Council's waste management and education services, on average the contamination rate of household recycling bins in single-unit dwellings increased from 10.27% to 11.96% since 2015-16.
 - For multi-unit developments, on average the proportion of organic waste in household garbage bins increased from 54.34% to 60.77% since 2015-16.
 - The cost of disposing waste to landfill continued to increase through the State Government's Municipal and Industrial Landfill Levy.
 - A long-term strategy for Council's hard waste collection service that is both cost effective and meets community needs has not yet been determined.
 - Changes to the recycling market which can affect the amount of recycling from the recyclables collected.
- Council's waste minimisation and management priorities in Year 3 (2017-18) of the WMMP include:
 - Preparing for the future roll-out of food waste collection through Council's kerbside waste collection service. As food waste makes up approximately 50% of a typical household kerbside garbage bin (by weight) in Frankston City, this future service presents a significant opportunity for reducing waste to landfill.
 - Exploring alternative modes of community engagement to continue to expand reach and improve the effectiveness of key waste minimisation and management communications and education.
 - Adapting Council's internal Pathways system and how it is used to capture additional information to assist with responding to dumped rubbish reports.

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- See **Attachment A** for a full progress report of the year two actions of the WMMP.

Financial Impact

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

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

There is no cost associated with the preparation of this report, other than staff time.

The majority of actions for implementation of the WMMP do not require additional funding in 2017-18, but will require the current level of funding and resources. Action 1.1.2 (engaging with local industries, businesses and organisations to increase resource recovery) will require additional funding to complete, whilst the introduction of a future food waste collection service will require further analysis and a business case to be reported back to EMT and Council.

There is no financial risk associated with continuing to implement the WMMP, as actions requiring additional funding will be presented to EMT and Council for further consideration and direction during the budget process.

Consultation**1. External Stakeholders**

Solo Resource Recovery (Council's kerbside waste collection contractor), the Metropolitan Waste and Resource Recovery Group (MWRRG) and Sustainability Victoria (SV) were consulted in the preparation of this report.

2. Other Stakeholders

To prepare this report, Council staff from the Recycling Services, Sustainable Assets, Community Safety, Community Relations and the Arts and Culture departments, as well as Council's Coordinator for Service Delivery (Frankston Revitalisation project) were consulted.

Analysis (Environmental / Economic / Social Implications)

The continued implementation of the WMMP can expect to be associated with reduced waste to landfill and increased resource recovery, resulting in environmental, social and economic benefits.

The WMMP assists in ensuring that the Frankston City community continues to receive a high quality waste minimisation and management service, which is crucial to reducing and mitigating the adverse impacts of waste on the environment and its associated costs.

Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities**

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

12.7 Waste Minimisation and Management Plan – Year 2 Progress Report**Executive Summary**Legal

Implementation of the WMMP is consistent with Council's obligations under the *Environment Protection Act 1970*, *Local Government Act 1989* and the *General Local Law 2016 No 8*.

Policy Impacts

The following Council policies and plans are relevant to this report:

- Council Plan 2017-2021
- Environmental Sustainability Policy (2010)
- Waste Minimisation and Management Plan (2015-2020)
- Greening our Future: Frankston City's Environment Strategy (2014-2024)
- Carbon Neutral Action Plan (2011-2016)

Officer's Declaration of Interests

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

Risk Mitigation

The governing risk to Council is not having or implementing a strategic direction for waste minimisation and management services for Frankston City. This could result in increased waste to landfill, reduced resource recovery, waste service delivery and cost implications, and result in loss of reputation. This risk is being mitigated through implementation of Council's current WMMP.

The actions set out in the WMMP are based on the current level of funding and resources. Some future actions require additional funding. Insufficient funding could be a barrier to achieving some of the future actions. Actions requiring additional funding will be submitted through the annual budgeting process for consideration.

Making this public is important to keep Council accountable for its actions and to remain transparent. If year two progress on the delivery of the WMMP is not reported to Council and the community, this could present as a risk to Council's reputation.

Conclusion

The WMMP outlines Council's strategic direction for Frankston City's waste minimisation and management services from 2015-2020. The implementation of the WMMP can expect to reduce waste to landfill and increase resource recovery. Progress against the WMMP actions and targets are reported on annually. Year two progress against the 57 actions and targets in the WMMP are documented in this report. Council has made good progress with the implementation of the year two actions, despite some challenges. Making Council's progress on the delivery of the WMMP public is important to ensure that the actions and targets remain relevant and that Council is accountable and transparent.

ATTACHMENTS

Attachment A: [↓](#) Year 2 Progress Report - Waste Minimisation and Management Plan 2015 - 2020

12.7 Waste Minimisation and Management Plan – Year 2 Progress Report Officers' Assessment

Background

Council's Waste Minimisation and Management Plan (WMMP) 2015-2020 is a five year plan which outlines Council's strategic direction for waste minimisation and management. The WMMP was adopted at Council's Ordinary Meeting on 16 November 2015 (OM280).

The WMMP includes 57 actions and targets for the delivery of Council's waste minimisation and management services over five years to reduce Frankston City's waste to landfill and increase resource recovery. Progress on the delivery of the priorities in the WMMP is reported to Council on an annual basis to track progress. This is important to ensure that the actions and targets remain relevant, incorporate new opportunities and reflect changing priorities, as they arise (refer to [Attachment A](#)).

Reported kerbside garbage sent to landfill data was derived from annual Solo Resource Recovery waste collection data. Reported household kerbside recycling bin contamination and garbage stream organic waste sent to landfill data was derived from a Solo Resource Recovery audit of bins from 200 single-dwelling and 50 multi-unit development households. Reported data on community outreach about different waste services was based on the number of households reached through the Bin Cop program, Halve Our Waste e-newsletters and Council's waste related workshops and events.

Issues and Discussion

For year two progress of the WMMP (2016-17), two targets were achieved, whilst three targets were unable to be reported on and four were not achieved:

Key performance indicator	Year 1 Results (2015-16)	Year 2 Results (2016-17)	Target for 2016-17	Comments
1. Kerbside garbage sent to landfill (kilograms/tenement/week)	8.53	8.50	Less than or equal to 8.40kg	Decreased since 2015-16 however slightly over target by 100 grams
2. Contamination rate of kerbside recycling bin stream (percent by weight)	10.3 for single-dwelling households	12.0 for single-dwelling households	Less than or equal to 11% for single-dwelling households	Increased since 2015-16 and slightly over target by 1.0% for single-unit dwellings
	20.3 for multi-unit developments	17.5 for multi-unit developments	No target set for multi-unit developments	No target set for multi-unit developments
3. Kerbside organic waste sent to landfill from the garbage stream (percent by weight)	57 for single-dwelling households	55 for single-dwelling households	Less than or equal to 55% for single-dwelling households	Decreased since 2015-16 for single-dwelling households and within target
	54 for multi-unit developments	61 for multi-unit developments	No target set for multi-unit developments	No target set for multi-unit developments

12.7 Waste Minimisation and Management Plan – Year 2 Progress Report

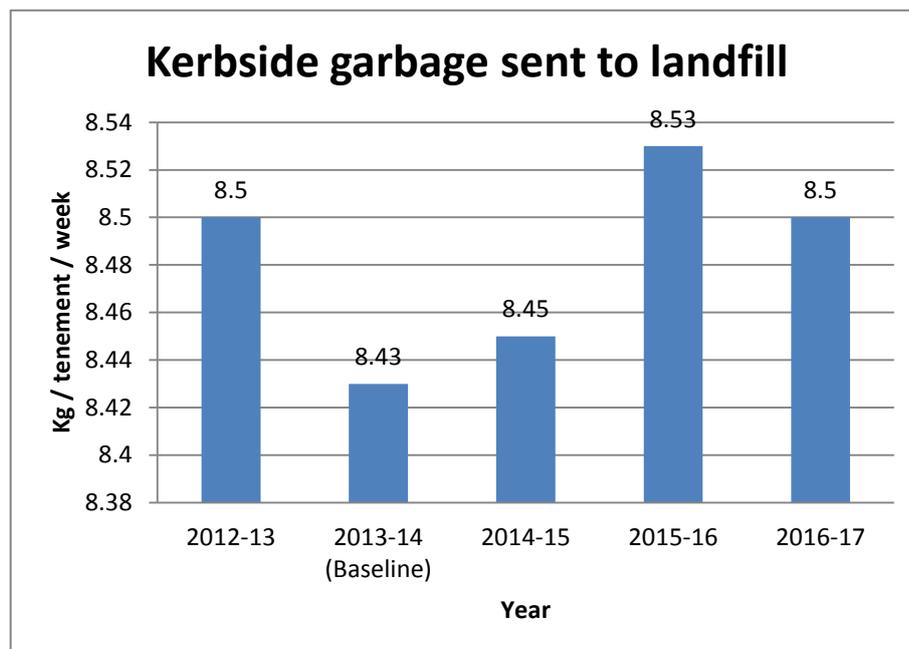
Officers' Assessment

Key performance indicator	Year 1 Results (2015-16)	Year 2 Results (2016-17)	Target for 2016-17	Comments
4. Recovery rate of incoming material at Council's new Frankston Regional Recycling and Recovery Centre (percent incoming material recovered)	59	54	More than or equal to 55%	Decreased since 2015-16 and not within target by 1%
5. Community satisfaction level with Council's kerbside waste services (percent)	Data not collected	Data not collected	More than or equal to 95%	N/a - Survey postponed so it can be modified to also capture other useful information
6. Community awareness of the following services: <ul style="list-style-type: none"> Disposal alternatives for hazardous materials Reuse and recycling alternatives for specialty materials and hard waste Disposal pathways for hard waste 	Data not collected	Data not collected	N/a – Baseline unable to be established	N/a – Survey postponed so it can be modified to also capture other useful information
7. Provide community outreach to the Frankston City community about different waste services (percent households)	46	52	More than or equal to 30%	Increased since 2015-16 and within target
8. Incidence of illegal dumping (number of reported incidences)	500 reported incidences (baseline)	1,268	Less than or equal to 1% below baseline	Increased incidence of reporting since 2015-16 – not within target, however, a more meaningful target is recommended

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Officers' Assessment

Key performance indicator	Year 1 Results (2015-16)	Year 2 Results (2016-17)	Target for 2016-17	Comments
9. Waste sent to landfill from Council staffed properties	N/A	Not recommended for reporting	N/a – Baseline unable to be established	N/A – Methodology and site selection changes recommended to establish new baseline

Kerbside garbage sent to landfill (garbage waste stream only) for Frankston City properties was slightly less than last year, but is relatively stable (see graph below). In 2016-17, on average each tenement (including both residential and commercial properties) sent 8.50 kilograms (kg) of garbage to landfill per week, compared to 8.53kg in 2014-15. This is a decrease of 30 grams (0.4% decrease) per tenement per week, which is equivalent to the weight of one and a half tablespoons of sultanas. It also remains lower than the metropolitan average rate of 9.06kg recorded in 2014-15 (latest available data) (Source, [Sustainability Victoria](#), 2016).



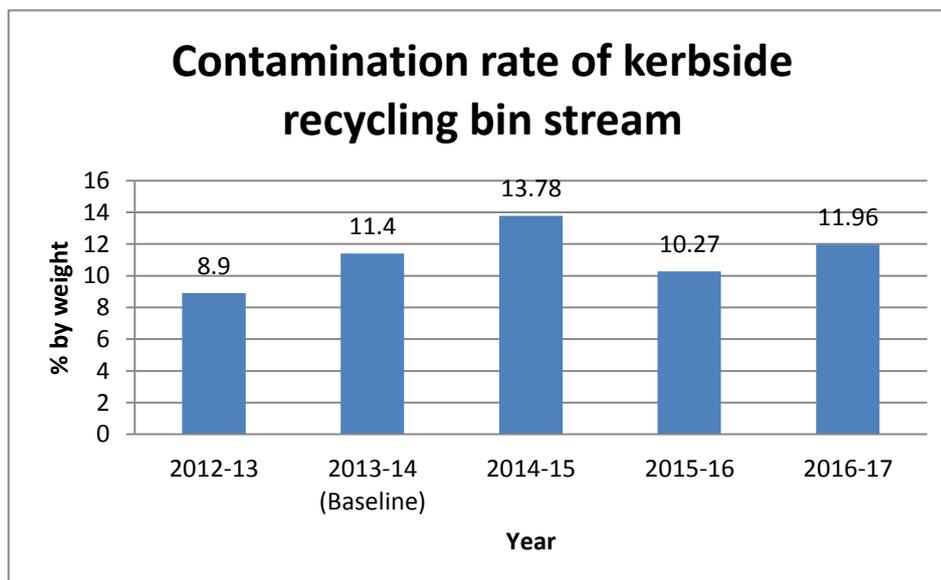
In addition, Council’s waste diversion rate (kerbside waste diverted from landfill) increased slightly but remained relatively stable at 54%, when compared to 53% in 2015-16. Frankston City’s diversion rate of 54% remains higher than the metropolitan average diversion rate of 45% recorded in 2013-14 (latest available data) (Source, [Sustainability Victoria](#), 2016).

The contamination rate of the kerbside recycling bin stream for single-unit dwellings in Frankston City was slightly higher than last year, but is relatively stable (see graph below). In 2016-17, the contamination rate was 12.0% (by weight) for recycling bins in single-dwelling households, up from 10.3% in 2015-16. This means that 12.0% of items in audited recycling bins were in the wrong bin as they weren’t recyclable through the kerbside collection system. Recycling bin contamination in multi-unit developments reduced from 20.3% in 2015-16 to 17.5% in 2016-17 and remains a lot higher than for single-dwelling households.

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Officers' Assessment

Common household recycling bin contaminants included bagged recyclables, non-recyclable hard plastics, clothing/ textiles/ rags, non-recyclable glass and e-waste. In previous years, soft/ scrunchable plastics and expanded polystyrene have been common recycling bin contaminants.



Of the 51 actions scheduled in year two (2016-17), 42 actions were achieved, two were partially achieved, four were not achieved and three were discontinued. Two of these actions were originally year one actions carried over to year two. Of the actions that were not achieved, one was subject to external funding and three were deferred to year three for completion (refer to **Attachment A** for further information).

Work Completed to Date - Waste Minimisation and Management Plan		
Improvement Actions - Status	No. of Improvement Actions (Year 2)	% of Improvement Actions
Achieved	42	82.4%
Partially achieved	2	3.9%
Not achieved	4	7.8%
Discontinued	3	5.9%
<i>Total</i>	51	

Council had a number of waste minimisation and management achievements in 2016-17 including:

- The continued provision of a high-standard municipal-wide kerbside waste collection and disposal service (garbage, recycling, green waste (optional) and hard waste) for Frankston City households (and some businesses). Council has consistently performed well against other Victorian councils in relation to waste collection statistics (source: [Know Your Council](#) website).
- An increase in the overall waste diversion rate (kerbside waste diverted from landfill) from 53% in 2015-16 to 54% in 2016-17.
- On average, there was a decrease from 8.53 to 8.50 kilograms of kerbside garbage sent to landfill, per property per week since 2015-16 (garbage stream only, through Council's kerbside collection service).

12.7 Waste Minimisation and Management Plan – Year 2 Progress Report**Officers' Assessment**

- On average, the proportion of organic waste in household garbage bins for single-unit dwellings decreased from 57.32% to 55.38% since 2015-16.
- On average, there was a decrease from 20.25% to 17.54% in the contamination rate of household recycling bins for multi-unit developments since 2015-16.
- The introduction of Paintback at the Frankston Regional Recycling and Recovery Centre (FRRRC), allowing FRRRC to accept paint for diversion from landfill and to reduce the amount that is illegally dumped.
- Council becoming part of the South East Organics Processing Contract for the processing of organic waste. This is an important milestone in Council's preparation for the future roll-out of food waste through Council's kerbside waste collection service.
- Endorsing Metropolitan Waste and Resource Recovery Group's Notice of Motion to advocate to the Victorian Government for more funding for local waste minimisation and management services from the Municipal and Industrial Landfill Levy.
- Advocacy to the Victorian Government for a Victoria-wide ban on single-use lightweight plastic shopping bags.
- The annual Detox your Home Household Chemical Collection Day in February 2017 that was delivered in partnership with Sustainability Victoria and resulted in 214 households disposing of 4,951 kilograms of household chemical products at FRRRC for recycling and safe disposal.
- The completion and implementation of Council's Waste Management Guidelines for Multi-unit Developments (MUDs).
- A broad range of well attended community waste related events and workshops, including composting and worm farming workshops, as well as a 'Follow Your Waste' tour of the materials recovery facility (where Frankston City's household recyclables get sorted) and a landfill site (where the kerbside waste is disposed of).
- Improvements to Council's community waste education service including development and updates to a number of waste and recycling educational resources, including the launch of six humorous short videos titled *Talking Rubbish*, to educate residents on kerbside waste and recycling and to address common myths, updates to Council's Waste and Recycling Service Guide and the comprehensive online Specialty Recycling and Disposal Directory (for disposal options for items not accepted in the kerbside waste collection service), as well as web based information and regular articles in Frankston City News and Council's e-newsletters etc.

Council also experienced a number of waste minimisation and management **challenges** in 2015-16:

- Despite Council's waste management and education services, on average the contamination rate of household recycling bins in single-unit dwellings increased from 10.27% to 11.96% since 2015-16.
- For multi-unit developments, on average the proportion of organic waste in household garbage bins increased from 54.34% to 60.77% since 2015-16.
- The cost of disposing waste to landfill continued to increase through the State Government's Municipal and Industrial Landfill Levy (from \$62.03 per

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tonne in 2016-17, compared with \$60.52 per tonne in 2015-16, and \$58.50 per tonne in 2014-15).

- A long-term strategy for Council's hard waste collection service that is both cost effective and meets community needs has not yet been determined.
- Changes to the recycling market which can affect the amount of recycling from the recyclables collected.
- Kerbside garbage sent to landfill data is based on resident and business garbage combined and could not be separated.
- The sample size of the audit that household kerbside recycling bin contamination and garbage stream organic waste sent to landfill data was derived from was relatively small (although it was still consistent with Sustainability Victoria's Guidelines for Auditing Kerbside Waste in Victoria). The sample size was 200 single-dwelling and 47 multi-unit development households.

Council's waste minimisation and management priorities in Year 2 (2016-17) of the WMMP include:

- Preparing for the future roll-out of food waste collections through Council's kerbside waste collection service – part of the South East Organics Processing Contract through the Metropolitan Waste and Resource Recovery Group (MWRRG) and neighbouring councils in the south east. As food waste makes up approximately 50% of a typical household kerbside garbage bin (by weight) in Frankston City, this future service presents a significant opportunity for reducing waste to landfill.
- Exploring alternative modes of community engagement to continue to expand reach and improve the effectiveness of key waste minimisation and management communications and education.
- Adapting the internal Pathways system and how it is used to capture additional information to assist with responding to dumped rubbish reports.

See [Attachment A](#) for a full progress report of the year two actions of the WMMP.

Options Available including Financial Implications

That Council receive and note this progress report and that Council's adopted *Waste Minimisation and Management Plan* continues to be implemented.

There are no financial implications associated with the report.

Action	Priority	Timeline	% Complete for Year 2 actions	Status	Comments for 2016-17 (Year 2)
1.1.1 Ensure that future local infrastructure meets State, regional and local requirements, needs and standards	17	Year: 1-5	100%	Achieved	The FRRRC was funded 100% by Council and is now fully operational and supports the State wide Infrastructure Plan for resource recovery opportunities in the South East Region. Prices continued to be benchmarked at least annually (and more frequently when required). Council is part of the Metropolitan Waste and Resource Recovery Group (MWRRG) and officers attended a number of forums, workshops and meetings to ensure Council was updated in the State, regional and local requirements, needs and standards. The annual community kerbside collection survey was postponed so that it can be modified to attain useful information to guide improvements to Council's waste services and education. The landfill is currently being managed in line with the pollution abatement notice.
1.1.2 Engage officer to work with local industries, businesses and/or social organisations to increase resource recovery and provide local economic opportunities (also see Actions 2.4.1 & 3.5.1)	10	Year: 2-3	N/A	Not achieved	This action is subject to external funding, which was not attained. The feasibility of working with local businesses on an environmental upgrade project to reduce waste and increase resource recovery in partnership with Sustainability Victoria will be investigated in 2017-18 (year 3). Funding to support this will be sought at this time.
1.1.3 Continue to advocate for the State Government to support development and operation of the new Frankston Regional Recycling and Recovery Centre	12	Year: 1-5	N/A	Achieved	See 1.1.1.
1.2.1 Assess the sufficiency of the recycling bin volume and the provision of free recycling bins to selected households that apply (also see Action 3.1.7)	6	Year: 1-5	100%	Achieved	The kerbside collection system is in line with Sustainability Victoria's best practice guide. The volume sufficiency of the recycling bin will be assessed during the kerbside contract retender and annual bin audits. The provision of free recycling bins to selected households continued to be reviewed on an annual basis. This review involved sending out letters with a new application form to make sure households still met the eligibility criteria.
1.3.1 Develop the new kerbside collections contract/s tender to maximise the value Council receives from the recyclables stream	8	Year: 2-3	100%	Achieved	The development of the new kerbside collection contract was commenced and will continue in 2017-18 with best practice guidance from Sustainability Victoria, consultants and other metropolitan councils. The tender is planned to be awarded in July 2018, for commencement in July 2019.
1.3.2 Continue to be involved in MWRRG initiatives around resource recovery, especially concerning the processing of kerbside garbage	11	Year: 1-5	100%	Achieved	Council officers attended MWRRG network meetings, forums and workshops, covering waste management in multi-unit developments, managing organics to increase resource recovery, engaging young audiences, as well as the Back to Earth initiative (Council supported). These events provided an opportunity to learn about recent research and for council's to share project based information.
1.4.1 Review Council's kerbside hard waste collection services in line with the opening of the Frankston Regional Recycling and Recovery Centre, to ensure cost-effectiveness while meeting community needs	8	Year: 1	N/A	Achieved	Action completed in year 1. No further comments required.
1.4.2 Promote the kerbside at-call hard waste collection service more widely	8	Year: 1-5	100%	Achieved	Information about the At-call Hard Waste and Bundled Green Waste collection service was included on Council's website and via Council' waste and recycling guide/flyer.

Action	Priority	Timeline	% Complete for Year 2 actions	Status	Comments for 2016-17 (Year 2)
1.5.1 Continue to implement the recommendations of the McClelland Drive Landfill Management Strategy and State Government requirements in managing closed landfills	11	Year: 1-5	100%	Achieved	As part of the landfill management strategy, aftercare management plans (AMPs) have been developed for all cells. The AMPs are currently being reviewed by the EPA prior to full implementation. The landfill was managed in line with the pollution abatement notice.
1.6.1 Utilise the research outcomes from the State Government grant project with the City of Greater Dandenong to further address illegal dumping from Multi-Unit Developments	6	Year: 2	N/A	Discontinued	This action is no longer relevant as the learning outcomes from the grant project (now completed) were limited due to difficulty establishing casual evidence of the project outcomes and reducing the incidence of illegal dumping. However, the project outcomes will inform Council's future communications with multi-unit developments on waste and recycling minimisation.
1.6.2 Continue to use best practice guidelines (e.g. Sustainability Victoria's Guide to Best Practice for Waste Management in Multi-Unit Developments) to assess development applications	10	Year: 1-5	100%	Achieved	Council's Waste Management Guidelines for Multi-unit Developments that align with Sustainability Victoria's guidelines were developed and used by Council officers to assess development applications.
1.6.3 Establish a process for recording and monitoring data on illegal dumping and litter, including incident data, infringement notices, materials collected and costs incurred	9	Year: 1	50%	Partially achieved	The Pathways reporting system continues to be used to record litter dumping and enforcement. Changes to this system and how it is used to capture additional information to assist with managing dumped rubbish reports will be trialled in 2017-18 (year 3).
1.6.4 Develop a concise litter prevention action plan which outlines data collection, targets hotspots and involve various stakeholders	9	Year: 2	20%	Partially achieved	A draft Litter and Dumped Rubbish Management Plan was developed by Council officers with internal consultation. The plan documents Council's current activities in managing litter and dumped rubbish, and identifies future improvement actions. The plan does not include an analysis of local data as funding for the collection of data was not available. The plan is currently being used as an internal working document. To provide a comprehensive analysis of data and further recommendations, additional resources would be required (i.e. staff time and contractor costs).
1.6.5 Enhance enforcement of Council's hard waste collection guidelines	6	Year: 1-5	100%	Achieved	Hard waste collection dates were loaded into MyAddress, accessible through Council's website. All residents received a hard waste flyer in the mail for the annual hard waste collection, advising of the rules and accepted items. Information was also available via Council's website and through social media. Customer complaints relating to the hard waste collection service were responded to and infringement notices were issued where feasible, as in previous years. Two officers were employed full-time and ongoing to investigate dumped litter. Two additional officers were employed for the hard waste collection period. This means that there was a total of four compliance officers assisting during the hard waste collection period.
1.6.6 Investigate options to strengthen Council's Local Law to manage illegally dumped rubbish	8	Year: 1-5	100%	Achieved	A review of the General Local Law was undertaken and a new general Local Law 2016 was put in place as of 23 September 2016. This includes stronger enforcement for dumped rubbish and an increase in the penalties for this offence. The enforcement of litter dumping is covered by the Environmental Protection Act 1970. This act has greater powers and penalties than can be provided by a Local Law. Where possible, alleged offenders were charged and the matter heard in the Magistrates Court with the aim of having the court award the costs of litter removal to the offender.

Action	Priority	Timeline	% Complete for Year 2 actions	Status	Comments for 2016-17 (Year 2)
1.6.7 Review Council's penalty points for littering and illegal dumping to ensure that the infringement penalty is sufficient for full cost recovery	8	Year: 1-5	100%	Achieved	A review of the Local Law was undertaken and the penalties associated with dumped litter were increased to the maximum in accordance with the Local Government Act. Penalties in relation to the Environment Protection Act are set by the Victorian Government and were increased with CPI in July 2017. Cost recovery for the removal of waste where an offender is identified, continued to be undertaken in the Magistrates Court. Council met with the Real Estate Accord back in year 1 of the plan to ensure that Owners Corporations were reminded of their obligations to clearly display their contact details at the properties they manage.
1.7.1 Ensure there are systems and processes in place so Council demonstrates leadership in waste minimisation and resource recovery	7	Year: 2-4	100%	Achieved	An internal waste audit of ten Council facilities was undertaken to identify opportunities for resource recovery and reducing Council waste to landfill. The audit identifies improvements in Council's recycling rates and waste reduction for some facilities, plus areas for improvement including the need for further education of staff. For more effective auditing of Council facilities in future years, an additional budget or staff resources would be required.
1.7.2 Encourage better use of Council's Procurement Guidelines and develop educational resources and training for staff on resource recovery options	9	Year: 2-4	N/A	Not achieved	This action is scheduled for 2017-18 (year 3), after the new Commercial Services Manager has been appointed.
1.7.3 Continue to recover resources at Council's Operations Centre and other facilities	9	Year: 1-5	100%	Achieved	The majority of waste collected from Council facilities was either collected by the kerbside service or at FRRRC and separated for resource recovery. FRRRC commenced accepting paint as part of the Paintback scheme to increase the amount of paint recovered for diversion from landfill and to reduce the amount illegally dumped. In addition, a bin audit of several Council facilities was undertaken to identify ways to reduce waste and increase recycling. The results of these audits will be used as a basis for staff education.
2.1.1 Continue to improve promotion of reuse and recycling alternatives	8	Year: 1-5	100%	Achieved	Reuse and recycling alternatives were promoted through Council's Halve Our Waste (HOW) e-newsletter and Facebook group posts, EnviroNews, Frankston City News, on Council's website and by their inclusion on the Waste and Recycling Service Guide and Hard Waste Collection brochures. Council's online Recycling and Disposal Directory was kept regularly updated, advising residents of alternative disposal options for items not accepted through the kerbside collection service.
2.1.2 Establish a Resale Shop at the new Frankston Regional Recycling and Recovery Centre	11	Year: 1	N/A	Achieved	Action completed in year 1. No further comments required.
2.1.3 Investigate ways in which additional items placed out for the hard waste collection could be reused/recycled instead of disposed	10	Year: 3	N/A	Programmed for a later start date	This is not a year 2 action.
2.2.1 Investigate implementing Sustainability Victoria's Love Food Hate Waste (LFHW) education resources through local programs and communications	11	Year: 2-5	100%	Achieved	The Victorian Government's Love Food Hate Waste educational resources were shared in Council's Halve Our Waste e-newsletters and Facebook group posts. These promotions took very little staff time and did not require additional funding.

Action	Priority	Timeline	% Complete for Year 2 actions	Status	Comments for 2016-17 (Year 2)
2.2.2 Continue to support Frankston City households participating in the Halve our Waste and Halve Garbage Waste programs	10	Year: 1-5	100%	Achieved	Council continued to support an estimated 848 households remaining on the Halve Our Waste (HOW) program as well as Halve Garbage Waste (HGW) participants (former Victorian Government funded projects). HOW e-newsletters were sent to participants in September and December 2016, and April and June 2017. The HOW Facebook group was continued until April 2017, with regular Council posts and post monitoring. It's closure was in response to increased member knowledge and the availability of other resources for assisting with waste reduction. Those that signed up to fortnightly garbage collections as part of the HOW and HGW programs were able to continue this service and access Council's free Greening Our Future events (also available to members of the public).
2.3.1 Undertake advocacy to the State Government for stronger commitments to addressing packaging waste and research the feasibility of a plastic bag ban	8	Year: 2	100%	Achieved	In July 2016, Councillors were briefed on the proposed Environment Protection Amendment (Banning Plastic Bags, Packaging, Microbeads) Bill 2016 introduced by Ms Nina Springle, MLC (Victorian Greens). In May 2017, due to Notice of Motion 1305 - Ban the bag, Council wrote to the Victorian Government (Victorian Premier, Minister for Energy, Environment and Climate Change, as well as the Member for Frankston) advocating for a Victoria-wide ban on single-use lightweight plastic shopping bags. A Plastic Bag Free Frankston City Issues and Options Paper was developed by Council officers and provided to Councillors for their feedback in June 2017. In addition, legal advice was sought on the legalities of Frankston City Council introducing a municipal ban on lightweight plastic shopping bags.
2.3.2 Investigate inclusion of 'sustainable packaging' clauses for suppliers engaged by Council	9	Year: 3	N/A	Programmed for a Later Start Date	This is not a year 2 action.
2.4.1 Offer support to businesses and community groups in Frankston City to reduce waste generation in their operations, where feasible (also see Actions 1.1.2 & 3.5.1)	10	Year: 2-3	100%	Achieved	With support from Council, Frankston City's first community-led Boomerang Bags initiative by the Plastic Bag Free Frankston group was launched, with monthly sewing bees by volunteers in Seaford to make reusable bags shopping bags. Council support for this group involved providing short-term seed funding for the sewing bee venue. In addition, Council secured \$30k funding from the Victorian Government for the <i>Bay Friendly Businesses</i> program, where food premises in the Frankston city centre will be provided with support and advice to improve their waste practices.
3.1.1 Develop a business case for a Food Organics and Garden Organics (FOGO) collection, including potential charges to the kerbside collection service, once a suitable organics processing facility becomes available in the region	8	Year: 2	0%	Not achieved	The business case development was delayed to later in 2017 (2017-18, year 3) to allow the use of learnings from the best practice guide prepared by Sustainability Victoria, and also the social research undertaken by the Victorian Government for implementing FOGO.
3.1.2 Continue supporting the approval and establishment of south east metro FOGO processing facilities	8	Year: 1-5	100%	Achieved	Council is now part of the South East Organics Processing Contract, which became effective in April 2017. Organic garden waste from the kerbside collection service is transported to Dutson Downs near Sale to be made into compost and used by farmers in the Gippsland region.
3.1.3 Examine the feasibility of increasing Council's use of recycled organics products from the kerbside green waste collection service (e.g. mulch)	10	Year: 1-5	100%	Achieved	All the kerbside organics products are collected and manufactured into compost at Dutson Downs for use by farmers throughout Gippsland. The market for this compost is strong and thought to be sustainable. Other organic products that are collected by Council are either mulched or taken to FRRRC.

Action	Priority	Timeline	% Complete for Year 2 actions	Status	Comments for 2016-17 (Year 2)
3.1.4 Advocate to the State Government for enhanced and long-term investment in research and best practice treatment and sorting technologies to support resource efficiency and resource recovery	10	Year: 1-5	100%	Achieved	Council officers continued to be kept informed and provide feedback on needs and priorities for resource efficiency and recovery through their attendance at relevant regional and project based forums, where these opportunities could be raised. Councillors and officers attended the Local Government Waste forum meetings on behalf of council. Household garbage, recycling and green waste bins were audited in May 2017, and the results were used to guide waste and recycling communications.
3.1.5 Continue to be involved in MWRRG initiatives around resource recovery, especially concerning the processing of kerbside garbage	10	Year: 1-5	100%	Achieved	See 1.3.2.
3.1.6 Monitor industry developments that may lead to the availability of new resource recovery opportunities for the region (e.g. developments in energy-from-waste)	10	Year: 1-5	100%	Achieved	Council officers familiarised themselves with the priorities of the State wide Waste and Resource Recovery Infrastructure Plan and opportunities for resource recovery through attending regional workshops. In addition, FRRRC commenced accepting paint as part of the Paintback scheme to increase the amount of paint recovered for diversion from landfill and to reduce the amount illegally dumped.
3.1.7 Conduct future kerbside audits in accordance with SV Best Practice Auditing Guidelines, in particular, obtaining data on the split between the different organics streams, 2-bin versus 3-bin households, recycled bin capacity and difference between MUDs and single dwelling households (also see Action 1.2.1)	9	Year: 1-5	100%	Achieved	Solo, Council's kerbside collection contractor completed an audit of the existing 3 bin system, which identified the volume, content and level of contamination in household garbage, recycling and green waste bins. Data for single dwelling and MUD households were evaluated separately for each waste stream. The audit complied with Sustainability Victoria's best practice guide, including an analysis of the different organic streams. The results of this were used to guide Council's waste and recycling communications.
3.1.8 Assess the potential for recovery of hard waste through processing at the new Frankston Regional Recycling and Recovery Centre, including working with private industry and social enterprises	10	Year: 3	N/A	Programmed for a Later Start Date	This is not a year 2 action.
3.2.1 Improve monitoring and evaluation to ensure existing programs and projects (e.g. Bin Cop, School programs) are efficient and effective	10	Year: 1	0%	Not achieved	The Bin Cop audit program review has been delayed as a result of the kerbside collection review and will occur in 2017-18 (year 3). The evaluation of the Council's Halve Our Waste (HOW) program and feasibility assessment was completed in year 1.
3.2.2 Use evidence based decision-making to direct future investment in waste and recycling education programs and projects	10	Year: 1-5	100%	Achieved	Council officers continued to review best practice approaches to direct investment in waste and recycling education programs and projects. Municipal data informed decision-making, such as the outcomes of the annual kerbside bin audit program, monthly and annual waste and recycling collection statistics, as well as Council webpage visits and frequently asked questions. Research into the possibility of developing a mobile phone application for residents to access waste and recycling information was also undertaken but will need to be considered alongside Council's digital strategy, if appropriate. The digital strategy is expected to be developed in 2017-18. See also 3.1.4.

Action	Priority	Timeline	% Complete for Year 2 actions	Status	Comments for 2016-17 (Year 2)
3.2.3 Continue to use a wide range of channels (such as <i>Frankston City News</i> , Council's website, social media, waste facility tours etc.) to deliver waste minimisation and recycling messages and targeted education	10	Year: 1-5	100%	Achieved	Regular articles were included in <i>Frankston City News</i> , as well as the HOW and EnviroNews e-newsletters. The Waste and Recycling Service Guide was updated. Council's Reduce Waste web page was redeveloped and the other Waste and Recycling web pages were kept up-to-date. In addition, a number of Council's Greening Our Future events had a waste minimisation focus, e.g. Follow Your Waste tour, composting and worm-farming workshops, declutter and simplify life workshop. A recycling poster was developed for use internally and by preschools, schools and other facilities that have a Council recycling collection. A communications plan was developed in year 1, but actions were not fully implemented due to the need for flexibility and competing waste communication priorities.
3.2.4 Implement State and regional education resources in local communications (such as Get It Right On Bin Night and Back to Earth), where relevant	9	Year: 2 & 4	100%	Achieved	Links to the Victorian Government's 'Get It Right on Bin Night' and the 'Back to Earth' websites were retained on Council's Bin Information web page. The Back to Earth initiative was promoted through Council's HOW and EnviroNews e-newsletters. 'Get It Right on Bin Night' was not actively promoted, as this Victorian Government campaign had finished. Also see 3.2.3.
3.2.5 Continue to be involved in MWRRG education initiatives and local government networks and forums	10	Year: 1-5	100%	Achieved	A Council officer attended MWRRG network meetings and workshops, covering waste management in multi-unit developments, managing organics to increase resource recovery, engaging young audiences, as well as the Back to Earth initiative. These events provided an opportunity to learn about recent research and for council's to share project based information. The Back to Earth initiative was promoted through Council's HOW and EnviroNews e-newsletters. See also 1.3.2.
3.2.6 Implement relevant components of the State waste education strategy, when released	9	Year: 1-5	100%	Achieved	Priorities of the Victorian Waste Education Strategy include the Love Food Hate Waste campaign, improving resource recovery and reducing bin contamination in local government, reducing litter and illegal dumping, the ResourceSmart Schools program and strengthening waste and recycling education capabilities. The Victorian Government's Love Food Hate Waste was promoted through Council's HOW e-newsletter. Waste and resource recovery education continued to be provided by a range of means, including through events, e-newsletters, newspaper articles and web based content. Some of this included a focus on increasing recycling and reducing contamination. A draft Litter and Dumped Rubbish Management Plan was developed. Council continued to fund local schools to take part in the ResourceSmart Schools program and student leadership development to implement waste reduction actions in schools.
3.2.7 Advocate for continued State Government spending on the Get It Right On Bin Night program, including mass media advertising	10	Year: 1-5	N/A	Discontinued	The Victorian Government's Get It Right on Bin Night campaign was discontinued.
3.2.8 Continue to support Planet Ark's Recycling Near You website (and keep it up-to-date)	9	Year: 1-5	100%	Achieved	Recycling Near You was not actively promoted due to the difficulty in keeping it updated, inaccurate business listings and category limitations. Emphasis was instead placed on regularly updating and promoting Council's 'waste and recycling' web pages, including the Specialty Recycling and Disposal Directory. However Council information on the Recycling Near You website was updated in August 2016 and will continue to be reviewed and updated annually. Research into the possibility of developing a mobile phone application for residents to access waste and recycling information was also undertaken. See also 3.2.2.

Action	Priority	Timeline	% Complete for Year 2 actions	Status	Comments for 2016-17 (Year 2)
3.2.9 Continue to support local schools with information and advice on waste minimisation and recycling	11	Year: 1-5	100%	Achieved	Advice and information on recycling and waste was provided to local schools via the Teachers Environmental Network. Actions to reduce waste were discussed at the secondary student Youth Environmental Summit; a teacher Professional Development day was provided by CERES to help schools reduce waste; two student LESS workshops focusing on waste were provided for local schools Monterey SC and St Francis Xavier PS; a session for preschool educators was provided to help preschools reduce their environmental impacts, including waste minimisation; recycling posters were provided for schools and preschools. In addition, Council continued to offer local schools two free recycling bins and a collection service.
3.3.1 Improve communication around drop-off locations for specialty recycling; maintain the <i>Frankston City Recycling and Safe Disposal Directory</i> and publicise its existence more widely	9	Year: 1-5	100%	Achieved	Council's Specialty Recycling and Disposal Directory was kept up-to-date and referred to in relevant communications at events and in conversations. The Specialty Recycling Hubs continued to be available to residents at the Frankston Civic Centre and Library until June 2016, however, the library hub was removed due to continual contamination creating an OH&S hazard to both Council staff and visitors.
3.3.2 Maintain Council's existing Specialty Recycling Hubs and install, where feasible, additional drop-off points for specialty recycling, such as at the FRRRC	8	Year: 4-5	N/A	Programmed for a Later Start Date	This is not a year 2 action.
3.3.3 Investigate the possibility of recycling soft plastics through the kerbside collection	8	Year: 1-5	100%	Achieved	Changes to Council's kerbside collection contract would be required to introduce soft plastic recycling to the kerbside system, should it be deemed viable. This was not able to be determined, as it will depend on the learning outcomes from a trial of kerbside soft plastic recycling in the north, including the effectiveness of the technology, community response and market sustainability.
3.3.4 Advocate to the State Government for continued communication, education and funding for safe disposal and recycling of hazardous wastes	10	Year: 1-5	100%	Achieved	Council secured an annual Detox your Home collection at FRRRC with a large number of customers and quantities collected. Officers promoted the household chemical collection service and provided input into its review, to ensure continued annual collection days within Frankston City. Also see 3.3.5.
3.3.5 Continue to support the State Government in offering and promoting a local Detox Your Home Household Chemical Collection service	11	Year: 1-5	100%	Achieved	In partnership with Sustainability Victoria, the annual Detox your Home household chemical collection day was held at FRRRC in February 2017. 214 households participated and 4,951 kilograms of household chemical products were collected for recycling and diversion from landfill. Officers also provided input into the review of the household chemical collection service, to ensure continued annual collection days within Frankston City.
3.3.6 Investigate and advocate for a permanent Detox your Home facility, potentially working with other partners and/or utilising the new FRRRC (also see Action 3.3.5 above)	8	Year: 2	N/A	Discontinued	With the introduction of Paintback in 2016-17 and an annual mobile collection for Detox your Home each February, the benefits for a permanent facility reduced significantly. As a result, advocacy to the Victorian Government for the permanent site was discontinued.
3.4.1 Continue to install public place recycling bins to areas identified for upgrade, referring to Council's Open Space Strategy and Sustainability Victoria's Public Place Recycling Toolkit	8	Year: 1-5	100%	Achieved	Some public place garbage bins at existing sites were replaced with recycling bins as these sites were found to be producing high levels of recyclables. Sites included Keast Park, Jubilee Park – Netball Courts and Railway Parade Shopping Strip.

Action	Priority	Timeline	% Complete for Year 2 actions	Status	Comments for 2016-17 (Year 2)
3.4.2 Develop and implement a universal waste and recycling bin design and signage across Frankston City, utilising SV's Away From Home Waste Signage Guidelines	8	Year: 1-5	100%	Achieved	A Frankston city centre rubbish and recycling bin design standard (including signage) was developed in accordance with Council's adopted FMAC Streetscape Plan. An Open Space standard is to be developed in 2017-18 that is in-keeping with the city centre bin signage.
3.4.3 Continue to operate selected major Council events as waste wise events	9	Year: 1-5	100%	Achieved	Stall holders applying to be involved in Council's major events have specified terms and conditions, which were updated in May 2017 to cover waste management and recycling. Further consultation between Council's Community Relations and Recycling Services departments is required to ensure that waste management is included in the tender specifications and tender evaluation of the contractors. As always, Council officers advise all contractors to be waste wise and mindful of the terms and conditions where applicable when on site.
3.5.1 Offer support to businesses and community groups in Frankston City to increase resource recovery in their operations, where resources allow (also see Actions 1.1.2 & 2.4.1)	10	Year: 2-3	100%	Achieved	See 1.1.2 and 2.4.1
3.5.2 Investigate opportunities for recovery of commercial and industrial (C&I) and construction and demolition (C&D) waste at FRRRC	7	Year: 1-5	100%	Achieved	C&D and C&I waste is being collected in small quantities at FRRRC as a result of the FRRRC marketing campaign targeting local industry. Further opportunities are being explored and this forms part of the FRRRC Sales Growth Strategy.
3.5.3 Support future MWRRG initiatives around improving resource recovery of C&I and C&D wastes and improving the market	7	Year: 1-5	100%	Achieved	Officers worked with the MWRRG to understand the implications of the introduction of a e-waste ban in July 2018. This work will continue in 2017-18.
3.6.1 Continue to actively seek grant funding through the State Government and MWRRG to support projects and programs, and increased access to the proceeds of the landfill levy	10	Year: 1-5	100%	Achieved	In May 2017, due to Notice of Motion 1318 - Metropolitan Waste and Resource Recovery Group, Council wrote to the Metropolitan Waste and Resource Recovery Group, endorsing their motion to write to the Victorian Government (Minister for Energy, Environment and Climate Change, as well as Shadow Minister for Energy and Resources), requesting funding generated through collection of the Municipal and Industrial Landfill Levy be constrained to the purpose for which it was introduced. See also, actions 1.1.3, 3.1.4, 3.3.4 for related updates.

Executive Summary

12.8 Variation to the Local Government Funding Vehicle Loan Agreement

Enquiries: (Kim Jaensch: Corporate Development)

Council Plan

Community Outcome:	4. A Well Managed City
Strategy:	4.3 Resources
Priority Action	4.3.1 Continue to maintain a financially sustainable Council by advocating for operational grant funding from other tiers of Government to deliver services required by the community, ensure funding decisions are based on Council's priorities, seek alternative revenue sources and ensure the operations of Frankston Regional Recycling and Recovery Centre are financially sustainable

Purpose

To brief Council on the variation to the Local Government Funding Vehicle Loan Agreement.

Recommendation (Director Corporate Development)

That:

1. Council authorises the Chief Executive Officer to sign the Acknowledgement and Consent Deed
2. The common Seal to be affixed to the Acknowledgement and Consent Deed.

Key Points / Issues

- Council resolved to participate in the Municipal Associations of Victoria Local Government Funding Vehicle (LGFV) in May 2015. The LFGV is a joint tender for loan funds for a number of Councils to participate in. In its simplest form it is a bulk procurement process for a combined Local Government loan to achieve a better borrowing rate.
- With traditional borrowings, Council approaches an Australian Bank with its proposed loan term and the Bank then sources these funds from the wholesale bond market and then adds its margin and quotes an interest rate to Council. The LGFV removes the role of the banks and the funds for the LGFV are sourced directly from the wholesale bond market at a reduced rate.
- The loan details are:
 - Lender: National Australia Trustees Ltd (Fully owned by National Australia Bank Ltd)
 - Trustee: National Australia Trustees Ltd
 - Loan amount: \$15,542,000
 - Loan type: Interest only
 - Tenure: Ten years
 - Interest rate: 3.97% fixed payable quarterly
- In June 2016, National Australia Bank Ltd (NAB) announced the sale of National Australia Trustees to IOOF. This relates mostly to its personal trust business. The NAB remains committed to their corporate trust business and has established NAB Trust Services Ltd to continue to service its corporate and institutional customers. This includes the LGFV Program Trust.

12.8 Variation to the Local Government Funding Vehicle Loan Agreement**Executive Summary**

- NAB Trust Services Ltd will replace National Australia Trustees as the trustee for the LGFV Program. The details of the change have been presented to the LGFV Governance Board who have endorsed the change
- National Australia Managers Ltd is undertaking all necessary steps to implement the change. This includes obtaining consent from all participating Councils.

Financial Impact

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

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

There is no financial impact to Council with the change in trustee of the LGFV. The loan amount, interest payments and the final repayment remain unchanged. The servicing of the loan is included in the 2017-2018 Annual Budget and the 2017-2018 Long Term Financial Plan.

Consultation**1. External Stakeholders**

There is no requirement for consultation and engagement in this matter.

2. Other Stakeholders

Council's Governance department and Commercial Services department have been consulted in relation to any risk exposure and legal implications.

Analysis (Environmental / Economic / Social Implications)

There are no direct environmental, economic or social implications arising from this report.

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

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

Legal

The CEO has a financial delegated limit of \$500K.

Council Governance local law requires a Council resolution to authorise the use of the Common Seal.

Policy Impacts

Nil

Officer's Declaration of Interests

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

12.8 Variation to the Local Government Funding Vehicle Loan Agreement**Executive Summary****Risk Mitigation**

There are no direct risk relating to this report.

Conclusion

Council resolved to participate in the Municipal Associations of Victoria Local Government Funding Vehicle (LGFV) in May 2015.

In June 2016, National Australia Bank Ltd (NAB) announced the sale of National Australia Trustees to IOOF. The NAB remains committed to the corporate trust business and has established NAB Trust Services Ltd to continue to service its corporate and institutional customers. This includes the LGFV Program Trust. NAB Trust Services Ltd will replace National Australia Trustees as the trustee for the LGFV Program. The details of the change have been presented to the LGFV Governance Board who have endorsed the change.

ATTACHMENTS

Attachment A: [↓](#) Acknowledgement and Consent Deed



Acknowledgment and Consent Deed

National Australia Trustees Ltd

ABN 80 007 350 405

NAB Trust Services Limited

ABN 77 618 250 874

National Australia Managers Limited

ABN 70 006 437 565

and

Frankston City Council

2017

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THIS DOCUMENT is made on 2017

BETWEEN:

- (1) **National Australia Trustees Ltd** ABN 80 007 350 405 as trustee of the LGFV Program Trust (**Original Trustee**);
- (2) **NAB Trust Services Limited** ABN 77 618 250 874 (**Incoming Trustee**);
- (3) **National Australia Managers Limited** ABN 70 006 437 565 (**Trust Manager**);
- (4) **Frankston City Council** ABN 49 454 768 065 of 30 Davey Street, Frankston VIC 3199 (**Council**).

RECITALS:

- (A) The Original Trustee is the trustee of the Trust.
- (B) The parties wish to effect the retirement of the Original Trustee and the appointment of the Incoming Trustee as trustee of the Trust pursuant to a Retirement and Appointment Deed.

THE PARTIES AGREE AS FOLLOWS:

1. **INTERPRETATION**

1.1 **Definitions**

The following definitions apply in this document.

Council Loan Agreement means each loan agreement between the Council and the Original Trustee and includes the loan agreements referred to in Schedule 1 to this document.

Council Loan Documents has the meaning given to that term in the Program Trust Deed and includes each Council Loan Agreement and related Council Security entered into by the Council.

Council Security means each security agreement entered into by the Council in favour of the Original Trustee in relation to a Council Loan Agreement and includes the security agreements referred to in Schedule 1 to this document.

Effective Date means the date after the date of this document which is notified by the Trust Manager to the parties as the Effective Date.

Program Trust Deed means the LGFV Program Trust – Trust Deed dated 9 September 2014 between the Trustee and the Trust Manager as amended from time to time.

Retirement and Appointment Deed means the Retirement and Appointment Deed dated on or about the date of this document between, among others, the Original Trustee, the Incoming Trustee and the Trust Manager.

Transaction Documents has the meaning given to that term in the Program Trust Deed, and includes each Council Loan Document in respect of the Council.

Trust means the LGFV Program Trust.

1.2 Incorporated Definitions

Unless otherwise specified or defined in clause 1.1, a term that is defined in the Program Trust Deed (including where incorporated by reference) has the same meaning in this document.

1.3 Interpretation

Clauses 1.2 to 1.7 (inclusive) and clauses 8.3 to 8.6 (inclusive) of the Program Trust Deed are deemed to be incorporated in this document as if set out in full in it.

2. CONSIDERATION

Each party acknowledges that it has received valuable consideration for entering into this document.

3. ACKNOWLEDGMENT

3.1 Acknowledgment

The parties agree and acknowledge that, on the Effective Date, pursuant to the Retirement and Appointment Deed:

- (a) the Original Trustee retires as trustee of the Trust;
- (b) the Incoming Trustee is appointed as trustee of the Trust; and
- (c) the Incoming Trustee assumes title to, and agrees to be bound by the Transaction Documents, assumes the Original Trustee's obligations and liabilities as trustee under and in relation to the Council Loan Documents and each other Transaction Document to which the Original Trustee is a party and enjoys the benefit of and all rights, powers and discretions of the trustee under the Council Loan Documents and each other Transaction Document to which the Original Trustee is a party.

3.2 Affirmation

Each party confirms that, other than as contemplated in this document, the Council Loan Documents are not amended and remain in full force and effect.

4. DIRECTIONS AND CONSENTS

- (a) The Council confirms that by executing this document it is providing its consent to the retirement of the Original Trustee and the appointment of the Incoming Trustee as described in this document.
- (b) By signing this document, the Trust Manager directs the Original Trustee to enter into this document.

5. PARTIES

The parties to this document acknowledge and agree that the Council is a party to this document for the sole purpose of acknowledging and consenting to the retirement of the Original Trustee and the appointment of the Incoming Trustee for the purposes of each Council Loan Document to which the Council is a party.

6. NOTICES

For purposes of clause 25 of the Council Loan Agreement, the details of the Incoming Trustee are as set out below.

NAB Trust Services Limited

Address: Level 29, 500 Bourke Street, Melbourne VIC 3000

Email: NAB.corporate.trustee@nab.com.au

Attention: Head of Specialised Transaction Management

7. GENERAL

7.1 Governing law

This document is governed by the laws in force in Victoria. Each party submits to the non-exclusive jurisdiction of the courts of such place.

7.2 Counterparts

This document may be executed in counterparts.

SCHEDULE 1**Council Loan Documents**

	Name of Council	Date of Council Loan Agreement	Date of Council Security Deed
1.	Frankston City Council	17 June 2016	17 June 2016

EXECUTED as a deed.

Each person who executes this document on behalf of a party under a power of attorney declares that he or she is not aware of any fact or circumstance that might affect his or her authority to do so under that power of attorney.

ORIGINAL TRUSTEE and TRUSTEE

SIGNED, SEALED and DELIVERED for
NATIONAL AUSTRALIA TRUSTEES LTD
ABN 80 007 350 405 as trustee of the
LGFV Program Trust under power of
attorney dated
in the presence of:

Signature of witness

Name

Signature of witness

Name

Signature of attorney

Name

Signature of attorney

Name

INCOMING TRUSTEE

SIGNED, SEALED and DELIVERED for
NAB TRUST SERVICES LIMITED ABN
77 618 250 874 under power of attorney
dated
in the presence of:

Signature of witness

Name

Signature of witness

Name

Signature of attorney

Name

Signature of attorney

Name

TRUST MANAGER

SIGNED, SEALED and DELIVERED for
**NATIONAL AUSTRALIA MANAGERS
LIMITED** ABN 70 006 437 565 under
power of attorney in the presence of:

Signature of attorney

Signature of witness

Name

Name

Date of power of attorney

COUNCIL

**THE COMMON SEAL of FRANKSTON
CITY COUNCIL** was affixed in the
presence of:

Signature

Signature

Name and position

Name and position

Executive Summary**12.9 Cranhaven Road (Warrandyte Rd to Lapwing CI) Special Charge Scheme - Intent to Declare**

Enquiries: (Doug Dickins: Community Assets)

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.1 Community Infrastructure
Priority Action	1.1.6 Ensure community infrastructure and services match community need

Purpose

To brief Council on the commencement of the formal statutory process for the implementation of the Special Charge Scheme for the construction of Cranhaven Road (Warrandyte Rd to Lapwing CI) Langwarrin and for Council to establish a Meeting of Council to hear submissions from affected persons to the proposed Special Charge Scheme.

Recommendation (Director Community Assets)

That Council:

1. Commences the statutory process under Section 163 of the *Local Government Act* 1989 (**Act**) to declare a Special Charge Scheme (**Special Charge**) for the construction of Cranhaven Road (Warrandyte Rd to Lapwing CI), Langwarrin (**Road**)
2. Directs, in accordance with Section 163(1A) and Section 163B(3) of the Act, that Public Notice be given, in the Frankston Standard Leader on Monday 18 December 2017 and on Council's Internet Web-Site, of Council's Intention to Declare, at its Ordinary Meeting to be held on Tuesday 3rd April 2018, a Special Charge Scheme for the construction of Cranhaven Road (Warrandyte Rd to Lapwing CI) Langwarrin, being in accordance with the proposed declaration of Special Charge in the form of the attachment to this resolution (**Proposed Declaration of Special Charge – being Attachment F**), such Special Charge to be for the purposes of constructing the Road.
3. Directs in accordance with Section 163(1C) of the Act that separate letters enclosing a copy of the Public Notice be sent to the owners of the properties referred to and set out in the schedule of properties forming a part of the Proposed Declaration of Special Charge, advising of the intention of Council to declare the Special Charge at its Ordinary Meeting to be held on Tuesday 3rd April 2018, the amount for which the property owner will be liable, the basis of the calculation and distribution of the Special Charge and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of Special Charge will be considered and/or taken into account by Council in accordance with Sections 163A, 163B and 223 of the Act.
4. Records that, in accordance with Section 223(1)(b)(i) of the Act, Council will hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submissions. Such meeting of the Council to be held in February 2018, as to which submitters requesting to be heard will be further advised of the day, time and place of the meeting.
5. Directs that the property owners defined in the relevant attachments to this Report, who will be liable to pay the Special Charge, be advised accordingly.

12.9 Cranhaven Road (Warrandyte Rd to Lapwing Cl) Special Charge Scheme - Intent to Declare**Executive Summary**

6. Authorises the Council's Director Community Assets or the person for the time being acting in this position to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under Section 163A and Sections 163(1A), (1B) and (1C) and Sections 163B and 223 of the Act.
7. Confirms that a total Budget Allocation of \$322,000 (\$372,000 less \$50,000 already spent) be provided in the 2018/19 Capital Works Program, made up of
 - a. Rates revenue - \$86,700
 - b. Owner Contribution - \$235,300

Key Points / Issues**Background**

- Cranhaven Road from Warrandyte Road to Lapwing Close Langwarrin is presently unsealed. It is proposed that the road be upgraded and sealed via a Special Charge Scheme under the provisions of the Local Government Act 1989, where a proportion of the costs of design and construction can be recovered from benefiting property owners.
- Council has previously undertaken surveys of owners in 2000 and 2006, with the majority of those responding being opposed to the commencement of a Special Charge Scheme at that time. As a result the Scheme was initially not proceeded with. Since then, Council has received a number of requests to upgrade the road indicating ongoing interest in the project.
- In 2010 a full design and estimate was undertaken. This has been recently updated to reflect today's costs.

Current Status

Funds were allocated in the 2016/17 Capital Works Program to commence the consultation phase of the project. Accordingly, in October 2016 a questionnaire was sent to all proposed contributors accessing this section of road, including those living in adjoining courts using Cranhaven Road as their only access to Warrandyte Road.

The results of the survey are as follows:

- Total in survey – 67 (NOTE:- Isa Crt and Stockhaven Cct were not subdivided at the time)
- In favour – 18
- Against – 15
- Unsure – 1
- No reply – 33

As there was a majority in favour amongst those who replied to the survey, a Public Meeting to provide contributors with information on the Scheme process and the design layout was held on Thursday 16 March 2017 at the Langwarrin Customer Service Centre Shop to give contributors an opportunity to provide input on all areas of the project – design, environmental issues, cost considerations etc. Following this meeting, a letter was sent to all residents on 4 April 2017 summarizing the issues raised and outlining next steps.

12.9 Cranhaven Road (Warrandyte Rd to Lapwing Cl) Special Charge Scheme - Intent to Declare**Executive Summary****Issues and Discussion**

The statutory process for a Special Charge Scheme involves a series of processes in accordance with the Local Government Act 1989. These are detailed in Council's Contributory Scheme Policy document.

The Notice of Intention to Declare the Scheme allows affected persons to make a submission to Council on the proposed Scheme, under Sections 163A and 223 of the Act.

Additionally, persons who are liable or required to pay the Special Charge have a separate right to lodge objections, under Section 163B of the Act.

The Engineering design plans, cost estimates and apportionment basis and details are now complete. They are included in the [Supporting Information](#) and, following a Council Resolution, will be available for interested parties to inspect at the Council offices.

The Scheme involves 79 rateable properties and is made up of 15 dwellings with direct abuttal to the unsealed section of Cranhaven Rd and 64 dwellings with indirect access, including the rest of Cranhaven Rd, Beckenham Pl, Lapwing Cl, Isa Crt and Stockhaven Cct, all having sole access via the unsealed section. All of the properties are zoned as 'Residential' under Council's Planning Scheme. There are also two Council reserves, which for the purposes of the Scheme are treated as one non-rateable parcel.

Risk Mitigation

The processes set down in Council's Contributory Scheme Policy and the Local Government Act 1989 have been complied with.

Options Available

The public meeting held on Thursday 16 March 2017 was attended by residents of 28 properties. A summary of the issues raised included:-

- Residents advised that school traffic from nearby Primary and Secondary schools regularly used Cranhaven Rd for drop-off and pick-up - Council undertook to do further traffic analyses to determine local use versus external use of the road by school based traffic.
- residents wanted traffic calming devices – general agreement
- residents wanted better lighting– general agreement
- residents wanted indented parking bays (as exists in Lapwing Cl) – general agreement
- residents wanted Council to provide better signage – ie; a bigger "no through road sign" – Cruden Farm events generate much traffic thinking they can get through to the west section of Cranhaven Rd.

As a result of this input by attendees Council has:-

- erected a bigger "No Through Road" sign
- revised plans to include residents requests regarding traffic calming devices and lighting. However indented bays were not able to be added due to topography and locations of existing driveways.
- undertaken traffic counts – tube & camera – to determine local traffic volumes.
- recalculated the Benefit Ratio based on the results of this data.

12.9 Cranhaven Road (Warrandyte Rd to Lapwing Cl) Special Charge Scheme - Intent to Declare**Executive Summary**

Five (5) combinations of apportionment methods were trialled with different ranges of percentages of abuttal, area and benefit units. The combination which, in the judgement of Council Officers and its advisors, is considered to provide the fairest, most equitable and reasonable distribution of the charges amongst the contributors, is:- 33.3% Abuttal, 33.3% Area and 33.3% Benefit Unit. This method of distribution of the Special Charge amongst the property owners is being recommended to Council. Other methods of distribution trialled by Council officers are set out on the attached Apportionment Spreadsheet (being **Attachment G**) (see [Supporting Information](#)).

For the purposes of having determined the total amount of the Special Charge to be levied under the Scheme, it is considered (for the purposes of sections 163(2)(a), (2B) and (2C) of the Act) that the estimated proportion of the total benefits of the Scheme to which the performance of Council's functions and the exercise of Council's powers relate (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% to owners / 35% to Council (see [Supporting Information](#).)

Financial Impact

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

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

Based on the Engineering Consultant's estimate for the project and the overhead ancillary costs, the total cost of the project will amount to \$ 372,000, this involves the following components:

NON-Scheme Costs

Traffic calming devices (borne by Council)	\$5,000
Improved public lighting (borne by Council)	\$5,000

Scheme Costs

Overheads spent to date – design, admin -	\$50,000
Construction costs plus admin & CPI escalation	\$312,000
TOTAL	\$362,000

Council Contribution (see Supporting Information)	\$126,700
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Total OWNER Contribution: \$235,300

Council Rates Requirement

Scheme contribution	\$126,700
Non Scheme works	\$10,000

Total RATES Contribution: \$136,700

An amount of \$136,700 of rates is proposed, in addition to the recoverable owner contributions of \$235,300.

12.9 Cranhaven Road (Warrandyte Rd to Lapwing Cl) Special Charge Scheme - Intent to Declare**Executive Summary**

Thus a total Budget Allocation of \$322,000 (\$372,000 less \$50,000 already spent) is required in the 2018/19 Capital Works Program.

Consultation**1. External Stakeholders****Community Engagement**

The Scheme process for Cranhaven Rd commenced with a notice to residents followed by a questionnaire in March 2006. Concept plans were then prepared and a second questionnaire was sent to residents in October 2016. As the results were that a majority of residents who responded were in favour of sealing the road, a Public Meeting was held on 16 March 2017. At that meeting attendees provided input as described above. The minutes of the public meeting were sent to residents and resident responses received and filed by the end of March 2017.

2. Other Stakeholders

Council's Environment & Planning Departments have been consulted and have provided input into the process. There are no issues from these Departments.

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

Environmental benefits of constructing the road include elimination of sediment runoff, elimination of dust, no more need for dust suppressant chemicals, and reduction of noise. Some road-making materials are non-renewable resources; however where applicable Council will use recycled products in the construction of the roads.

Economic Implications

The construction of the road is likely to enhance property values. It will also lead to a reduction of ratepayer-funded grading, drain cleaning and other maintenance.

The proposed cost to abutting owners is considered fair and reasonable for the benefits enjoyed, and are otherwise affordable with the option to pay in instalments over 10 years (the minimum period under Section 167(1) of The Act is 4 years). The basis of apportionment as previously noted, is considered to distribute the charge amongst property owners in a fair and reasonable manner as shown in the [Supporting Information](#).

Social Implications

Social benefits include improved vehicle and pedestrian access, safety, and comfort and enhanced amenity and character of the land and local area. Construction will also contribute to the orderly development of the precinct.

Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities**

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

Legal

This report and the Scheme process have been developed in accordance with the Local Government Act 1989 and the relevant Regulations and Ministerial Guidelines.

12.9 Cranhaven Road (Warrandyte Rd to Lapwing CI) Special Charge Scheme - Intent to Declare**Executive Summary**

A search of available records has not produced any evidence that any component of these roads have previously been constructed by way of a Special Charge Scheme at the cost of the abutting owners.

Policy Impacts

Council's Contributory Scheme Policy and the Local Government Act 1989

Officer's Declaration of Interests

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

Risk Mitigation

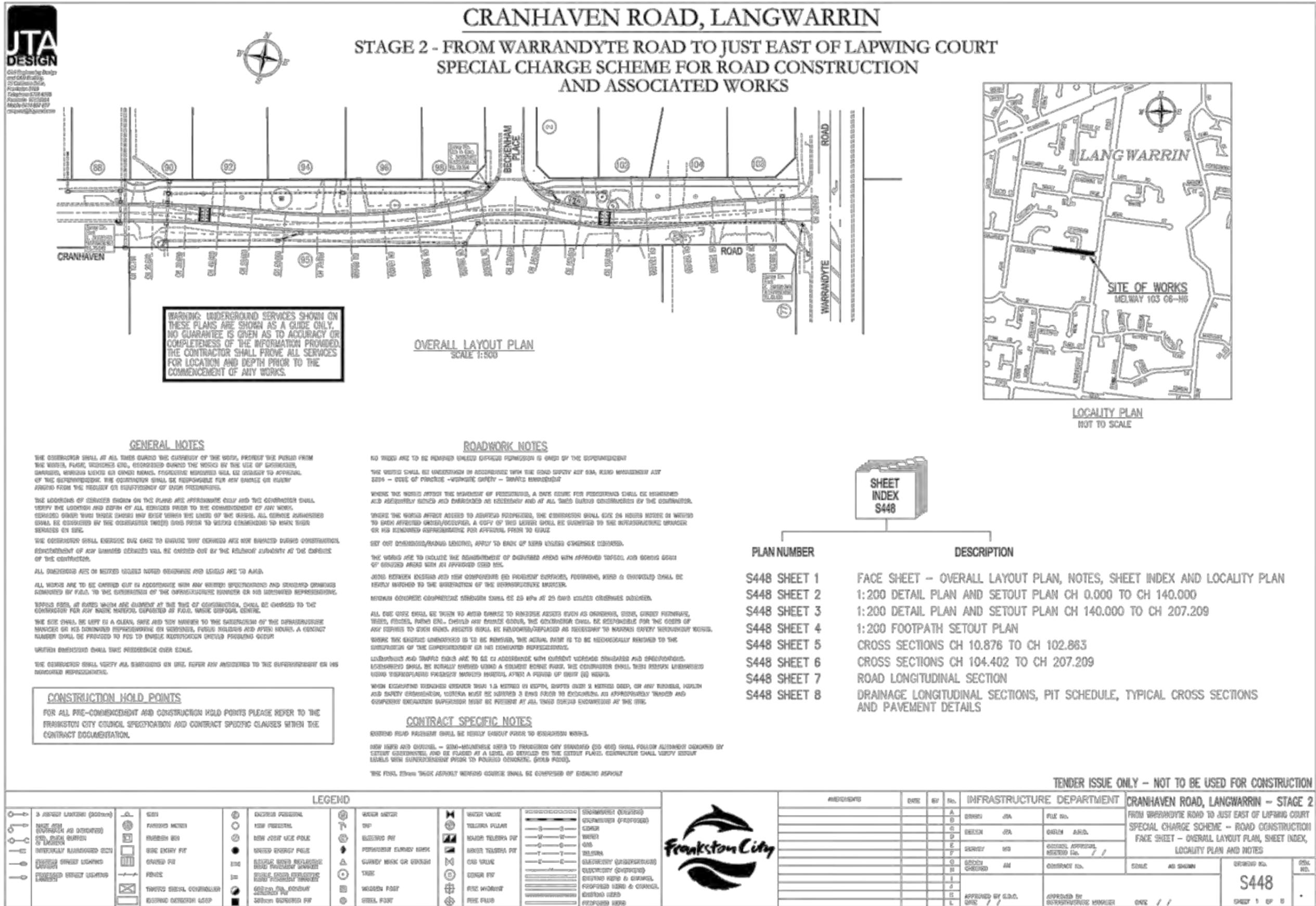
The processes set down in Council's Contributory Scheme Policy and the Local Government Act 1989 have been, or will be, complied with.

Conclusion

It is considered that Council should give Notice of its Intention to Declare a Special Charge Scheme for the construction of the Cranhaven Road (Warrandyte Rd to Lapwing CI), Langwarrin.

ATTACHMENTS

- Attachment A: [↓](#) Cranhaven Rd Design Plan 1
- Attachment B: [↓](#) Cranhaven Rd Design Plan 2
- Attachment C: [↓](#) Cranhaven Rd Design Plan 3
- Attachment D: [↓](#) Cranhaven Rd Design Plan 4
- Attachment E: [↓](#) Scheme Extents
- Attachment F: [↓](#) Cranhaven Rd SCS - Intended Declaration
- Attachment G: [↓](#) Cranhaven Rd SCS - Apportionment spreadsheet
- Attachment H: [↓](#) Cranhaven Rd SCS - Maximum Levy Calculation & apportionment principles
- Attachment I: [↓](#) Cranhaven Rd SCS - Construction Estimate
- Attachment J: [⇒](#) Cranhaven Rd SCS - owners list at 9-11-17 (*Under Separate Cover*)



WARNING: UNDERGROUND SERVICES SHOWN ON THESE PLANS ARE SHOWN AS A GUIDE ONLY. NO GUARANTEE IS GIVEN AS TO ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED. THE CONTRACTOR SHALL PROVE ALL SERVICES FOR LOCATION AND DEPTH PRIOR TO THE COMMENCEMENT OF ANY WORKS.

GENERAL NOTES

THE CONTRACTOR SHALL AT ALL TIMES GUARD THE CURBWAY OF THE ROAD, PROTECT THE PUBLIC FROM THE WORKS, PILE DRIVERS ETC., ENGAGED DURING THE WORKS BY THE USE OF BARRIERS, SAFETY, WARNING LIGHTS AND OTHER MEANS. PROTECTIVE MEASURES WILL BE TAKEN TO AVOID THE INTERFERENCE OF THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE OR INJURY ARISING FROM THE RESULT OF INSUFFICIENTLY SAFETY PRECAUTIONS.

THE LOCATION OF SERVICES SHOWN ON THIS PLAN ARE APPROXIMATE ONLY AND THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL SERVICES PRIOR TO THE COMMENCEMENT OF ANY WORKS. SERVICES OTHER THAN THOSE SHOWN MAY EXIST WITHIN THE LIMITS OF THE WORKS. ALL SERVICE ADJUSTMENTS SHALL BE CONSIDERED BY THE CONTRACTOR THREE DAYS PRIOR TO WORKS COMMENCING TO AVOID THEIR SERVICES ON SITE.

THE CONTRACTOR SHALL ENSURE DUE CARE TO ENSURE THAT SERVICES ARE NOT DAMAGED DURING CONSTRUCTION. REPAIRMENT OF ANY DAMAGED SERVICES WILL BE CARRIED OUT BY THE RELEVANT AUTHORITY AT THE EXPENSE OF THE CONTRACTOR.

ALL DIMENSIONS ARE IN METRES UNLESS NOTED OTHERWISE AND LEGEND ARE TO APPLY.

ALL WORKS ARE TO BE CARRIED OUT IN ACCORDANCE WITH ANY RELEVANT SPECIFICATIONS AND STANDARD DRAWINGS AUTHORITY BY F.O.S. TO THE SATISFACTION OF THE SUPERVISOR OR HIS DEPUTED REPRESENTATIVE.

TOPSOIL SHALL BE REMOVED AND STORED AT THE TIME OF CONSTRUCTION, SHALL BE COVERED TO THE CONTRACTOR FOR ANY SOIL MATERIAL DEPOSITED AT ROAD. MAKE DISPOSAL LEGAL.

THE SITE SHALL BE LEFT IN A CLEAN STATE AND NOT NEEDED TO THE SATISFACTION OF THE SUPERVISOR OR HIS DEPUTED REPRESENTATIVE OR OTHERWISE, PUBLIC HOLDING AND AFTER HOURS A CONTACT NUMBER SHALL BE PROVIDED TO THE SUPERVISOR SHOULD PROBLEMS OCCUR.

WRITTEN PERMISSION SHALL BE OBTAINED OVER SCALE.

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS ON SITE, REFER ANY DISCREPANCIES TO THE SUPERVISOR OR HIS DEPUTED REPRESENTATIVE.

ROADWORK NOTES

NO TREES ARE TO BE REMOVED UNLESS EXPRESS PERMISSION IS OBTAINED BY THE SUPERVISOR.

THE WORKS SHALL BE UNDERTAKEN IN ACCORDANCE WITH THE ROAD DESIGN ACT 2004, ROAD MANAGEMENT ACT 2004 - CODE OF PRACTICE - WORKING SAFELY - TRAFFIC MANAGEMENT.

WHERE THE WORKS AFFECT THE MOVEMENT OF PEDESTRIANS, A DATE ISSUE FOR PEDESTRIANS SHALL BE MONITORED AND ADJUSTED AS NECESSARY AND AVOIDED AS NECESSARY AND AT ALL TIMES DURING CONSTRUCTION OF THE CONTRACTOR.

WHERE THE WORKS AFFECT ACCESS TO ADJACENT PROPERTIES, THE CONTRACTOR SHALL GIVE 24 HOURS NOTICE IN WRITING TO EACH AFFECTED OWNER/OCCUPIER. A COPY OF THIS LETTER SHALL BE SUBMITTED TO THE METROPOLITAN MANAGER OR HIS DEPUTED REPRESENTATIVE FOR APPROVAL PRIOR TO START.

SET OUT DIMENSIONS/RADIUS LINES, APPLY TO BACK OF CURB UNLESS OTHERWISE NOTED.

THE WORKS ARE TO INCLUDE THE REPAIRMENT OF DAMAGED AREAS WITH APPROVED TOPSOIL AND BORDERS WITH APPROVED CURBING.

JOINTS BETWEEN EXISTING AND NEW COMPONENTS (SO FROSTPROOF CURBS, FOOTINGS, KERB & CHIMNELS) SHALL BE HEAVILY MATCHED TO THE SUBSTRATE OF THE EXISTING COMPONENTS.

MINIMUM CONCRETE COMPRESSIVE STRENGTH SHALL BE 25 MPa AT 28 DAYS UNLESS OTHERWISE NOTED.

ALL NEW CURB SHALL BE TAKEN TO AVOID DAMAGE TO EXISTING AREAS SUCH AS GARDENS, SIDE, STREET FURNITURE, TREES, FENCES, PAVED ETC., SHOULD ANY DAMAGE OCCUR, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COSTS OF ANY REPAIRS TO SUCH ITEMS. REPAIRS SHALL BE REPAIRS/REPLACED AS NECESSARY TO MAINTAIN SAFETY THROUGHOUT WORKS.

WHERE THE EXISTING UNDERGROUND IS TO BE REMOVED, THE ACTUAL DEPTH IS TO BE MECHANICALLY REMOVED TO THE SATISFACTION OF THE SUPERVISOR OR HIS DEPUTED REPRESENTATIVE.

UNDERGROUND AND SURFACE WORKS ARE TO BE IN ACCORDANCE WITH CURRENT VICTORIAN STANDARDS AND SPECIFICATIONS. UNDERGROUND SHALL BE INSTALLED USING A SHALLOW BOREHOLE PUMP. THE CONTRACTOR SHALL TEST BOREHOLE UNDERGROUND USING SURVEILLANCE PRESSURE MONITORING INSTRUMENT, AFTER A PERIOD OF ABOUT (3) WEEKS.

WORK EXCAVATION DEPTHS GREATER THAN 1.5 METRES IN DEPTH, DEPTHS OVER 3 METRES DEEP, OR ANY TRENCH, TRENCH AND SAFETY CONSIDERATION, VICTORIA MUST BE ADVISED 3 DAYS PRIOR TO EXCAVATION, AN APPROPRIATE TRAFFIC AND CONSTRUCTION SUPERVISOR MUST BE PRESENT AT ALL TIMES DURING EXCAVATION AT THE SITE.

CONTRACT SPECIFIC NOTES

EXISTING ROAD PAVEMENT SHALL BE HEAVILY CHECKED PRIOR TO CONSTRUCTION WORKS.

NEW ROAD AND CHANNEL - 200-MILLIMETRE DEPTH TO PROVISION CITY STANDARD (S10 400) SHALL FOLLOW ALIGNMENT DEMONSTRATED BY CERTAIN SURVEYING AND BE PLACED AT A LEVEL AS DETAILED IN THE SETOUT PLAN. CONTRACTOR SHALL VERIFY EXISTING LEVELS WITH SUPERVISOR PRIOR TO POURING CONCRETE. (S10 PAVE).

THE PAVE SHALL BE HEAVILY CHECKED PRIOR TO CONSTRUCTION WORKS.



PLAN NUMBER	DESCRIPTION
S448 SHEET 1	FACE SHEET - OVERALL LAYOUT PLAN, NOTES, SHEET INDEX AND LOCALITY PLAN
S448 SHEET 2	1:200 DETAIL PLAN AND SETOUT PLAN CH 0.000 TO CH 140.000
S448 SHEET 3	1:200 DETAIL PLAN AND SETOUT PLAN CH 140.000 TO CH 207.209
S448 SHEET 4	1:200 FOOTPATH SETOUT PLAN
S448 SHEET 5	CROSS SECTIONS CH 10.876 TO CH 102.863
S448 SHEET 6	CROSS SECTIONS CH 104.402 TO CH 207.209
S448 SHEET 7	ROAD LONGITUDINAL SECTION
S448 SHEET 8	DRAINAGE LONGITUDINAL SECTIONS, PIT SCHEDULE, TYPICAL CROSS SECTIONS AND PAVEMENT DETAILS

CONSTRUCTION HOLD POINTS
 FOR ALL PRE-COMMENCEMENT AND CONSTRUCTION HOLD POINTS PLEASE REFER TO THE FRANKSTON CITY COUNCIL SPECIFICATION AND CONTRACT SPECIFIC CLAUSES WITHIN THE CONTRACT DOCUMENTATION.

LEGEND

**Cranhaven Rd Langwarrin - Special Charge Scheme
Warrandyte Rd to Lapwing Cl
Contributing Properties Map**



Cranhaven Road, Langwarrin (Warrandyte Rd to Lapwing Cl)
Special Charge Road Construction Scheme
PROPOSED DECLARATION OF SPECIAL CHARGE BY COUNCIL

That –

- A. Council declares, in accordance with section 163(1) of the Local Government Act 1989, a Special Charge for the purpose of defraying expenses or repaying (with interest) any advance made to or debt incurred or loan raised by the Council in relation to the construction of Cranhaven Road, Langwarrin (Warrandyte Rd to Lapwing Cl) (**Special Charge**).
- B. Council considers that the works will be of special benefit to the persons required to pay the Special Charge, in that the works will provide improved vehicular access to and from the properties abutting or accessing via the works, improved safety for motorists, cyclists and pedestrians, reduced wear and tear of vehicles, suppression of dust, elimination of grading and associated maintenance, enhanced amenity and character of the land and the local area, and increased property values.
- C. The area to which the Special Charge relates is the area comprising the road reserve of Cranhaven Road, Langwarrin (Warrandyte Rd to Lapwing Cl), being all of the area shown on the plan set out in the attachment forming a part of the Declaration [**plan of scheme area to be attached**].
- D. The functions to be performed and the powers to be exercised consist of civil works in the provision of road pavement and asphalt surfacing, kerb and channels, culverts and drains, kerbed turning heads, and associated works all of which are related to the provision of proper, safe and suitable roads within the area for which the Special Charge is to be declared.
- E. The total estimated cost of the works is \$372,000-00, consisting of \$10,000-00 for non-scheme works and \$362,000-00 for the provision of new elements within the Scheme.
- F. The total amount to be declared and levied as special charges is \$362,000-00, which is made up of the Council contribution of \$126,700 and recoverable owner contributions of \$235,300.
- G. The land in relation to which the Special Charge is declared is the land comprising all the properties in the Scheme, being the land listed in the apportionment table set out in the attachment forming a part of this Declaration [**apportionment sheet showing properties included and respective Special Charge contributions to be attached**] (**Apportionment Table**).
- H. The Special Charge will be assessed and levied in accordance with the amounts set out alongside each property in the Apportionment Table as follows:
 - The apportionment of the Special Charge amongst properties included in the scheme is based on the following criteria:
 - lands having abuttal to, or access via, the works;
 - the zoning of the lands, and their existing and potential use;
 - the frontage of those lands to the proposed works;
 - the area of those lands;
 - the special benefit to each of those lands; and
 - the accessibility of the works for those lands.
 - Because the performance of the functions and the exercise of the powers in respect to which the Special Charge will be declared and levied relates substantially to capital works, the Special Charge will be levied on the basis of an instalment plan being given to special ratepayers whereby:
 - quarterly instalments are to be paid over a 10 year period, or other period as negotiated; and
 - 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 to the construction of the roads by more than 1%.
 - Under special circumstances, Council will consider cases of hardship and reconsider payment options for a Special Charge.

- I. The Special Charge will remain in force for a period of ten years.
- J. 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), (2B) and (2C) of the Act) that the estimated proportion of the total benefits of the Scheme to which the performance of the functions and the exercise of the powers relate (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% owners / 35% Council. The statement made by Council pursuant to sections 163(2)(a), (2B) and (2C) of the Act is attached to and forms a part of this Declaration **[Statement to be attached]**. This is on the basis that, in the opinion of Council:
 - all special benefits will accrue as special benefits to all of the persons who are liable to pay the Special Charge and, in the interests of fairness and equity, all properties included in the Scheme should be liable for the stated levied cost of the Scheme; and
 - there are some tangible and direct benefits to the broader community from the construction of the roads under the Scheme.
- K. Council levy the Special Charge by issuing notices in the form and manner required by sections 163(4) and 163(5) of the Local Government Act 1989 to each person liable to pay the Special Charge and Council's Chief Executive Officer be authorised to seek payment and recover the Special Charge.

12.9 Cranhaven Road (Warrandyte Rd to Lapwing Cl) Special Charge Scheme - Intent to Declare
Attachment G: Cranhaven Rd SCS - Apportionment spreadsheet

FRANKSTON CITY COUNCIL

Cranhaven Road Stage 2 - Warrandyte Road to Lapwing Close, Langwarrin - Special Charge Scheme

Apportionment of Cost

NON-SCHEME COUNCIL COST
TOTAL SCHEME COST
COUNCIL CONTRIBUTION:
OWNERS CONTRIBUTION:

10,000.00
362,000.00
176,700.00
238,300.00

30%

60%

2 LOT SUBDIVISIONS PENDING
MULTI LOT SUBDIVISIONS PENDING

Methods of Apportionment

- 1 = 100% abuttal
- 2 = 100% area
- 3 = 100% BU
- 4 = 50% area 50% BU
- 5 = 20% area 80% BU
- 6 = 30% abuttal 20% area 50% BU
- 7 = 40% abuttal 10% area 50% BU
- 8 = 33.3% abuttal 33.3% area 33.3% BU

Abuttal
100%
\$537,852 / m

Area
100%
\$4,722/m2

Abuttal
10%
\$53,785 / m

Abuttal
30%
\$161,355 / m

Abuttal
40%
\$215,181 / m

Abuttal
46%
\$247,317 / m

Area
40%
\$1,892/m2

Area
20%
\$9,446/m2

Area
20%
\$9,446/m2

Area
10%
\$4,722/m2

Area
10%
\$4,722/m2

Area
10%
\$4,722/m2

Benefit
100%
\$2,028,448 / bu

Benefit
50%
\$1,014,224 / bu

Item No.	House Number	Road Name	ABUTTAL (m)				AREA (m2)			BENEFIT (UNIT)				1		2		3		4		5		6		7		33.33% Abuttal 33.33% Area 33.33% Benefit			
			Direct Abuttal	Split	Other Abuttal	Apportioned Abuttal	Title Area	Developable Area	Modified Area	Zoning	Overlays	Min Lot Size (m2)	Direct Benefit (Fronting Lots)	Access Benefit	Total Benefit Units	100% Abuttal	100% Area	100% Benefit	50% Area 50% Benefit	20% Area 80% Benefit	30% Abuttal 20% Area 50% Benefit	40% Abuttal 10% Area 50% Benefit	100% Abuttal	100% Area	100% Benefit	50% Area 50% Benefit	20% Area 80% Benefit			30% Abuttal 20% Area 50% Benefit	40% Abuttal 10% Area 50% Benefit
Lots with direct abuttal to unsealed section - B.U. factors - direct exposure to dust, noise, access (ruts, potholes, erosion)																															
1	73	Warrandyte Rd (partial)	54.89	6.50		18.65	636.1	638	Res 1		N/A	0.5	0.5	1	10,032.80	2,455.91	2,028.45		2,998.87	2,914.38	4,515.25	5,272.83								-2,998.87	
2	75	Warrandyte Rd (partial) - subd pending - 2 lots	27.20	4.20		38.30	608	605	Res 1		N/A	2	2	4	21,141.40	3,608.30	8,114.79	7,614.37	8,114.37	8,114.37	11,121.00	12,874.32								-7,614.37	
3	2	Beckenham Pl	54.89	6.50		17.95	642.6	643	Res 1		N/A	1	1	2	8,441.05	2,625.94	4,000.80	4,022.93	4,205.12	5,395.55	6,097.46	6,374.63								-4,022.93	
4	60	Cranhaven Rd	18.90			18.90	652.4	652	Res 1		N/A	1	1	2	10,187.38	3,076.34	4,000.80	4,276.91	4,493.20	5,684.55	6,483.20	5,767.84								-4,276.91	
5	92	Cranhaven Rd	22.70			22.70	654.6	655	Res 1		N/A	1	1	2	12,211.90	3,093.50	4,000.80	4,487.00	4,675.09	6,310.60	7,222.40	6,453.97								-4,487.00	
6	85	Cranhaven Rd	23.50			23.50	657	657	Res 1		N/A	1	1	2	12,641.86	3,102.95	4,000.80	4,533.82	4,734.60	6,441.65	7,366.49	6,600.97								-4,533.82	
7	89	Cranhaven Rd - subd pending (11 lots)	100.50			100.50	609.3	608	Res 1		N/A	6	11	17	54,054.73	28,549.18	34,121.84	4,056.95	4,056.95	38,178.79	41,732.37	39,745.83								-34,121.84	
8	98	Cranhaven Rd	23.20			23.20	653.8	651	Res 1		N/A	1	1	2	12,480.47	3,121.84	4,000.80	4,525.23	4,712.34	6,359.59	7,232.83	6,551.07								-4,525.23	
9	99	Cranhaven Rd - subd pending - 2 lots	14.90	0.50	32.50	17.90	644.2	644	Res 1		N/A	2	2	4	10,629.33	3,025.15	8,114.79	8,427.99	8,427.99	11,149.73	12,874.32	8,254.82								-8,427.99	
10	102	Cranhaven Rd	19.50			19.50	652.6	653	Res 1		N/A	1	1	2	8,233.65	3,043.06	4,000.80	4,085.14	4,275.71	5,144.45	5,626.12	5,123.87								-4,085.14	
11	104	Cranhaven Rd	29.70			29.70	658.7	659	Res 1		N/A	1	1	2	12,749.65	3,089.69	4,000.80	4,511.25	4,728.75	6,487.26	7,425.42	6,625.41								-4,511.25	
12	(1) 99	Cranhaven Rd	10.00			10.00	208.6	207	Res 1		N/A	1	1	2	6,379.52	977.64	4,000.80	2,857.46	3,873.91	3,873.91	4,278.02	3,471.35								-2,857.46	
13	(2) 99	Cranhaven Rd	13.20			13.20	208.6	208	Res 1		N/A	1	1	2	7,100.96	972.82	4,000.80	3,127.71	3,744.51	4,006.12	4,006.12	4,006.12								-3,127.71	
14	(1) 99	Cranhaven Rd	14.00			14.00	210.6	211	Res 1		N/A	1	1	2	7,831.32	996.53	4,000.80	3,180.78	3,762.27	4,487.15	5,146.63	4,194.92								-3,180.78	
15	(2) 99	Cranhaven Rd	15.00			15.00	222.7	223	Res 1		N/A	1	1	2	8,068.27	1,053.21	4,000.80	3,258.69	3,857.40	4,690.87	5,381.48	4,399.12								-3,258.69	
Lots with indirect access to unsealed section - B.U. factors - less dust & noise but same access issues - ruts, potholes, erosion																															
16	3	Beckenham Pl	1.00			1.00	623.4	623	Res 1		N/A	0	1	1	837.96	2,942.37	2,028.45	2,244.97	2,062.19	1,764.08	1,923.64	1,836.26									-2,244.97
17	4	Beckenham Pl	1.00			1.00	626.1	626	Res 1		N/A	0	1	1	837.95	3,296.59	2,028.45	2,968.65	2,133.03	1,834.85	1,996.06	1,954.33									-2,968.65
18	5	Beckenham Pl	1.00			1.00	630.3	630	Res 1		N/A	0	1	1	837.95	3,085.89	2,028.45	2,835.99	2,253.96	1,789.59	1,939.39	1,978.76									-2,835.99
19	6	Beckenham Pl	1.00			1.00	771.5	772	Res 1		N/A	0	1	1	337.95	3,646.08	2,028.45	3,528.49	2,522.83	1,854.83	1,984.91	2,073.63									-2,522.83
20	7	Beckenham Pl	1.00			1.00	648.8	649	Res 1		N/A	0	1	1	337.96	3,025.17	2,028.45	2,824.09	2,386.74	1,759.54	1,887.18	1,877.18									-2,386.74
21	8	Beckenham Pl	1.00			1.00	654.5	655	Res 1		N/A	0	1	1	337.95	4,038.09	2,028.45	3,853.25	2,381.33	1,983.23	1,933.21	2,201.48									-2,381.33
22	9	Beckenham Pl	1.00			1.00	734.1	734	Res 1		N/A	0	1	1	337.95	3,488.61	2,028.45	3,488.61	2,484.66	2,187.03	1,868.03	2,015.03									-2,187.03
23	10	Beckenham Pl	1.00			1.00	769.3	769	Res 1		N/A	0	1	1	337.95	3,831.92	2,028.45	3,831.92	2,820.79	1,991.99	1,982.60	2,068.10									-2,820.79
24	12	Beckenham Pl	1.00			1.00	649.9	650	Res 1		N/A	0	1	1	337.96	3,096.89	2,028.45	2,996.98	2,387.69	1,799.29	1,936.39	1,872.79									-2,387.69
25	14	Beckenham Pl	1.00			1.00	656.6	657	Res 1		N/A	0	1	1	337.95	3,102.95	2,028.45	2,309.20	2,094.30	1,790.20	1,939.70	1,889.76									-2,309.20
26	16	Beckenham Pl	1.00			1.00	652.3	652	Res 1		N/A	0	1	1	337.95	3,076.34	2,028.45	2,296.75	2,083.56	1,791.46	1,897.34	1,881.51									-2,296.75
27	81	Cranhaven Rd	1.00			1.00	595.4	595	Res 1		N/A	0	1	1	337.96	2,910.13	2,028.45	2,192.07	2,035.74	1,737.64	1,802.62	1,782.18									-2,192.07
28	82	Cranhaven Rd	1.00			1.00	600	600	Res 1		N/A	0	1	1	337.96	2,833.74	2,028.45	2,201.62	2,045.68	1,742.36	1,802.08	1,782.18									-2,201.62
29	83	Cranhaven Rd	1.00			1.00	600	600	Res 1		N/A	0	1	1	337.95	2,933.74	2,028.45	2,301.52	2,045.68	1,742.36	1,802.08	1,782.18									-2,301.52
30	84	Cranhaven Rd	1.00			1.00	600	600	Res 1		N/A	0	1	1	337.95	2,833.74	2,028.45	2,201.62	2,045.68	1,742.36	1,802.08	1,782.18									-2,201.62
31	85	Cranhaven Rd	1.00			1.00	600	600	Res 1		N/A	0	1	1	337.96	2,833.74	2,028.45	2,201.62	2,045.68	1,742.36	1,802.08	1,782.18									-2,201.62
32	86	Cranhaven Rd	1.00			1.00	600	600	Res 1		N/A	0	1	1	337.96	2,833.74	2,028.45	2,201.62	2,045.68	1,742.36	1,802.08	1,782.18									-2,201.62
33	87	Cranhaven Rd	1.00			1.00	600	600	Res 1		N/A	0	1	1	337.95	2,833.74	2,028.45	2,201.62	2,045.68	1,742.36	1,802.08	1,782.18									-2,201.62
34	88	Cranhaven Rd	1.00			1.00	600	600	Res 1		N/A	0	1	1	337.95	2,833.74	2,028.45	2,201.62	2,045.68	1,742.36	1,802.08	1,782.18									-2,201.62
35	89	Cranhaven Rd																													

FRANKSTON CITY COUNCIL
Cranhaven Road Langwarrin (Warrandyte Rd to Lapwing Cl)
Special Charge Road Construction Scheme
**Statement pursuant to Section 163(2), (2A) and (2B)
of The Local Government Act 1989
Calculation of Maximum Total Levy**

A. DEFINE PURPOSE

The purpose of the scheme is to construct a sealed road, to provide property access of a suitable standard for the zoning of the land, and to provide for management of local traffic to a minor collector road standard. This will include road pavement and surfacing, kerbing, traffic management devices, and drainage works.

B. COHERENCE

The works are physically and functionally connected and related to the purpose.

C. TOTAL COST

The total cost of the project has been estimated at \$362,000. This includes a contingency for unforeseeable ground conditions and service alterations as well as design, scheme preparation and administration cost overheads.

D. IDENTIFY SPECIAL BENEFICIARIES

There are a total of 80 properties which would enjoy special benefit from the construction works, because they abut the section of road to be constructed, or abut courts which run off the section of road to be constructed and have no other outlet, or are nearby and would have current or future benefit from additional choices of constructed road access.

E. DETERMINE PROPERTIES TO INCLUDE

The 80 properties in **D.** are grouped as follows:

- (a) Properties **directly** abutting the **unsealed section**
 - a. 15 existing private properties
 - i. (Nos. 75, 90, 92, 94, 96, 98, 1/99, 2/99, 11/99, 12/99, 102, 104 Cranhaven Road,
 - ii. 2 Beckenham Pl,
 - iii. 73 Warrandyte Rd.
 - iv. 95 Cranhaven Rd – under subdivision into 11 lots and expected to be released prior to Declaration (**NOTE:- these are considered to be under the parent title of 95 Cranhaven Rd for Apportionment**)
- (b) Properties on **sealed roads** adjacent to the unsealed section but having **sole access via unsealed section**
 - a. 64 private properties
 - i. 81, 82, 83, 84, 85, 86, 87, 88, 89, 3/99, 4/99, 5/99, 6/99, 7/99, 8/99, 9/99, 10/99 Cranhaven Road.
 - ii. 79A Cranhaven Road Stage 2 – 1 super-lot with potential 5 lots with indirect access - under subdivision and expected to be released prior to Declaration

- iii. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 19 Lapwing Close
- iv. 3, 4, 5, 6, 7, 8, 9, 10, 12, 14, 16 Beckenham Place
- v. 1, 2, 3, 4, 5, 6, 7 Isa Court
- vi. 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 27 Stockhaven Place

(c) Council Reserve, 16R between Lapwing Close & Beckenham Place, although 2 parcels are considered having only one access unit.

F. ESTIMATE TOTAL SPECIAL BENEFITS - $TSB_{(in)}$ and $TSB_{(out)}$

The groups in E. are included or excluded from the special charge:

- Those in (a) are included in the special charge, as they will benefit from the proposed works, and do not currently enjoy existing full construction for which they have already paid. They will derive a benefit in terms of access and a benefit in terms of amenity (1 + 1)
- Those in (b) and (c) are included in the special charge, as they will benefit from the proposed works. They will derive a benefit in terms of access only (1).

$$TSB_{(in)} = TSB(a - i, ii, iii) + TSB(a - iv, 95 Cranhaven Road) + TSB(b-ii -79A Cranhaven Rd) + TSB(b - i, iii, iv, v, vi))$$

$$TSB_{(in)} = (14 \times 2) + ((6 \times 2) + (11 \times 1)) + (5 \times 1) + ((5 + 16 + 11 + 7 + 13) \times 1)$$

$$TSB_{(in)} = 108$$

There are 2 contiguous Council reserves excluded from the scheme, as per Ec above, hence $TSB_{(out)} = 1$

G. ESTIMATE COMMUNITY BENEFITS

Benefits to external through vehicle usage are minimal as this section of Cranhaven Road is essentially a long Court, with 4 courts off it. However the top section is used by external traffic as a drop-off & pick-up to nearby schools. Usage was measured against local traffic and found to be 30%, hence a CBU of 30 is considered appropriate. The Council Reserve is purely for local use and unlikely to attract remote users. However there is an important walking & cycling connection via the shared path to John St which is heavily used by children to get to the 3 schools in Warrandyte Rd (St Jude’s Primary, Langwarrin Primary & Dame Elizabeth Secondary College). Also, when the subdivision at 79A Cranhaven Road is finally constructed, there may be a slight potential for vehicles from north and south of John St and areas west to use the connecting street between John St & Cranhaven Rd, however this is considered unlikely given the other more direct routes which will become available and the tortuosity of the connecting street. Other community benefits are reduced maintenance costs (1 unit), the abovementioned connectivity (1unit) and improved environmental outcomes – ie; water quality in drains (1 unit). The future external traffic use (once the subdivision at 79A Cranhaven Rd is complete) is impossible to quantify at this stage, thus a factor of 2 units is deemed appropriate.

$$TCB = 30 + 1 + 1 + 1 + 2 = 35$$

H. CALCULATE “BENEFIT RATIO”

$$\frac{TSB_{(in)}}{TSB_{(in)} + TSB_{(out)} + TCB} = R = \frac{108}{108 + 1 + 35} = 76 \%$$

I. CALCULATION OF MAXIMUM TOTAL LEVY

Notwithstanding the Benefit Ratio above, Council considers that, due to the importance of the pedestrian / cycling connectivity and the external traffic use, an increase in Council's contribution to 35% is appropriate. This will reduce the Benefit Ratio to 65%.

$$R \times C = S = 65\% \times \$362,000 = \$235,300$$

Cranhaven Road Stage 2 - Estimate - updated 9-11-17 (A3481563).XLS

 <p style="text-align: center;">ENGINEERS ESTIMATE FOR THE CONSTRUCTION OF CRANHAVEN ROAD, LANGWARRIN - STAGE 2 FROM WARRANDYTE ROAD TO JUST EAST OF LAPWING COURT for FRANKSTON CITY COUNCIL</p>					
Council Ref. No. S448			Prepared by J. AUSTEN		
Drawing No. S448-(1-8)			Date 07.05.2010		
Estimate \$282,544.48			Checked by A. MULLEN		
Average Rate per M			Date 9/11/2017		
ITEM	DESCRIPTION OF WORK	QUANTITY	UNIT	RATE	AMOUNT
1	SITE PREPARATION/TRAFFIC CONTROL				
1.1	Erection and Maintenance of warning signs, lights and barriers and Traffic control		Item		\$15,000.00
1.2	Clearing, grubbing, trimming, & removal of vegetation as specified including removal of 2 trees as detailed and including disposal of all rubbish and old construction materials. (All relevant tipping fees are the responsibility of the contractor).On-site mulching is encouraged and no on-site burning is permitted.		Item		\$5,000.00
2	EARTHWORKS	405	cu.m.	\$35.00	\$14,175.00
	Earthworks including excavation, filling, forming, trimming and compaction of subgrade, removal and disposal of excess spoil, excavation of tabledrains as specified, grading and blending of disturbed areas to match surroundings, including stockpiling of topsoil. 'Cut 405 cu.m. (solid approx.) 'Fill 44 cu.m. (solid approx.)				
3	DEMOLITION				
3.1	BREAK OUT EXISTING KERB AND CHANNEL	20	lin. m	\$25.00	\$500.00
	Break out and remove from site existing kerb and channel				
3.2	BREAK OUT EXISTING CONCRETE EDGE STRIP	35	lin. m	\$25.00	\$875.00
	Break out and remove from site existing concrete edge strip				
4	ROAD PAVEMENT				
4.1	Lower Sub-base Course	1232	sq.m.	\$12.00	\$14,784.00
	110mm Compacted depth of Class 4 40mm Crushed Rock or suitable pavement material as found (CBR>10%) including section under kerb and channel.				
4.1	Upper Sub-base Course	1232	sq.m.	\$14.00	\$17,248.00
	100mm Compacted depth of Class 3 20mm Fine Crushed Rock Including section under kerb and channel.				
4.2	Base Course	942	sq.m.	\$15.00	\$14,130.00
	150mm Compacted depth of Class 2 20mm Fine Crushed Rock, including preparation for sealing.				
4.3	Asphalt Intermediate Course	942	sq.m.	\$20.00	\$18,840.00
	Supply all materials, plant and labour and lay 35mm compacted depth of 10mm asphalt type N Class 320				
4.4	Asphalt Wearing Course	942	sq.m.	\$25.00	\$23,550.00
	Supply all materials, plant and labour and lay 25mm compacted depth of 10mm asphalt type N Class 320				
5	CONCRETE WORKS				
	Supply all materials, plant and labour and construct the following concrete works all to Frankston City Council Standard Plans and Specifications.				
5.1	SEMI MOUNTABLE KERB AND CHANNEL	318	lin.m.	\$55.00	\$17,490.00
	Concrete semi mountable kerb and channel to City of Frankston standard drawing SD 408 including bedding all as specified				
5.2	SEMI MOUNTABLE KERB AND OUTFALL TRAY	61	lin.m.	\$60.00	\$3,660.00
	Concrete semi mountable kerb and channel to City of Frankston standard drawing SD 408 including bedding all as specified				
5.3	CONCRETE SHARED FOOTWAY	406	sq.m	\$90.00	\$36,540.00
	Concrete shared footway 2 metres wide and 125mm thick, as detailed on drawings to Frankston City Council standard SD335 including bedding, all as specified. Note that east of Beckenham Place path is widened to 2.255m to allow for provision of spoon drain as detailed in drawings. Price shall include provision of F62 reinforcing within vehicle crossings and for one bay of paving either side of each crossing. Total length of path to be reinforced is approx. 56 lin.m. Refer to City of Frankston standard drawing SD310 for vehicle crossing construction standards.				

Cranhaven Road Stage 2 - Estimate - updated 9-11-17 (A3481563).XLS

ITEM	DESCRIPTION OF WORK	QUANTITY	UNIT	RATE	AMOUNT
5.4	CONCRETE PRAM CROSSINGS Concrete Pram Crossings as detailed on drawings to Frankston City Council standard SD320 including bedding, all as specified Includes provision of Ground Surface Tactile Indicators	2	no.	\$1,000.00	\$2,000.00
6	SUBSOIL DRAINAGE Supply, deliver, excavate, bed, lay, joint and backfill with screenings 100mm corrugated P.V.C. AG pipe to Frankston City Council standard SD105 all as specified. Pipe to be laid at a depth of 600mm below top of kerb, or as directed.	387	lin.m.	\$30.00	\$11,610.00
7	DRAINAGE PIPES Supply, excavate, bed, lay, joint and backfill the following Reinforced Concrete Drainage pipes to City of Frankston standards and specifications				
7.1	300 mm Dia (Class 2) Rubber Ring Jointed. Up to 1.2m deep	11	lin.m.	\$200.00	\$2,200.00
8	DRAINAGE PITS				
8.1	SIDE ENTRY PITS TYPE 3 Construct concrete Side Entry Pits 900mm x 600mm (I.D.) to Frankston City Council standard SD211 including fitting of lids and lintels all as specified. (Pits No. 1.2 and 2.2) Pits 0-1.2m deep.	2	No.	\$1,800.00	\$3,600.00
8.2	SIDE ENTRY PITS TYPE 3 (Built over existing Box Culvert) Construct concrete Side Entry Pits 900mm x 600mm (I.D.) to Frankston City Council standard SD211 including fitting of lids and lintels all as specified. (Pits No. 4 and 5) Pits 0-1.2m deep.	2	No.	\$1,800.00	\$3,600.00
8.3	GRATED FOOTPATH PIT Construct concrete grated footpath pit 450mm x 450mm (I.D.) to Frankston City Council standard SD216 including supply and fitting of hinged grate and connection to nearby junction pit via 150 dia UPVC pipe, all as specified. (Note: Edge of spoon drain in shared footway to be shaped adjacent to pit to allow water access to pit.)	1	No.	\$700.00	\$700.00
8.4	REMODEL EXISTING CATCH PIT Convert existing catch pit to junction pit and fit new lid to SD 215 as detailed, all as specified (Pit 3)	1	No.	\$1,200.00	\$1,200.00
8.5	REMODEL EXISTING SIDE ENTRY PIT Convert existing side entry pit to junction pit and fit new lid to SD 215 as detailed, all as specified (Pit 7)	1	No.	\$900.00	\$900.00
8.6	REMODEL EXISTING JUNCTION PIT Fit new lid to existing junction pit to SD 215, and adjust for height to match design footpath levels, as detailed all as specified. (Pit 6)	1	No.	\$1,200.00	\$1,200.00
8.7	BREAK INTO AND REMODEL EXISTING SIDE ENTRY PIT Break into existing side entry pit, connect proposed 300 dia RC pipe and make pit good. Convert to junction pit and fit new lid to SD 215 as detailed, all as specified (Pit 1.1)	1	No.	\$1,200.00	\$1,200.00
8.8	BREAK INTO EXISTING JUNCTION PIT Break into existing junction pit and connect proposed 300 dia RC pipe and make pit good, all as specified (Pit 2.1)	1	No.	\$900.00	\$900.00
9	SAW CUTTING ASPHALT SEALED PAVEMENT Saw cutting of existing sealed pavement	24	lin.m.	\$8.00	\$192.00
10	TRAFFIC CONTROL LINES Mark out and paint with cold applied thermoplastic pavement marking materials or approved equivalent in accordance with Frankston City Council specification, the traffic control lines and markings as detailed on plans.		Item		\$2,000.00
11	REGULATORY SIGNS Supply and place standard Vicroads regulatory signs including supply and erect G.I. Standard as detailed on plans.				
11.1	Shared footway signs (R8-2)	3	No.	\$200.00	\$600.00
11.2	End Shared Footway Signs (R8-2) and (R7-4) To be installed on same poles as signs in item 10.1	3	No.	\$300.00	\$900.00
11.3	Giveway sign (R1-2A)	1	No.	\$250.00	\$250.00
12	ALTERATIONS TO SERVICES				
12.1	The replacement of 5 No. existing old asbestos pits with new pits and setting for height to match footway design grade and levels. Work to be performed by Telstra approved contractor.	5	Item	\$2,000.00	\$10,000.00
12.2	The adjustment for height to match footway design levels of 1 No. existing water valve cover	1	Item	\$300.00	\$300.00

Cranhaven Road Stage 2 - Estimate - updated 9-11-17 (A3481563).XLS

ITEM	DESCRIPTION OF WORK	QUANTITY	UNIT	RATE	AMOUNT
12.3	The adjustment for height to match footway design levels of 2 No. existing fire plug covers	2	Item	\$300.00	\$600.00
12.4	The raising of 1 No. sewer manhole cover approximately 150mm to match design kerb levels, by South East Water approved contractor.	1	Item	\$2,500.00	\$2,500.00
13	REINSTATE AND REGRADE CRUSHED ROCK DRIVEWAYS Supply all materials, plant and labour to regrade and reinstate existing crushed rock driveways to match existing driveway levels and proposed design kerb levels and design footpath levels where appropriate, using 20mm Class 3 Fine Crushed Rock (14 No. Driveways - Allow 2.0 cu.m of FCR per driveway.)	14	no.	\$300.00	\$4,200.00
14	PROVISIONAL ITEMS				
14.1	SUBGRADE IMPROVEMENT - Crushed Rock Supply all plant, labour and materials for the excavation and removal of unsuitable subgrade material and backfilling with 40mm Crushed Rock (Class 3), compacted as specified. Contractor to be paid only for volume of material actually replaced	100	Cu.m (solid)	\$70.00	\$7,000.00
14.2	LOWERING OF HOUSE SERVICES Lowering of existing house services clear of design for gas and water services. Contractor to be paid only for number of services altered	4	No.	\$1,000.00	\$4,000.00
14.3	REINSTATEMENT OF DISTURBED AREAS Prepare disturbed areas with approved topsoil to a depth of 100mm, leveled, raked, fertilized and sown with an approved seed mixture all as specified (Contractor to be paid only for actual area reinstated)	1000	sq.m	\$8.00	\$8,000.00
14.4	PRIMER SEAL Bituminous emulsion primer sealed with 7mm basaltic aggregate, all as specified	942	sq.m.	\$5.75	\$5,414.62
SUB-TOTAL					\$256,858.62
15	PROVISIONAL SUM Only to be expended pursuant to Clause 11 of Australian Standard AS 2124 - General Conditions of Contract	Allow 10% assume construct in 18/19			\$25,685.86
CONTRACT WORKS SUB-TOTAL (Total Cost of Works Excluding GST)					\$282,544.48
Estimate prepared by: J Austen		Updated: A Mullen & K Poullier			
Date: 07.05.2010		Date: 9/11/17			

Executive Summary

13.1 Response to NOM 1341 - Anti-Truancy Strategy

Enquiries: (Andrew Moon: Community Development)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.1 Employment, education and economy
Priority Action	2.1.1 Facilitate the development of industry informed education courses that meet employer industry needs

Purpose

To brief Council on the response to NoM 1341 – Anti -Truancy Strategy

Recommendation (Director Community Development)

That Council:

1. Notes the issue of Truancy is covered by State Government legislation;
2. Notes the observations and feedback from Youth Councillors based on their unique position and local knowledge;
3. Advocates to State Government for increased resources within schools to support young people through the availability of services located in schools rather than a punitive approach

Key Points / Issues

- At its meeting on 10 July 2017, Councillor Bolam tabled a Notice of Motion regarding Anti-Truancy Strategy. Council resolved:

“That Frankston City Council works with local schools, politicians and (state and federal) Department of Education officials, to crackdown on instances of truancy in local secondary schools

In order to facilitate this, the following actions should be undertaken:

 1. *Frankston City Council devises a strategy with local school principals and local politicians to curtail truancy and/or better detection of truants;*
 2. *That the strategy includes what role council Compliance Officers and Victoria Police could perform in identifying and mitigating truancy;*
 3. *That the strategy includes views from the Frankston Youth Council insofar creative options to identify and curtail local truancy*
 4. *Advocacy to the Victorian Department of Education and Training (including the relevant minister and Frankston MP Paul Edbrooke), and the Australian Department of Education and Training Including the relevant minister and Dunkley MP Chris Crewther) to consider models, such as the ‘Show Up, Standout’ initiative currently operating in the United States, which pro-actively seek to decrease unexcused school absences; and*
 5. *That progress on all directives be reported back to Council in November 2017”*
- As a result of NoM 1341 the following responses are provided:
 1. *Frankston City Council devises a strategy with local school principals and local politicians to curtail truancy and/or better detection of truants;*

13.1 Response to NOM 1341 - Anti-Truancy Strategy**Executive Summary**

A meeting was held on 29 August 2017 with Department of Education (DEECD) representatives, Victoria Police, Councillors and Council Officers. At this meeting DEECD representatives outlined Victorian current practice which is governed by the Education Training and reform Act 2006 and legislation in 2014 related to promoting and improving enrolments and attendance.

2. That the strategy includes what role council Compliance Officers and Victoria Police could perform in identifying and mitigating truancy;

Current local laws do not provide council Compliance Officers powers to enforce truants, similarly Victoria Police have no legislative power in regard to truancy.

3. That the strategy includes views from the Frankston Youth Council insofar creative options to identify and curtail local truancy

Council officers met with the Frankston Youth Council on 25 July 2017 to discuss NoM 1341. The Youth Council made a number of recommendations as a result of the meeting (see attachment A & C).

The Youth Council recommendations indicate that the single most important factor that impacts truancy relates to the resources available within schools for wellbeing teams and how those teams operate within the school.

In the main the recommendations from the Frankston Youth Council advocate a positive and supportive approach as their experiences and observations recognise that a punitive approach is unlikely to produce the desired change to a truants attendance behaviour.

4. Advocacy to the Victorian Department of Education and Training (including the relevant minister and Frankston MP Paul Edbrooke), and the Australian Department of Education and Training Including the relevant minister and Dunkley MP Chris Crewther) to consider models, such as the 'Show Up, Standout' initiative currently operating in the United States, which pro-actively seek to decrease unexcused school absences

During the course of meetings and research relating to NoM 1341 it became evident that the 'Show Up, Standout' program in the USA is very similar to the legislative powers which exist within Victoria for School Attendance Officers to utilise in management of reported cases of unexplained absences.

- As local politicians, Councillors, are in a unique position with local knowledge; along with Frankston Youth Councils observations, to advocate to government for increased resources within schools to increase the availability of services for young people within those schools.

Financial Impact

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

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

Without developing a full business case it is reasonable to assume that a move to enter this field would bring costs in human resources along with administrative, legal and physical support, this is likely to be in excess of \$300,000pa.

13.1 Response to NOM 1341 - Anti-Truancy Strategy**Executive Summary****Consultation****1. External Stakeholders**

Frankston Youth Council; Victoria Police; Department of Education and Training
Victoria

2. Other Stakeholders

Community Strengthening and Community Safety Departments

Analysis (Environmental / Economic / Social Implications)

A proactive approach to engaging young people to remain in school provide the best opportunity for their transition to higher education and, ultimately, secure employment. This in turn positively contributes to social connections, relationships and the economy.

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

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

Legal

The Education Training Reform Act 2006, the Education and Training Reform Regulations 2017 and 2014 School Attendance Guidelines include remedies for truancy.

Policy Impacts

Truancy policy responsibility currently lies with the Victorian State Government

Officer's Declaration of Interests

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

Risk Mitigation

A proactive supportive approach to re-engaging young people who are truants is recommended. This approach mitigates the risk of further disengagement and punitive legal measures.

Conclusion

As the issue of Truancy is covered by state government legislation, it is recommended that Councillors utilise their unique position of local knowledge and Frankston Youth Councils observations to advocate to government for increased resources and access to services within schools for young people.

ATTACHMENTS

Attachment A:[↓](#) Frankston Youth Council Anti Truancy Recommendations

Attachment B:[↓](#) Research Truancy

Attachment C:[↓](#) Truancy Research

**13.1 Response to NOM 1341 - Anti-Truancy Strategy
Officers' Assessment****Background**

At its meeting 10 July 2017, Councillor Bolam tabled a Notice of Motion regarding Anti-Truancy Strategy.

Council resolved:

That Frankston City Council works with local schools, politicians and (state and federal) Department of Education officials, to crackdown on instances of truancy in local secondary schools

In order to facilitate this, the following actions should be undertaken:

- 1. Frankston City Council devises a strategy with local school principals and local politicians to curtail truancy and/or better detection of truants;*
- 2. That the strategy includes what role council Compliance Officers and Victoria Police could perform in identifying and mitigating truancy;*
- 3. That the strategy includes views from the Frankston Youth Council insofar creative options to identify and curtail local truancy*
- 4. Advocacy to the Victorian Department of Education and Training (including the relevant minister and Frankston MP Paul Edbrooke), and the Australian Department of Education and Training Including the relevant minister and Dunkley MP Chris Crewther) to consider models, such as the 'Show Up, Standout' initiative currently operating in the United States, which pro-actively seek to decrease unexcused school absences; and*
- 5. That progress on all directives be reported back to Council in November 2017.*

As a result of NoM 1341 the following actions have been taken:

- 1. Frankston City Council devises a strategy with local school principals and local politicians to curtail truancy and/or better detection of truants;*

A meeting was held on 29 August 2017 with Department of Education (DEECD) representatives, Victoria Police, Councillors and Council Officers. At this meeting DEECD representatives outlined Victorian current practice which is governed by the Education Training and Reform Act 2006 and legislation in 2014 related to promoting and improving enrolments and attendance. School attendance officers investigate and have a number of avenues they can pursue, last of which is the capacity to issue an infringement notice to parents for non-attendance. This mostly relates to parents removing their child for alternate activities rather truancy that is considered a "reasonable excuse" for a parent in relation to non-attendance and therefore is not subject to infringement.

- 2. That the strategy includes what role council Compliance Officers and Victoria Police could perform in identifying and mitigating truancy;*

Current local laws do not provide Council Compliance Officers powers to enforce truants, similarly Victoria Police have no legislative power in regard to truancy. Victoria Police do have proactive programs run by their Youth Resource Officers who work closely with schools.

- 3. That the strategy includes views from the Frankston Youth Council insofar creative options to identify and curtail local truancy*

Council officers met with the Frankston Youth Council on 25 July 2017 to discuss NoM 1341. The Youth Council made a number of recommendations as a result of the meeting (see attachment A).

13.1 Response to NOM 1341 - Anti-Truancy Strategy**Officers' Assessment**

The Youth Council recommendations indicate that the single most important factor that impacts truancy relates to the resources available within schools for wellbeing teams and how those teams operate within the school. There were shared common experiences between Youth Council members which indicate the resourcing levels are inconsistent with need and access to appointments can be protracted.

In the main the recommendations from the Frankston Youth Council advocate a positive and supportive approach as their experiences and observations recognise that a punitive approach is unlikely to produce the desired change to a truant's attendance behaviour.

4. Advocacy to the Victorian Department of Education and Training (including the relevant minister and Frankston MP Paul Edbrooke), and the Australian Department of Education and Training Including the relevant minister and Dunkley MP Chris Crewther) to consider models, such as the 'Show Up, Standout' initiative currently operating in the United States, which pro-actively seek to decrease unexcused school absences

During the course of meetings and research relating to NoM 1341 it became evident that the 'Show Up, Standout' program in the USA is very similar to the legislative powers which exist within Victoria for School Attendance Officers to utilise in managing reported cases of unexplained absences.

Advocacy for appropriate resources within Frankston schools to deal with the issue of truancy and its source is aligned to what the experts within DEECD believe to be the best approach and are in line with recommendation of the Frankston Youth Council.

As local politicians, Councillors, are in a unique position with local knowledge; along with Frankston Youth Councils observations, to advocate to government for increased resources and access to services within schools for young people.

Issues and Discussion

- Research (see Attachment B) was undertaken to inform recommendations relating to this NoM. It was established from this research that:
 - National Centre for School Engagement in Colorado USA states that there is "Evidence, based on real studies, to show that in general supportive measures work much better than punitive measures when you're dealing with truancy, because there's always some reason behind [an absence]."
 - The OECD 2015 Program for International Students Assessment showed that truancy in Australia is higher than the OECD average however it has declined by 3% since the last study in 2012, Truancy rates in USA have increased by 16% in the same period.

13.1 Response to NOM 1341 - Anti-Truancy Strategy**Officers' Assessment**

- In Australia 1 in 7 primary aged children and 1 in 5 teens will experience a mental health difficulty (Sawyer et al 2001). Mental health difficulties can be a huge barrier to learning and school engagement, motivation, attendance, and ability to maintain peer relationships. Conversely, wellbeing has been linked to improved grades, self-control and reduced absences. (Howell 2009) What this tells us is that an investment in a collaborative approach to measuring and building youth wellbeing and resilience is needed. There is a need to continue and build on the work to date. There is a need to lobby for an improved wellbeing program and its implementation; identify areas for support, training and development; and evaluate the impact of the program on the wellbeing of students, staff and families.
- Current Victorian practice (Education Training and Reform Act 2006) and new legislation in 2014 relating to promoting and improving enrolments and attendance are in the main focused on a supportive approach. There are mechanisms available to schools (via a School Attendance Officer) which are similar to those governing School Attendance within Washington DC where the 'Stand Up, Stand Out' program operates.
- Frankston Youth Council recommendations on this issue are in line with a supportive approach, and highlighted the importance of the student - school rapport.
- Frankston Youth Council also referenced the criticality of support services within schools and pointed out from personal experience the lack of resources that these services currently experience, possibly affecting the ability of schools to reduce rates of truancy.
- The Victoria Police have no legislative power in regard to truancy. They do however have proactive programs run by their Youth Resource Officers who work closely with schools.
- Whilst it appears that truancy is not a matter for local government regulation or enforcement, the representatives of local government (local politicians) are in an ideal position to lobby both State and Federal Government for increased resources to schools in for support services which is likely to have the greatest impacts in reducing truancy as school based services are able to engage at the first sign of an issue emerging for individual students and before intervention from a School Attendance Officer is required.
- On 29 August 2017 a meeting was held with representatives of The Department of Education and Training Victoria, Victoria Police and Councillors. Discussion at this meeting:
 - was generally in line with the outcomes of the above research;
 - established that the capacity to infringe parents of children with unexplained absences existed within the powers of School Attendance Officer. However this power was seen as a last resort and was not viewed as a constructive solution to curbing absences. Furthermore truancy is classified as a "reasonable excuse" and therefore cannot be the trigger for a truancy related infringement.

Options Available including Financial Implications

One – Do nothing

13.1 Response to NOM 1341 - Anti-Truancy Strategy

Officers' Assessment

Two – Engage meaningfully and fully in the issue, committing new resources and funds

Three - Councillors utilise their unique position of local knowledge and Frankston Youth Councils observations to advocate to government for increased resources within schools to increase the availability of services for young people within those schools.

The financial and resource requirements associated with this report are as yet unknown but are estimated to be in excess of \$300,000pa.

Frankston Youth Council

Feedback and recommendations

Re: NoM1341 Anti-Truancy Recommendations

25/07/17 5:30-7pm

- Frankston Youth Council recommends a review of local Secondary School profiles to determine which schools have highest rates of truancy
- Frankston Youth Council recommends a survey of local Secondary Colleges to determine what anti-truancy measures have been successfully and unsuccessfully employed by schools
- Frankston Youth Council recommends that the cause of each truant student's absenteeism be investigated before punished as there can be many factors contributing to truancy for example:
 - *Young carer duties (recognised or unrecognised)*
 - *A parent or family member with a disability or mental illness*
 - *Bullying/embarrassment at school*
 - *Fear/avoidance of particular teachers or classes*
 - *Poor role models (low education aspiration) at home*
 - *Low education aspiration*
 - *Failure to understand the point of attending classes*
 - *Mental health of the student (social anxiety disorders etc)*
 - *Negative peer pressure in fear of bullying*
- Youth Council highlights that *student-school rapport* is vital for reliable student attendance
- Frankston Youth Council emphasised that local Secondary College wellbeing teams are too small to deal with the issue of truancy effectively and the schools should be better resourced with wellbeing staff
- Youth Council noted that student wellbeing teams are small and that staffing of these wellbeing teams is inconsistent
- The inconsistent nature of teaching and wellbeing staff contributes to the impersonal culture of Secondary School. This impersonal culture can contribute to a feeling of lack of accountability by students.
- The Primary Education Model, Parkdale Secondary College's organisation structure and Haileybury's "Head of House" program were given as positive examples of extensive and engaging student support structures.
- Youth Council noted that most Secondary Colleges in Frankston, in their personal experience, have student waiting lists of a fortnight to a month for appointments with student wellbeing staff
- Youth Council recommends increased support, staff and resources for student wellbeing teams in Frankston so that truancy can be approached in a holistic manner
- Frankston Youth Council recommends the availability of Youth Services such as psychologists, GPs etc within schools. Students are more likely to engage with services if

Attachment A: Attachment A - Frankston Youth Council Anti Truancy Recommendations

they are nested within schools. This provides a familiar setting and offers some confidentiality for the young person if families/parents are resistant to the young person seeking such help.

- Youth Council recommends Secondary College's place emphasis on and incentivise school attendance for students who are not working towards VCE or University – these students may not understand the importance school attendance
- Frankston Youth Council recommends that schools expose students a variety of role models and career possibilities to increase incentive for school attendance.
- Youth Council discussed the possibility of monetary fines or other consequences to parents/guardians who fail to prioritise and encourage their young people to attend education. This is after fair consideration and investigation of family circumstances.
- Youth Council recommends the creation of an online survey (with a prize incentive) of young people asking the questions:
 - *For what reason do you attend school?*
 - *For what reason/s do you miss days at school?*
- Youth Council recommends Frankston City Council engage with local SRCs to encourage them to employ positive peer pressure methods to discourage truancy
- Youth Council recommends that Secondary School teachers receive professional development in adolescent development and youth work elements in order to work more effectively with young people

Truancy Report

In March 2014, new legislation related to promoting and improving enrolment and attendance came into effect. All children aged 6-17 years are required to either be enrolled at a registered school, or registered for home schooling although there are some circumstances where a parent can apply to the Regional Director to exempt a child from enrolment at school. School attendance is mandated under the Education Training and Reform Act 2006. It is the responsibility of parents/carers to ensure their child regularly attends school.

Evidence shows that daily school attendance is important for young people to succeed in education and to ensure they don't fall behind both socially and developmentally. Young people who regularly attend school and complete Year 12 or an equivalent qualification have better health outcomes, better employment outcomes, and higher incomes across their lives. (info from DEECD).

The new law (2014 legislation) sets out that if a student reaches 5 days of unapproved or unexplained absence within the school year then the principal can decide what interventions will take place to encourage students to attend school. Unexplained absences are where the parent or carer does not inform the school about the absence within 10 days.

Truancy is defined under the Education and Training Reform Act 2006 as absence due to the child's disobedience and not due to any fault of the parent. Disobedience is therefore deemed a reasonable excuse and will not count towards the total of unapproved or unexplained absences.

School refusal is also considered a reasonable excuse for absence and if supports and interventions are being sought, should not count towards unexplained or unapproved absence. Schools work with families to address these issues and to improve a student's experience at school in order to improve their attendance.

"If these interventions do not improve your child's attendance, the principal may decide to make a referral to the School Attendance Officer. The School Attendance Officer will investigate the absences and may take one or all of the following steps depending on the circumstances.

- Issue a School Attendance Notice (which is an opportunity for your family to explain the absences and work with your child's school to improve attendance in the future)
- Issue an Official Warning (A School Attendance Officer may decide to issue an Official Warning prior to, or instead of issuing an Infringement Notice)
- Issue an Infringement Notice (these are issued as a last resort, after other strategies to improve attendance have been implemented and failed and can be reviewed upon request by the parent/carers). This is equivalent to half a penalty unit which is approximately \$70"

For absences where there is no exemption in place, the parent/guardian must provide an explanation on each occasion to the school. The school will determine if the explanation provided is a reasonable excuse for the purposes of the parent meeting their responsibilities under the *Education and Training Reform Act 2006*.

Schools must develop policies to support and maintain student attendance.

For guidance relating to:

- Student engagement, see:
<http://www.education.vic.gov.au/school/teachers/studentmanagement/Pages/studentengagementguidance.aspx>
- Re-engagement programs, see:
<http://www.education.vic.gov.au/school/teachers/studentmanagement/Pages/reengagementnt.aspx>

- Non-attendance, see:
<http://www.education.vic.gov.au/school/teachers/studentmanagement/Pages/attendance.aspx>
- Student support services, see:
<http://www.education.vic.gov.au/school/parents/needs/Pages/supportservices.aspx#link63>
- Students affected by homelessness, who may be more likely to have patterns of irregular attendance, see:
<http://www.education.vic.gov.au/school/parents/needs/Pages/supportservices.aspx#link63>

Government schools must use software to record student attendance and report this on a monthly basis. Parents/guardians are required to provide an explanation for their child's absence from school, and a principal must record in writing the reason (if any) given by the parent/guardian.

Schools must advise parents/guardians promptly of unexplained absences, including for post-compulsory aged students.

DEECD has a policy that covers the non-attendance or exemption from enrolment for students.

To ensure student exemptions from attendance or enrolment at school are managed in accordance with Departmental requirements.

Overseas experience

National Centre for School Engagement in Colorado USA – The National Centre for School Engagement (NCSE), collaborates with school districts, law enforcement agencies, courts, and state and federal agencies to support youth and their families to be engaged at school. Causes for truancy can be categorized in three areas: school factors, home and community factors, and personal factors. The NCSE has found that while truancy among primary school aged children is generally due to family issues, among older primary and secondary school young people personal factors play a bigger role. These factors include a student's intrinsic motivation, their own physical and mental health and future orientation. The NCSR also notes that "studies show that each high school dropout costs over \$800,000 over the course of his or her life. These costs are incurred as a result of lost income taxes due to unemployment and lower salaries, and higher social service expenditures and criminal justice costs." <http://schoolengagement.org/school-engagement-services/reducing-truancy/>

Programs to combat truancy fall into one of three categories: school or district programs, court programs, and community programs. School districts can begin by involving parents in school activities before truant behaviour ever becomes a problem, and immediately notifying parents of problems when they arise. Many schools have school attendance review boards that bring together parents, truant students, school representatives, and perhaps social service or mental health representatives to discuss the importance of school attendance and work out an attendance plan. Many courts have reorganised to form special truancy court dockets within the juvenile or family court. Consolidation of truancy cases results in speedier court dates, more consistent sentencing, and makes court personnel more attuned to the needs of truant youth and their families. Community programs bring together schools, law enforcement, social service providers, mental and physical health care providers, and others to help stabilize families and reengage youth in school. Accessed 11/8/17: <http://schoolengagement.org/>

Young people in Nevada must show excellent school attendance to get a driver's permit or license. Senate Bill 269, passed during the 2013 legislative session, went into effect 1 January 2014. The new law means students under 18, who want to get a permit or license, must present proof that they are regularly attending classes or are exempt from school attendance requirements.

The law affects students who have been absent three or more times without permission in a single school year, according to Washoe County School officials. Student must show they've received a high school diploma or have passed one of three high school equivalence exams to be exempt from attendance requirements. A signature on a certificate of attendance needs to be signed by the student's principal or designee to qualify for a license.

Students who are excused from attendance requirements because of disability or home schooling must have a parent or guardian complete part of the form. Students who have completed high school or the equivalent must have a parent or guardian complete part of the form and provide a diploma or a certificate of High School Equivalency.

The Certification of Attendance form is also used to suspend or deny the driving privileges of a student who has been declared a habitual truant under NRS Chapter 392.

Florida has also introduced a system whereby persistent truancy leads to a loss of a drivers licence and Alabama is also considering such a system.

In 40 states if the USA plus the District of Columbia parents are charged fines for their children's truancy and subsequent court costs. Many are unable to pay these and may be sent to jail despite there being little evidence that this approach reduces truancy rates. The NCSE states that there is "evidence, based on real studies, to show that in general supportive measures work much better than punitive measures when you're dealing with truancy, because there's always some reason behind [an absence]." Punitive responses don't address the issues that young people may be facing at home such as caring for other family members, mental health issues, substance abuse, poverty and new immigrants who don't understand that their children have to attend school regularly.

Many courts in the USA also have diversion programs for these young people to keep them out of the jail system and connect them with support services. Schools also play a key role in keeping young people engaged "The research shows kids who feel that at least one person in the schools cares about them in some personal way are more likely to go to school and make an effort at school. There are actually a lot of kids in school who feel like there isn't anybody at school who knows anything about them or care about them."

Accessed 11/8/17: <https://www.theguardian.com/education/2014/jun/23/-sp-school-truancy-fines-jail-parents-punishment-children>

Norway

A study of the factors affecting truancy in Norway found poor relationships with peers at secondary school was a moderate risk factor for truancy and that the way a teacher manages their class can also affect truancy in relation to how bullying and social exclusion are managed. It found that the school experience was critical in understanding the level of truancy and in particular how bullying was perceived as being addressed by the student body. Teachers play a key role in helping students build supportive relationships within the class room and good classroom management will reduce truancy.

Personal aspects can also influence truancy with those with poor social skills being more likely to truant. Parents play a role in how interested they are in their child's academic achievement and those who are more interested have lower truancy rates than uninterested parents.

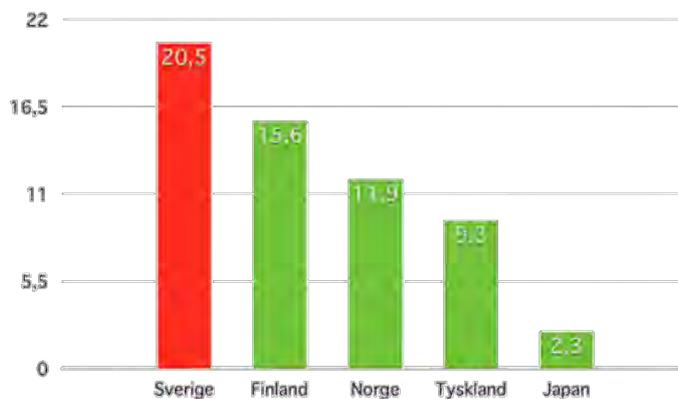
It recommended that schools are best placed to identify truancy and implement early interventions. Evidence showed that there was a tentative relationship between good relationships between the teacher and student and the prevalence of truancy.

"School factors associated with school refusal-and truancy-related reasons for school non-attendance", Trude Havik · Edvin Bru · Sigrun K. Ertesvag, Received: 20 March 2017 / Accepted: 17 January 2015 / Published online: 24 February 2015

©Springer Science+Business Media Dordrecht 2015 Accessed 11/8/17:

https://www.researchgate.net/publication/275946333_Havik_Bru_Ertesvag_online_February_2015_School_factors_associated_with_school_refusal-_and_truancy-related_reasons_for_school_non-attendance_Social_Psychology_of_Education_101007s11218-015-9293-y

Studies abound which demonstrate that truancy is a problem in many developed countries.



Sweden, Finland, Norway, Germany, Japan, (UK, 12%) (OECD, 2013, p. 48)

Accessed 11/8/17: <https://improvingteaching.co.uk/2016/09/14/education-in-sweden-chaotic-behaviour-in-the-classroom/>

PISA 2015

The organization for Economic Co-operation and Development (OECD) runs a triennium study into school performance and student achievement for 15 year olds throughout the world. The program for International Students Assessment (PISA) cannot identify cause-and-effect relationship between policies and outcomes however it can indicate the differences between individual countries and point towards countries who are performing well and which may warrant further investigation. The most recent assessment was completed by 540,000 students from 72 different countries.

The report noted that learning should not be hindered by poverty, family background or access to resources and that successful education systems work to ensure that these factors are addressed to ensure equitable access for all students. It recommended that “Governments may need to provide additional resources for free-of-charge tutoring in disadvantaged schools so as to prevent the development of a shadow education system – and to ensure equity in education opportunities.” (page 14). In particular, it noted that disadvantaged schools also tend to be subject to more disciplinary problems and a lack of student engagement, which is demonstrated through lateness, truancy which then compromises the students’ opportunities to learn and succeed in school.

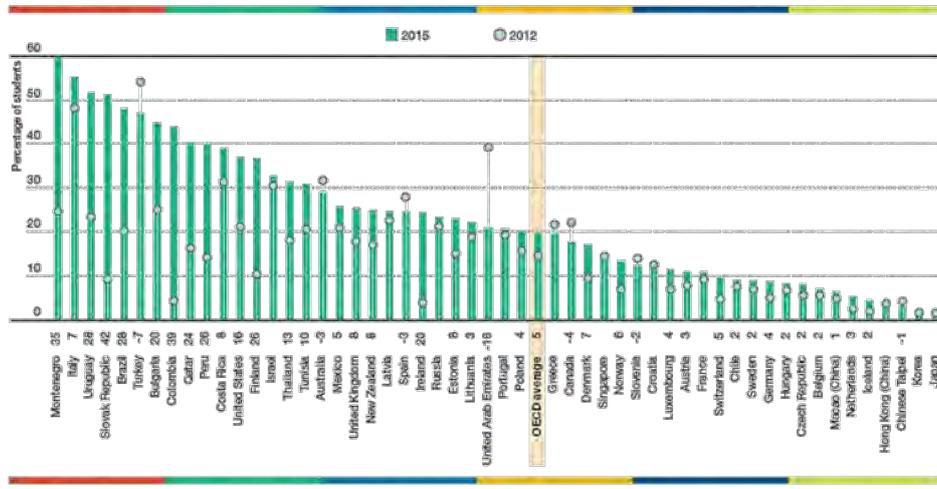
Overall across OECD countries, 20% of students had truanted in the two weeks prior to the PISA test. They are most likely to be from socio-economically disadvantaged schools which have a less positive disciplinary climate than advantaged schools. It should also be noted that parents are more likely to be involved in their children’s school activities if they are from a socio-economically disadvantaged school.

Truants are more likely to drop out of school altogether, be employed in poorly paid jobs, have unwanted pregnancies, have substance abuse issues and become delinquent (page 83, PISA 2015 Results, Vol II). It also found that truancy may also have an effect on the rest of the class as when the student does attend they require greater assistance from the teacher or their peers and this can cause resentment among other students and frustration among teachers. It could also result in other students truanting as they realise they can also skip school however there needs to be more research into this aspect of truancy. http://www.keepeek.com/Digital-Asset-Management/ocd/education/pisa-2015-results-volume-ii_9789264267510-en#page83

The table below shows that truancy in Australia is higher than the OECD average however has declined by 3% since the last study in 2012. Other countries experiencing a decline include: UAE (18%), Turkey (7%), Canada (4%), Spain (3%), Slovenia (2%), Chinese Taipei (1%). USA truancy has increased by 16% over the same period.

<http://www.oecd.org/pisa/pisa-2015-results-in-focus.pdf>

Change between 2012 and 2015 in student truancy
Percentage of students who reported that they had skipped a day of school in the two weeks prior to the PISA test



Notes: Only countries/economies that participated in both 2012 and 2015 PISA assessments are shown.
Only percentage-point differences between PISA 2012 and PISA 2015 that are statistically significant are shown next to the country/economy name.
Countries and economies are ranked in descending order of the percentage of students who had skipped a whole day of school at least once in the two weeks prior to the PISA test, in 2015.
Source: OECD, PISA 2015 Database, Tables II.3.1, II.3.2 and II.3.3.

Victoria Police

The Victoria Police have no legislative power in regard to truancy. They do however have proactive programs run by their Youth Resource Officers who work closely with schools.

Research

<https://www.businessinsider.com.au/a-mcdonalds-in-queensland-has-banned-students-in-uniform-during-school-hours-2017-7>

Accessed 20/7/17

<https://www.news.com.au/lifestyle/food/eat/mcdonalds-elanora-bans-kids-in-school-uniform-during-school-hours/news-story/6e47028a6de5ecf18561dbd88707520f>

Accessed 20/7/17

<http://www.education.vic.gov.au/school/parents/behaviour/Pages/attendance.aspx>

Accessed 28/7/2017

<http://www.education.vic.gov.au/school/principals/spag/participation/Pages/attendance.aspx>

Accessed 7/8/17

Show Up, Stand Out program – Washington DC

Show Up, Stand Out is a free program from the Office of Victim Services and Justice Grants (OVSJG) in Washington, DC. The program helps parents to get their kids to school every day and help to solve the problem to truancy in DC schools. If your child has 5 unexcused absences, this program is for you.

While Show Up, Stand Out is sponsored by the DC government, all emails, visits, and phone calls are confidential. Our team members are here to help parents get their kids to attend school and to help with problems that hinder their attendance. They work with parents/carers to find out what they need to make sure their kids attend school regularly. All calls, emails and visits are confidential.

To find the Show Up, Stand Out team member for your child's school, visit Showupstandout.org/how-it-works/help-locator/

Show Up, Stand Out has partners working with over 60 elementary and middle schools in DC, and is striving to help more than 4,000 students this year. Our team members come from the following organizations:

- Far Southeast Family Strengthening Collaborative
- Georgia Avenue Family Support Collaborative
- Boys Town Washington, DC
- Collaborative Solutions for Communities
- East River Family Strengthening Collaborative
- Edgewood/Brookland Family Support Collaborative
- Catholic Charities

The Attendance Accountability Act

The Attendance Accountability Amendment Act includes penalties for missing more than 10 days without a valid excuse. Absence is defined as:

- Absence: Missing more than 20% of a school day (or 78 minutes).
- Excused absence: Missing school for a valid reason, because of an illness, death in the family, religious holiday, doctor's appointment, court date, college visit or other reason approved by you and your child's school.
- Unexcused absence: Missing school without a valid reason, because of a family vacation, cutting class, oversleeping, running errand, babysitting, traffic or other car troubles.
- Absenteeism: A pattern of missing school, with or without a valid excuse.
- Chronic absenteeism: Missing 10 or more days of school in a single school year, with or without a valid excuse.

For specific information about your child's school, including who to contact if your child is absent, call the school's attendance counsellor, teacher or principal.

Periods of absence result in specific consequences:

After 1 unexcused absence	You will receive a call from your child's school.
After 5 unexcused absences	Your child will be referred to a school based student support team. The team will meet to discuss why your child is missing school and create a plan to prevent him or her from missing school in the future. If you have not already, reach out to us and see what services are available in your community to help make sure your child gets to school.
After 7 unexcused absence	You will receive a warning letter from the Metropolitan Police Department.
After 10 unexcused absences	Your child's school based support team will deliver a loan to school administrators. The plan will include ideas for making sure your child's absences do not continue, and will identify services in your community to help. From there, the school will notify the MPD (Metropolitan Police Department) and send a letter to you explaining the legal consequences of accruing additional absences. The office of State Superintendent of Education (OSSE) will send you a truancy resource guide. If your child is between the ages of 5-13, the school will refer him or her to the Child and Family Services Agency (CFSA) for further review.
After 15 unexcused absences	If your child is between the ages of 14-17, he or she will be referred by the school to the Court Social Services Division (CSSD) and/or the Office of Attorney General (OAG) Juvenile Division.

Parents whose children violate DC's Attendance Act may be required to attend parenting classes, do community service or pay a fine. Our program can help improve school attendance long before you reach this point.

To help you comply with the law and understand its effects, our team is here to help. We will set up a time to meet with you at a place and time that's convenient for you. We'll work with you to create a plan just for you and your child.

Sources: Council of the District of Columbia, Council for Court Excellence, D.C. Action for Children, D.C. Public Schools

<http://www.showupstandout.org/resources/resourcesthe-attendance-accountability-act/>

Accessed 27/7/17

Whittlesea Secondary College

Whittlesea Secondary College has an attendance policy which has clear aims and strategies.

Absence is monitored, audited and clear responsibilities are stated and implemented.

There are strategies in place to follow up and monitor student absences.

School Councils must also ratify the policy. There are parties and processes in place which are supported by DET and DHS.

ATTENDANCE POLICY

Rationale

The *Education Act 1958* requires that children of school age (six-seventeen years [6-17]) resident in Victoria are required to be in full-time attendance at a government or registered non-government school unless they are receiving approved home tuition, correspondence education, or have been granted an exemption by the Regional Director.

Aims

- to maximise student learning opportunities and performance by ensuring that children required to attend school do so regularly, and without unnecessary or frivolous absences.

Implementation

Requirements

- All enrolled students are required to attend school unless reasonable and valid grounds exist for them to be absent.
- Illness is reasonable grounds for an absence – shopping excursions or birthday parties are not.
- Parents have a responsibility to ensure that their children attend school regularly, and are only absent if ill or if absolutely necessary.
- Parents have a further responsibility to provide a written note or phone the absence line to inform the school why an absence has occurred.
- The Principal has a responsibility to ensure that attendance records are maintained and monitored at school.
- All student absences are recorded for each class by teachers, are aggregated on our CASES database and communicated to the Department of Education and Training (DET).
- DET and enrolment auditors may seek student attendance records.
- The Principal has a further responsibility to ensure that unexplained absences are investigated, and that high levels of absenteeism are adequately explained.

Implications

- Education is a sequential process therefore absences often mean students miss important stages in the development of topics, causing them to find 'catching up' difficult.
- Absenteeism contributes significantly to student failure at school.

Reporting

- The Principal or nominee, such as and not limited to, the Student Administration Managers, will contact parents of students with high levels of unexplained or unapproved absences, with the view to developing and implementing strategies to minimise absences.
- Ongoing unexplained absences or lack of cooperation regarding student attendance will result in a formal attendance conference being organised. o Unresolved attendance issues may be reported by the Principal to the Department of Human Services.
- Student attendance and absence figures will appear on student half year and end of year reports.
- Aggregated student attendance data is reported to the Department of Education and Training (DET) and the wider community each year as part of the annual report.

Related Legislation and Policies

- DET Legal Requirements

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Appendices

Evaluation

This policy will be reviewed as part of the school's three-year review cycle.

This Policy was last ratified by School Council in: 2017

Monterey Secondary College manages absences in an informative and supportive manner. The communication processes are accessible and supportive to the whole of school community. Structures and strategies exist to assist and not punish truancy. This approach is supportive and understanding and is representative of Youth Council's recommendations. What is needed are even more resources for schools and teams of Wellbeing officers to maintain a preventative and strengths based approach. This will increase access to information and support to parents and carers, along with measuring efficacy.

There is clear evidence to show the link between student attendance rates at school and their academic success. Missing just two days a month of class is enough to severely impact a child's education. At Monterey, we have strong focus on making sure that students attend class every day and stay in school for as long as they need, to ensure that they are set up for success beyond their secondary education. If a student misses only 8 days a term, by the end of high school they will have missed almost half a year of school. Just as important to attend class every day is arriving at school on time, before the start of the school day.

The Wellbeing and Leadership teams work together with parents, families, students, teachers and the Attendance Officer to develop strategies and programs to ensure that students can attend school as much as possible, in an environment that allows them to learn at their own pace and reduce the number of days spent absent. Obviously, there are times when an absence from school is necessary and these are understood by the school.

If you have an inquiries or concerns about your student's attendance at school, please do not hesitate to contact your students Co-ordinator or the Wellbeing Team.

Monterey Student Wellbeing

WELLBEING TEAM

The Monterey Student Wellbeing Team offers support to students, teachers and families in relation to problems and concerns that may be having an effect on a student's academic achievements and development at school. Such concerns may involve personal problems, friendship difficulties, family issues, learning and behavioural difficulties and health concerns. Resources within the school and in the local community are available to help address these issues and can be utilised with the assistance of the Student Wellbeing Team.

The Student Wellbeing Co-ordinator is responsible for developing programs within the school that address students needs and assist them to develop skills in coping with life situations and their education, with emphasis given to developing each student's self-confidence and self-esteem. Student Wellbeing at Monterey addresses the wellbeing of all students, through programs, student support, counselling and family support. We seek to promote responsible behaviour and develop resilience in students through

positive relationships, opportunities for wide-ranging participation and high expectations of positive attitudes to learning.

Our wellbeing team consists of:

- Student Wellbeing Co-ordinator
- Two School Chaplains
- School Nurse
- Koori Engagement Support Officer
- School-Based Psychologists

If you have any concerns relating to your child's wellbeing, please do not hesitate to contact the school.

Executive Summary**13.2 Response to NOM 1358 - Formation of Strategic Alliance with prominent local organisations**

Enquiries: (Sam Jackson: Corporate Development)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.2 The elected representatives will promote powerful advocacy, meaningful engagement and credible reputation

Purpose

To brief Council on the form a potential 'strategic alliance' may take between Frankston City Council and local organisations.

Recommendation (Director Corporate Development)

That:

1. Council notes work is currently underway to develop action plans for the 12 priority projects identified in Council's Advocacy Strategy 2017-2021 which also identifies opportunities for advocacy collaboration.
2. Council notes that other organisations within the municipality play an important role in leading advocacy discussions, and that Council may support and work with these organisations where the advocacy item is consistent with Council's advocacy priorities.
3. To ensure an inclusive process to, Council endorses the following:
Frankston City Council, acknowledges the importance of working collaboratively with other stakeholders within our community on key advocacy priorities. We welcome the opportunity to proactively work with our community to advocate for key projects that are consistent with the Frankston City Advocacy Strategy 2017-2021.
4. Supports copies of the Frankston City Advocacy Strategy 2017-2021 be distributed to the following prominent local organisations with a covering letter from the Mayor outlining the advocacy principle and the intent of the Strategy, and inviting them to attend a briefing with Councillors and Council officers on nominated or identified areas of joint interest:
 - a. Monash University
 - b. Chisholm Institute of TAFE
 - c. South East Water
 - d. Peninsula Health (Frankston Hospital)
 - e. Frankston Private Hospital
 - f. Frankston Business Network
 - g. Vicinity (Bayside Shopping Centres)
 - h. Committee for Greater Frankston
 - i. Proudly Frankston
 - j. Rotary Clubs from within the municipality
 - k. Frankston Homeless Support Service

13.2 Response to NOM 1358 - Formation of Strategic Alliance with prominent local organisations**Executive Summary****Key Points / Issues**

- At its meeting on 9 August 2017, Councillor Bolam tabled a Notice of Motion (NOM) 1358 regarding - Formation of Strategic Alliance with prominent local organisations. Council resolved:

“That a report be provided at the October Ordinary Meeting on the formation of a ‘strategic alliance’ pact with local organisations – i.e. the ‘Proudly Frankston’ NFP, the ‘Committee for Greater Frankston’, the ‘Frankston Business Network’, the ‘Langwarrin Business Network’ etc. – to better improve coordination and consistency insofar lobbying and advocacy efforts to the Victorian Government and the Australian Government on municipal and regional initiatives.

The report is to consider the interest of local groups / organisations of considerable repute to conjoin with Frankston City Council in the activation of the proposed ‘strategic alliance’. The report is to also consider what form a potential Memorandum of Understanding (MOU) may take; and how to ensure that participating groups / organisations can continue to practice independence and autonomy within and outside of the proposed ‘strategic alliance’. Finally, the report is to consider how often the members of the ‘strategic alliance’ meet and how lobbying and advocacy parameters should be approached in both election and non-election periods.”

- Council adopted the Frankston City Advocacy Strategy 2017-2021 on 4 September 2017. This Strategy identifies 12 priority projects for Council to focus its advocacy efforts upon. Many of these projects have been key projects for the community over several years – however, the Strategy has been the first time that they have been formerly adopted as advocacy priorities
- Partnering with local organisations who have shared interests with Council will build greater momentum for advocacy initiatives than if Council pursues these on its own.
- Now that Council has adopted the strategy, Council can better work with key organisations and mobilise the community and public opinion on priority issues through development of consistent messaging and approaches to assist with advocacy, lobbying and stakeholder engagement.
- A strategic alliance or formulation of a Memorandum of Understanding (MOU) between a number of local organisations may prove difficult to administer and enforce and may prevent participating organisations from practising independence and autonomy. It may also be perceived to be exclusionary by other local organisations not recommended for inclusion in the MOU, hampering the potential for Council to develop collaborative relationships with these other organisations.
- Instead, it is recommended that Council pursues alliances with organisations with identified areas of joint interest.
- It is recommended that Council endorse the following advocacy principle which is less prescriptive for organisations that wish to join with Council on advocacy, while being more inclusive – enabling all members of the community to become involved:

Frankston City Council, acknowledges the importance of working collaboratively with other stakeholders within our community on key advocacy priorities. We welcome the opportunity to proactively work

13.2 Response to NOM 1358 - Formation of Strategic Alliance with prominent local organisations**Executive Summary**

with our community to advocate for key projects that are consistent with the Frankston City Advocacy Strategy 2017-2021.

Financial Impact

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

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

There are no financial impacts of implementing the proposed recommendations other than officer time.

Consultation**1. External Stakeholders**

The local organisations named in the NOM have not yet been contacted to ascertain their interest in a strategic alliance or MOU, as Officers recommend Council first determines what form future advocacy partnership take.

Councillors were provided with an opportunity to discuss the proposed response to the NOM at a Councillor Briefing on 27 November 2017. It was raised that it is important to acknowledge that other groups may actually take the lead in advocacy items and that Council should support this. Concern was also raised that advocacy should be a longer term process that just up to the next election – which is an approach supported by the four year life span of the recently adopted Advocacy Strategy.

2. Other Stakeholders

The Community Strengthening and Community Relations Departments have been consulted regarding the opportunity to work collaboratively with key stakeholders on specific advocacy issues

Analysis (Environmental / Economic / Social Implications)

The adoption of the recommendation would support the development of partner relationships between Council and local organisations with common goals.

Partnering with local organisations and non-profits who have shared interests with Council will build greater momentum for advocacy initiatives than if Council pursues these on its own.

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

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

Legal

There are no statutory obligations related to this report.

13.2 Response to NOM 1358 - Formation of Strategic Alliance with prominent local organisations**Executive Summary**Policy Impacts

There are no policy impacts but it should be noted that the recommendation proposed is consistent with Council's endorsed advocacy approach, outlined in the Advocacy Strategy 2017-2021.

Officer's Declaration of Interests

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

Risk Mitigation

It is important for Council to partner with other local organisations to strengthen its advocacy position and the likelihood of positive outcomes.

There is a risk that other organisations working in isolation may oppose or contradict Council's priority projects. Strengthening ongoing working relations will work to mitigate this, or at least work on messaging that is not detrimental to either party. This risk can be mitigated through the adoption of the recommendations.

Conclusion

In response to 'NOM 1358 - Formation of Strategic Alliance with prominent local organisations', this report recommends that Council endorses a principle statement to work collaboratively with key stakeholders on the advocacy projects identified in Council's Advocacy Strategy 2017-2021.

ATTACHMENTS

Nil

Executive Summary

13.3 Response to NOM 1360 PART A - Frankston CSR and Corporate Stewardship (Internal Focus)

Enquiries: (Russell Joiner: Corporate Development)

Council Plan

Community Outcome:	4. A Well Managed City
Strategy:	4.4 People
Priority Action	4.4.2 Enhance a high performing culture

Purpose

To respond to the first part of Notice of Motion 1360 Frankston CSR and Corporate Stewardship in relation to the creation of a formal Policy and/or Strategy around Corporate Social Responsibility.

Recommendation (Director Corporate Development)

That Council:

1. Notes this report
2. Notes the existing initiatives which support and implement Council's commitment to Corporate Social Responsibility and Corporate Stewardship.
3. Adopts the draft Corporate Social Responsibility Statement
4. In addition to the (draft) Statement, it is proposed that the following actions will be implemented:
 - a. provide information to all employees on corporate stewardship and Corporate Social Responsibility
 - b. develop a policy on employee volunteering to encourage employees to undertake community volunteering
 - c. support Impact Volunteering to promote volunteering opportunities within the community
 - d. increase awareness of and strengthen Council's commitment to the Charter of Human Rights.

Key Points / Issues

- At its meeting on 4 September 2017, Councillor Bolam tabled a Notice of Motion regarding Frankston CSR and Corporate Stewardship. Council resolved:

“That the Chief Executive Officer (CEO) prepares, for Council consideration at the November Ordinary Meeting, the creation of a formal Frankston City Council Corporate Social Responsibility (CSR) Policy and/or Strategy. The intent of either the policy or strategy to encourage Frankston City Council staff to tangibly increase volunteerism in the Frankston community and to articulate Frankston City Council's dedication to ‘corporate stewardship’. This proposed approach is consistent with other organisations and municipalities.

A separate report, also presented at the November Ordinary Meeting, is to be prepared in relation to increasing awareness of and commitment to ‘corporate stewardship’ practices by local businesses and industries. The intention of the report is to explore how to encourage more local businesses and industries to participate in worthy citywide cause (i.e. the Frankston Homelessness Fund and the Frankston Charitable Trust)”

**13.3 Response to NOM 1360 PART A - Frankston CSR and Corporate Stewardship
(Internal Focus)****Executive Summary**

This report responds to the first part of this resolution.

- The concepts of CSR and Corporate Stewardship are generally understood to mean that organisations have a degree of responsibility not only for the economic consequences of their activities, but also for the social and environmental implications. The meaning, value, and application of CSR may differ in various contexts depending on local factors including culture, environmental conditions, and the legal framework.
- Some specific aspects of CSR, as it applies to and affects local government are incorporated in the *Local Government Act 1989 (Act)* and the *Charter of Human Rights and Responsibilities Act 2006 (Charter)*.
- It is recognised and acknowledged that Council already has in place a number of programs which support and implement Council's commitment to CSR including (but not limited to) the Community Grants Programs, Frankston Charitable Fund, Leadership activities, Staff and community volunteering initiatives, Frankston Regional Recycling and Recovery Centre, Waste Minimisations and Management Plan and Small Business Grants.
- It is important to acknowledge the work of Impact Volunteering, which is supported by Council.
- A draft Corporate Social Responsibility Policy Statement that achieves the intent of the NOM is attached to this report (refer Attachment A)

Financial Impact

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

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

The implementation of the recommendations of this report will not have any financial impacts over and above the programs that are already in place. However, there will be a reallocation of officer time

Consultation**1. External Stakeholders**

Not applicable.

2. Other Stakeholders

The Community Strengthening Department and Community Relations Department have been consulted in preparation of this report.

Analysis (Environmental / Economic / Social Implications)

The ethical and social considerations of CSR are incorporated in relevant legislation. As a community based, public sector organisation Council's obligation to CSR is different from that of the private sector. Council is motivated by and responsible to the community – to serve the community is the reason local government exists, which is fundamentally different from the private sector.

**13.3 Response to NOM 1360 PART A - Frankston CSR and Corporate Stewardship
(Internal Focus)****Executive Summary**

By increasing the awareness of Corporate Stewardship among employees we will continue to encourage considerations to best practice, and enhanced environment, economic, and social conditions, and services for the local community.

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

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

Legal

Council is required to comply with the *Local Government Act 1989* and the *Charter of Human Rights and Responsibilities Act 2006*, as referred to in the Background section of this report.

Policy Impacts

Given the triple bottom line aspect of CSR and Corporate Stewardship, the Council Plan 2017-2021 highlights how Council will take a lead, advocate or assist other individuals, organisations and businesses to demonstrate best practice principles.

Officer's Declaration of Interests

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

Risk Mitigation

We will encourage employees to recognise and support CSR and Corporate Stewardship by volunteering for specific programs or activities, or by contributing to charities (such as the Frankston Charitable Trust or the Frankston Homelessness Fund).

It must be noted that the ability and capacity to volunteer is a personal matter and must always be an optional activity; employees must be able to determine whether they are able to volunteer and the extent to which they are able or willing to volunteer to any community activities.

Conclusion

Council demonstrates CSR and Corporate Stewardship by making decisions, providing services and taking actions to improve the lives and wellbeing of people in our community now and for future generations.

ATTACHMENTS

Attachment A:[↓](#) Corporate Social Responsibility Policy Statement (Draft)

**13.3 Response to NOM 1360 PART A - Frankston CSR and Corporate Stewardship
(Internal Focus)****Officers' Assessment****Background**Defining CSR and Corporate Stewardship

The concepts of Corporate Social Responsibility (CSR) and Corporate Stewardship have been around for many years. Many major public and private organisations have policies on CSR and Corporate Stewardship which inform their decision making, ethics and corporate values.

The concept of CSR is generally understood to mean that corporations have a degree of responsibility not only for the economic consequences of their activities, but also for the social and environmental implications. The meaning, value, and application of CSR may differ in various contexts depending on local factors including culture, environmental conditions, and the legal framework.

The International Organisation for Standardisation, in its *Guidance Standard on Social Responsibility* states:

“Social responsibility is the responsibility of an organisation for the impacts of its decisions and activities on society and the environment, through transparent and ethical behaviour that:

- *Contributes to sustainable development, including the health and welfare of society*
- *Takes into account the expectations of stakeholders*
- *Is in compliance with applicable law and consistent with international norms of behaviour; and*
- *Is integrated throughout the organisation and practiced in its relationships”.*

CSR can be defined as the commitment to recognise and manage an organisation's impact on society and to ensure that its activities are undertaken in a socially responsible and environmentally sustainable manner.

CSR requires the organisation to take into account a range of factors other than financial viability and sustainability.

As a community based, public sector organisation Council's obligation to CSR is significantly different from that of the private sector. Council is motivated by and responsible to the community – to serve and enhance the community are the reasons local government exists.

Legislative Basis

Some specific aspects of CSR, as it applies to and affects local government are incorporated in the *Local Government Act 1989* (Act) and the *Charter of Human Rights and Responsibilities Act 2006* (Charter).

The Act establishes the framework within which councils must operate including essential principles of CSR. The Act sets out the objectives, role functions and powers of a Council.

The purpose of a council is to provide for the "peace, order and good governance" of their municipality.

The 'objectives' of Council are:

- The primary objective of Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.

**13.3 Response to NOM 1360 PART A - Frankston CSR and Corporate Stewardship
(Internal Focus)****Officers' Assessment**

- In seeking to achieve its primary objective, a Council must have regards to the following facilitating objectives:
- To promote the social, economic and environmental viability and sustainability of the municipal district;
- To ensure that resources are used efficiently and effectively and services are provide to best meet the needs of the local community
- To improve the overall quality of life of people in the local community;
- To ensure that services and facilities provided by Council are accessible and equitable.

Further, the Act specifies the role and functions of Council, including:

- Providing leadership for the good governance of the municipal district and local community
- Taking into account the diverse needs of the local community in decision making
- Maintaining the viability of the Council by ensuring that resources are managed in a responsible and accountable manner
- Advocating and promoting proposals which are in the best interests of the local community
- Providing and maintaining community infrastructure in the municipal district
- Any other function relating to the peace, order and good government of the municipal district.

These objectives, roles and functions are fundamental to and support the implementation of and commitment to CSR and Corporate Stewardship within Council.

Human Rights and CSR

The Australian Human Rights Commission provides advice on human rights and CSR, as follows:

“Human rights are relevant to the economic, social and environmental aspects of corporate activity. For example, labour rights requiring companies to pay fair wages affect the economic aspect. Human rights such as the right to non-discrimination are relevant to the social aspect. And the environmental aspects of corporate activity might affect a range of human rights, such as the right to clean drinking water.

There is a growing acceptance that corporations also have an important role to play. Corporations impact on human rights in significant ways. These impacts have increased over recent decades as the economic might and political influences of corporations has grown, and as corporations have become more involved in delivering services previously provided by governments.

Corporations have come to recognise that part of being a good corporate citizen includes respecting the human rights of those who come into contact with the corporation in some way. This might be direct contact (for example, employees or customers), or indirect contact (for example, workers of suppliers, or people living in areas affected by a corporation’s activities).

**13.3 Response to NOM 1360 PART A - Frankston CSR and Corporate Stewardship
(Internal Focus)****Officers' Assessment**

Corporations are also responding to the fact that many consumers and investors expect corporations to act in a socially responsible manner. The extent to which a company implements a comprehensive CSR program can influence consumer and investor decisions."

Issues and Discussion

All Council reports and decisions are currently assessed against a range of criteria and factors which incorporate the principles and requirements of CSR. Decisions are assessed against the following factors:

- Financial implications
- Charter of Human Rights (Charter)
- Environmental, economic and social impacts
- Legal – statutory compliance

The understanding and implementation of the Charter of Human Rights and Responsibilities will be reviewed and strengthened. The Victorian Equal Opportunity and Human Rights Commission will be consulted on best practice regarding the application of the Charter in Local Government.

Corporate Vision and Values

Council is able to demonstrate a strong commitment to CSR in all of its activities and decisions. It is recognised and acknowledged that Council already has a place in a number of initiatives which support and implement our commitment to CSR.

In addition to the statutory obligations and requirements, Council's commitment to CSR is effectively encapsulated in Council's Vision:

We are driven by the privilege of serving our community, and providing leadership and visionary thinking to ensure Frankston City is recognised as the Lifestyle Capital of Victoria.

Council's commitment to CSR is also informed by and reinforced in our stated values, which are:

- Community
- Respect
- Excellence
- Accountability
- Team
- Integrity
- Sustainability

Each of these values is consistent with the principles – and practice – of an effective approach and commitment to CSR.

These values are consistent with, support and provide a sound basis for ensuring that CSR is integrated with the principles of the Act.

Existing programs and initiatives

Employee giving will be encouraged, promoted and facilitated. Employees are able to make salary sacrifice donations to charities:

**13.3 Response to NOM 1360 PART A - Frankston CSR and Corporate Stewardship
(Internal Focus)****Officers' Assessment**Frankston Charitable Fund

Frankston Charitable Fund supports innovative programs that work to improve quality of life by increasing life opportunities and social inclusion. Key principles guiding the funding decisions are:

- Community strengthening through collaboration and partnerships
- Place-based solutions to place-based issues
- Contribution to community capacity and sustainability
- Broad community impact and involvement

The Frankston Charitable Fund provides much needed funds to assist charitable organisations that operate in the Frankston community. This is done by encouraging tax deductible donations that build up the Fund corpus in perpetuity. Each year the Fund earns income (in the form of interest) which is then made available to eligible charities in the form of grants.

Council employees can elect to participate in the Frankston Charitable Fund Workplace Giving Program through pre-tax donations through Payroll.

Impact Volunteering

According to Council's 2016-2017 Annual Report, 16,805 people in Frankston City regularly volunteer their time with an organisation or group, do unpaid work such as looking after children, or provide unpaid assistance to a person with a disability (2016 Census). This has increased from 14,046 people in the 2011 Census.

A total more than 25,000 hours of volunteer work was provided by members of the community in 2016/2017, with an estimated value of more than \$1.2 million.

Council supported program Impact Volunteering promotes, encourages and facilitates community volunteering and enables introductions and arrangements to implement community based volunteering initiatives and activities. Council resources and funds Impact Volunteering through an annual grant, a part-time paid Coordinator, office accommodation at Ebdale Hub Community and Learning Centre and a referral desk in the Frankston library.

Leadership

Providing leadership to our community is a major aspect of Council's Vision. Responsible leadership is vital to ensuring strategic CSR is managed with the rigour and commitment given to all corporate initiatives. This includes two foci; externally to encourage local business to link social action with profit and internally encouraging, supporting and resourcing employees to develop and work within a balanced framework of corporate and personal stewardship.

Many employees live and work locally and have a strong personal voluntary commitment in community capacity building activities such as volunteering on sporting club committees; school councils; fundraising events; and so forth. Council's ethos to the provision of a flexible work environment to support work life balance enables participation in these activities that underpin a culture of community pride, contribute to vital social outcomes and an active economy.

The success of CSR will be based on empowering every employee to be part of the outcomes. This is informed by awareness, training and development and by supporting the health and wellbeing of all employees.

**13.3 Response to NOM 1360 PART A - Frankston CSR and Corporate Stewardship
(Internal Focus)****Officers' Assessment**

Council demonstrates CSR and Corporate Stewardship by making decisions, providing services and taking actions to improve the lives and wellbeing of people in our community. Council has a crucial advocacy role to State and Federal Government to ensure the Frankston community has access to meet essential services and needs.

Providing leadership in the context of CSR, is about encouraging, supporting and resourcing employees to develop and work within a framework of corporate and personal stewardship.

Council and Council employees are bound by legislation and Codes of Conduct which aim to ensure the highest standards of ethical behaviour, integrity and probity.

Employee volunteering

Council works with Impact Volunteering to identify appropriate opportunities for Council employees to participate in volunteering activities within the community. (Impact Volunteering is both funded and supported by Council.

Impact receives an annual grant from Council to encourage, facilitate and promote volunteering in the community. Council also provides the services of an employee to work with and resource Impact Volunteering.

Employees will be provided with information on opportunities and encouraged to participate in corporate volunteering projects. However, Council employees should not volunteer in activities related to Council works or services because of the potential for a perceived or real conflict of interest.

Information will be sought from Impact Volunteering to provide to employees on the benefits of and opportunities for volunteering.

A policy on employee volunteering will be developed in consultation with employees, which will cover issues such as:

- Employee time and resources – personal versus paid time
- Volunteering in the broader community – opportunities for employees who do not live within the Frankston City municipality
- Investigate, in conjunction with Impact Volunteering, identifying one or two volunteering activities each year in which employees will be encouraged to participate as a corporate volunteering project

It must be noted that the ability and capacity to volunteer is a personal matter and must always be an optional activity; employees must be able to determine whether they are able to volunteer and the extent to which they are able or willing to volunteer to any community activities.

Consideration will be given to reporting on employee volunteering activities in the Annual report, commencing in 2018-2019.

Community Volunteering

Council already benefits from a high level of community volunteering.

According to Council's 2016-2017 Annual Report, 16,805 people in Frankston City regularly volunteer their time with an organisation or group, do unpaid work such as looking after children, or provide unpaid assistance to a person with a disability (2016 Census). This has increased from 14,046 people in the 2011 Census.

A total of more than 25,000 hours of volunteer work was provided by members of the community in 2016-2017, with an estimated value of more than \$1.2 million.

**13.3 Response to NOM 1360 PART A - Frankston CSR and Corporate Stewardship
(Internal Focus)****Officers' Assessment**

Council funds and resources Impact Volunteering to promote, encourage and facilitate community volunteering and enables introductions and arrangements to implement community based volunteering initiatives and activities.

Impact Volunteering will be encouraged to continue to promote the benefits of volunteering within the business community of Frankston.

Resources

The resources required to implement are various; they include:

- staff time
- funding for Impact Volunteering
- employee support for Impact Volunteering

Recommendations:

It is recommended that:

1. Council recognises the range of initiatives which are currently in place to support and implement Council's commitment to CSR.
2. Council endorses the Community Social Responsibility Policy statement
3. In addition to the (draft) Policy, it is proposed that the following actions will be implemented:
 - provide information to all employees on corporate stewardship and CSR responsibilities
 - review and update the employee volunteering program to encourage and enable employees to undertake community volunteering
 - support Impact Volunteering to promote volunteering opportunities within the community
 - increase awareness of and strengthen Council's commitment to the Charter of Human Rights.

Corporate Social Responsibility Statement

Record Number:

Issue:

Date:



Frankston City Council is committed to acting ethically, sustainably and responsibly in all areas of its operations to provide positive benefits and outcomes for our community and residents.

Council recognises that it is responsible and accountable for the impacts of its decisions and activities on the community and the environment, through transparent and ethical behaviour.

Councillors individually and collectively recognise and acknowledge that they have a corporate social responsibility to the residents and ratepayers of Frankston City.

To achieve this, Councillors and employees are committed to actions, initiatives and services which:

- are sustainable
- support community growth and opportunity
- enhance community wellbeing
- increase opportunities within the community
- respect fundamental human rights and the dignity of people
- actively promote equal opportunity, equality and diversity
- take into account the expectations of stakeholders
- comply with all applicable legislation and Regulations
- ensure transparency and ethical behaviour are integrated throughout the organisation and practiced in all relationships.

Council's values support, reinforce and enhance this commitment; they are:

- Community
- Respect
- Excellence
- Accountability
- Team
- Integrity
- Sustainability

Councillors and employees will be provided with appropriate training to ensure awareness of Council's social and ethical responsibilities.

Employees will be encouraged and supported to participate in appropriate corporate social responsibility activities within the community.

This Policy is managed by the Human Resources Department, and is approved by Frankston City's Mayor and Council's Chief Executive Officer (CEO):

Mayor, Frankston City

CEO, Frankston City Council

in accordance with Frankston City Council resolution at its Ordinary Council meeting of xxxx.

Executive Summary

13.4 Response to NOM 1360 PART B - Frankston CSR and Corporate Stewardship

Enquiries: (Sam Jackson: Corporate Development)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.1 Employment, education and economy
Priority Action	2.1.2 Develop a knowledge, creativity and skills based economy that generates employment opportunities

Purpose

To respond to the second part of Notice of Motion 1360 Frankston CSR and Corporate Stewardship in relation to Corporate Stewardship programs that are already undertaken by Frankston City Council, businesses and the wider community.

Recommendation (Director Corporate Development)

That Council:

1. Notes this report
2. Notes the existing initiatives which support and implement Council's commitment to Corporate Social Responsibility and Corporate Stewardship within the business community.
3. Supports the implementation of the following additional actions:
 - a. Promotion of Community Support Frankston to the local business community
 - b. Inclusion in e-newsletters to our business community of quarterly updates of:
 - i. local best practice Corporate Social Responsibility and Corporate Stewardship.
 - ii. Any relevant updates of note regarding the Frankston Charitable Fund.

Key Points / Issues

- At its meeting on 4 September 2017, Councillor Bolam tabled a Notice of Motion regarding Frankston CSR and Corporate Stewardship. Council resolved:

“That the Chief Executive Officer (CEO) prepares, for Council consideration at the November Ordinary Meeting, the creation of a formal Frankston City Council Corporate Social Responsibility (CSR) Policy and/or Strategy. The intent of either the policy or strategy to encourage Frankston City Council staff to tangibly increase volunteerism in the Frankston community and to articulate Frankston City Council’s dedication to ‘corporate stewardship’. This proposed approach is consistent with other organisations and municipalities.

A separate report, also presented at the November Ordinary Meeting, is to be prepared in relation to increasing awareness of and commitment to ‘corporate stewardship’ practices by local businesses and industries. The intention of the report is to explore how to encourage more local businesses and industries to participate in worthy citywide cause (i.e. the Frankston Homelessness Fund and the Frankston Charitable Trust)”

This report responds to the second part of this resolution.

13.4 Response to NOM 1360 PART B - Frankston CSR and Corporate Stewardship**Executive Summary**

- The concept of CSR and Corporate Stewardship is generally understood to mean that organisations have a degree of responsibility not only for the economic consequences of their activities, but also for the social and environmental implications. The meaning, value, and application of CSR may differ in various contexts depending on local factors including culture, environmental conditions, and the legal framework.
- Many Frankston City businesses and associations have adopted CSR policies which reflect a commitment to environment sustainability initiatives as well as community strengthening activities (refer to Officers Assessment for more detail). Businesses are supported by external organisations such as Community Support Frankston who link small, medium, and large businesses with appropriate initiatives in which they can partner and/or support.
- It is recognised and acknowledged that Council already has in place a number of programs which support and implement Councils commitment to CSR including (but not limited to) the Community Grants Programs, Frankston Charitable Fund, Leadership activities, Staff and community volunteering initiatives, Frankston Regional Recycling and Recovery Centre, Waste Minimisations and Management Plan and Small Business Grants.
- It is important to acknowledge the work that many other organisations are already doing in this sphere – including (but not limited to) Community Support Frankston (who are working with many other businesses throughout the community to increase their level of CSR and Corporate Stewardship), South East Water, Frankston Business Network and the Bendigo Bank.
- As part of the Council commitment to the Waste Minimisation and Management Plan 2015-2020, Officers have identified two programs that encourage and enhance Corporate Stewardship practices within the local business community. The Environmental Upgrade Agreement (EUA) and ASPIRE programs could both achieve an increased level of environmental best practice through improved energy efficiency and less supply chain waste (respectively). Neither program are budgeted for and would need to be considered within the 2017-2018 budget.

Financial Impact

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

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

The implementation of the recommendations of this report will not have any financial impacts over and above the programs that are already in place. However, there may be some minor reallocation of officer time. Anything above these recommendations will require additional financial support and officer time.

13.4 Response to NOM 1360 PART B - Frankston CSR and Corporate Stewardship**Executive Summary**

Council may resolve to adopt the Environmental Upgrade Agreement (EUA) program as part of the next financial year budget which can be promoted to Frankston City business and industry. The cost to Council is \$5,000 ex GST per annum; the initial contract is for a two year period. The EUA application fees are covered by the relevant businesses – therefore there is no guarantee that businesses will engage with the program despite Council's investment.

Council may resolve to adopt the ASPIRE program as part of the next financial year budget which can be promoted to Frankston City business and industry. The cost to Council is an initial registration fee of \$5,000 (ex GST), and an annual maintenance payment of \$10,000 (ex GST).

In addition to the costs associated with both the EUA and ASPIRE programs, a significant amount of Officer time would be required to engage with the local business community, facilitate business registrations and to support business interest in all aspects of the programs. There currently is not capacity to be able to resource this.

Currently there is no funding or officer capacity to increase the level of promotional and fundraising activities specifically for the Frankston Charitable Trust and sub-fund - Frankston Homelessness Trust.

Consultation**1. External Stakeholders**

The Frankston Business Network, Sustainable Melbourne Fund, CSIRO, Impact Volunteering and Community Support Frankston have been consulted with in relation to existing and potential CSR and Corporate Stewardship programs available to the local business community.

2. Other Stakeholders

Community Strengthening has been consulted with in relation to the establishment and ongoing activities surrounding the Frankston Charitable Trust and sub-fund Frankston Homeless Fund, as well as, the need and their capacity to deliver additional fundraising and promotional activities specifically for said Funds.

Analysis (Environmental / Economic / Social Implications)

The ethical and social considerations of CSR are incorporated in relevant legislation. As a community based, public sector organisation Council's obligation to CSR is different from that of the private sector. Council is motivated by and responsible to the community – to serve the community is the reason local government exists, which is fundamentally different from the private sector.

A strong community offers business and industry the best opportunity to prosper and succeed in their commercial endeavours. When there are localised issues that impact on the strength of a community, it is an opportunity for business and industry to work with other businesses, community groups and government to address these local issues for the betterment of all.

Many of our local businesses and industry groups are committed to fundamentally change how their businesses operate in order to be sustainably effective. Climate change, water shortages, unequal distribution of wealth and economic opportunity are among the acknowledged threats to the sustainability of businesses within the region.

By increasing the awareness of Corporate Stewardship amongst local business and industry, we encourage considerations to best practice, and enhanced environment, economic, and social conditions for the local community.

13.4 Response to NOM 1360 PART B - Frankston CSR and Corporate Stewardship**Executive Summary****Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities

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

Legal

Council is required to comply with the *Local Government Act, 1989* and Charter for Human Rights as referenced within the Background section of this report.

Policy Impacts

Given the triple bottom line aspect of CSR & Corporate Stewardship, the Council Plan 2017-2021 highlights how Council will take a lead, advocate or assist other individuals, organisations and businesses to demonstrate best practice principles.

Council's Economic Development Strategy 2016-2022 has a range of activities that support innovation, employment creation and environmentally sustainable practices.

Council's Waste Minimisation and Management Plan 2015-2020 was implemented to assist Council and the community to reduce waste to landfill, increase resource recovery and improve the management of municipal waste. Specifically, Council is responsible for working with local businesses, industries, and social organisations to increase resource recovery and provide local economic opportunities.

Officer's Declaration of Interests

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

Risk Mitigation

Council encouraging the private sector to undertake CSR and Corporate Stewardship by contributing to specific programs or charities (such as the Frankston Charitable Trust or the Frankston Homelessness Fund) could be perceived as over-reaching what is deemed to be bounds of acceptable Council operations.

To mitigate this risk Community Support Frankston (an independent organisation already supported by Council) offers a service where they to work with individuals, businesses, industry and associations to implement Corporate Stewardship initiatives.

Conclusion

Council demonstrates CSR and Corporate Stewardship by making decisions, providing services and taking actions to improve the lives and wellbeing of people in our community now and for future generations.

A significant number of companies and industry associations already are evaluating the sustainability of their business practices. Through a range of Council run or auspiced programs and projects businesses are encouraged to improve their efficiency, examine the impact of their business on the environment, and reduce the amount of pollution and waste they may cause.

ATTACHMENTS

Nil

**13.4 Response to NOM 1360 PART B - Frankston CSR and Corporate Stewardship
Officers' Assessment****Background**Defining CSR and Corporate Stewardship

The concepts of Corporate Social Responsibility (CSR) and Corporate Stewardship have been around for many years. Many major public and private organisations have policies on CSR and Corporate Stewardship which inform their decision making, ethics and corporate values.

The concept of CSR is generally understood to mean that corporations have a degree of responsibility not only for the economic consequences of their activities, but also for the social and environmental implications. The meaning, value, and application of CSR may differ in various contexts depending on local factors including culture, environmental conditions, and the legal framework.

Legislative Basis

Some specific aspects of CSR, as it applies to and affects local government are incorporated in the *Local Government Act 1989* (Act) and the *Charter of Human Rights and Responsibilities Act 2006* (Charter).

The Act establishes the framework within which councils must operate including essential principles of CSR. The Act sets out the objectives, role functions and powers of a Council.

The “objectives of Council are:

- 1) The primary objective of Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.
- 2) In seeking to achieve its primary objective, a Council must have regards to the following facilitating objectives –
 - a) To promote the social, economic and environmental viability and sustainability of the municipal district;
 - b) To improve the overall quality of life of people in the local community;

Further, the Act specifies the role and functions of Council, as follows:

- a) Providing leadership for the good governance of the municipal district and local community
- b) Taking into account the diverse needs of the local community in decision making
- c) Maintaining the viability of the Council by ensuring that resources are managed in a responsible and accountable manner
- d) Advocating and promoting proposals which are in the best interests of the local community
- e) Providing and maintaining community infrastructure in the municipal district
- f) Undertaking strategic and land use planning for the municipal district
- g) Raising revenue to enable Council to perform its functions
- h) Making and enforcing local laws
- i) Exercising, performing and discharging the duties, functions and powers of Councils under this Act and other Acts
- j) Any other function relating to the peace, order and good government of the municipal district.

**13.4 Response to NOM 1360 PART B - Frankston CSR and Corporate Stewardship
Officers' Assessment**Human Rights and CSR

The Australian Human Rights Commission provides advice on human rights and CSR, as follows:

“Human rights are relevant to the economic, social and environmental aspects of corporate activity. For example, labour rights requiring companies to pay fair wages affect the economic aspect. Human rights such as the right to non-discrimination are relevant to the social aspect. And the environmental aspects of corporate activity might affect a range of human rights, such as the right to clean drinking water.

There is a growing acceptance that corporations also have an important role to play. Corporations impact on human rights in significant ways. These impacts have increased over recent decades as the economic might and political influences of corporations has grown, and as corporations have become more involved in delivering services previously provided by governments.

Corporations have come to recognise that part of being a good corporate citizen includes respecting the human rights of those who come into contact with the corporation in some way. This might be direct contact (for example, employees or customers), or indirect contact (for example, workers of suppliers, or people living in areas affected by a corporation’s activities).

Corporations are also responding to the fact that many consumers and investors expect corporations to act in a socially responsible manner. The extent to which a company implements a comprehensive CSR program can influence consumer and investor decisions.”

The Frankston Charitable Fund

The Frankston Charitable Fund was established as a charitable fund account of the Lord Mayor’s Charitable Foundation in 2009. The fund aims to build capital and generate interest and dividends that provide funding to support the work of Frankston charities through a grants program. Promotion of the Frankston Charitable Fund was originally coordinated through a dedicated Fundraising Officer budgeted within the Community Strengthening department with additional promotional support from Economic Development through e-news bulletins. This dedicated in-house resource no longer exists.

The Frankston Homelessness Fund

The Frankston Homeless Fund was established through the Frankston Charitable Fund Giving Account to raise funds for the Community Roof Project, a partnership with SalvoCare Eastern, DHHS, Council and local agencies to provide housing and case management support to long term rough sleepers. Community Roof recognised rough sleeping is the result of multiple system failures and different approaches to alleviate homelessness appropriate to age, gender and circumstance is critical to restore capability, social connections and capacity to contribute to community life.

Issues and Discussion**EXISTING PROGRAMS**

It is recognised and acknowledged that Council already has a place in a number of initiatives which support and implement our commitment to CSR, including

**13.4 Response to NOM 1360 PART B - Frankston CSR and Corporate Stewardship
Officers' Assessment**Community Grants Program

Frankston City Council is proud to support the Community Grants Program in recognition of the significant contribution by the community to programs, projects and events in the City. The program is funded from General Rate revenue and recognises the goodwill of the Frankston community in supporting activities of individual clubs and organisations.

Frankston Charitable Fund

Frankston Charitable Fund supports innovative programs that work to improve quality of life by increasing life opportunities and social inclusion. Key principles guiding the funding decisions are:

- Community strengthening through collaboration and partnerships
- Placed-based solutions to place-based issues
- Contribution to community capacity and sustainability
- Broad community impact and involvement

The Frankston Charitable Fund raises much needed funds to assist charitable organisations that operate in the Frankston community. This is done by encouraging tax deductible donations that build up the Fund corpus in perpetuity. Each year the Fund earns income (in the form of interest) which is then made available to eligible charities in the form of grants.

Frankston Regional Recycling and Recovery Centre

Our state-of-the-art recycling centre Frankston Regional Recycling and Recovery Centre (FRRRC), acquired and developed by Council at a cost of more than \$12 million, and is a very tangible demonstration to practical and effective stewardship.

Community volunteering

According to Council's 2016/2017 Annual Report, 16,805 people in Frankston City regularly volunteer their time with an organisation or group, do unpaid work such as looking after children, or provide unpaid assistance to a person with a disability (2016 Census). This has increased from 14,046 people in the 2011 Census.

A total more than 25,000 hours of volunteer work was provided by members of the community in 2016/2017, with an estimated value of more than \$1.2 million.

Council supported program Impact Volunteering promotes, encourages and facilitates community volunteering and enables introductions and arrangements to implement community based volunteering initiatives and activities. Council resources and funds Impact Volunteering by means of funding and employee support.

Leadership

Providing leadership to our community is a major aspect of Council's Vision. In the context of CSR, providing leadership is also about encouraging other businesses and members of community to develop and work within a framework of corporate and personal stewardship.

Council provides a range of information, workshops, resources and materials which encourage the community and stakeholders to operate as sustainably as possible.

**13.4 Response to NOM 1360 PART B - Frankston CSR and Corporate Stewardship
Officers' Assessment**Small Business Grants – Green Business Category

In 2014, Frankston City Council created and promoted the establishment of a 'Green Business' Small Business Grant. This new Grant was designed to engage and support businesses that have a core offering that involves manufacturing goods, or providing a service, that reduces carbon emissions or has positive environmental impacts. Since its establishment, there have been three businesses awarded with a 'Green Grant' to help support environmental sustainability initiatives.

Hodei is an example of a Green Business Grant recipient whereby the funds received were used to design, develop and supply emesis bags and surgical hollowware, such as instrument trays, using a biopolymer alternative to fossil fuel based products. Hodei is constantly researching the latest materials suitable for sustainable lifecycle use so they can ensure all products manufactured are environmentally friendly.

Waste Minimisation and Management Plan

Council's Waste Minimisation and Management Plan 2015-2020, outline's the strategic direction for supporting business and industry in minimising and managing waste. The strategy looks to achieve a best practice outcome for improving environmental sustainability options for business and industry whilst remaining cost effective. Specifically, Council is responsible for working with local industries, businesses and/or social organisations to increase resource recovery and provide local economic opportunities.

Council has investigated the following Corporate Stewardship Initiatives as potential programs to adopt and promote to local business and industry.

Community Support Frankston (CSF)

Council supported organisation CSF offer a specific service that provides a range of information for business people in Frankston who wish to support their community, but not necessarily with a donation. CSF will work with businesses to identify the type of involvement based on many factors; the community needs and wants, the individual financial position of the business, the particular charitable interests of the management and employees of the business as well as, identifying any logical links between the business and community activities.

CSF are currently working with multiple Frankston businesses such as Ritchies Supermarkets, Chessblade Painting and Decorating, Hocking Stuart, The Body Shop, Hartel Communications, Hoyts Cinemas, PARC, Barry Dean Pharmacy, Frankston International Motel, Wendy's Supa Sundaes and more.

Peter Martin of Chessblade Painting and Decorating, is a long term resident of Frankston that has demonstrated community mindedness in collaboration with CSF in a wide variety of ways. Mr Martin has coordinated events and fetes for the benefit of Frankston Hospital where he was awarded Life Governorship for his volunteer work, has painted homes of elderly persons who are disadvantaged, participated within the roadside collection for the Frankston Community Christmas Appeal, organised volunteers for the Frankston Swim which raised funds for disadvantaged families at Christmas time and much more.

CSF is very successful and proactive in encouraging businesses and industry to participate with their services; they currently support more than 80 businesses within the Frankston and Mornington Peninsula region to deliver and act on Corporate Stewardship practices.

**13.4 Response to NOM 1360 PART B - Frankston CSR and Corporate Stewardship
Officers' Assessment****BUSINESS DEMONSTRATION OF CSR & CORPORATE STEWARDSHIP**

Many local businesses, industry, and associations also participate and commit to corporate stewardship practices that are outlined below:

South East Water

South East Water (SEW), one of Frankston City's larger employers, maintains two major community partnerships and funds a range of smaller projects and activities within the region. Since 2002, SEW has partnered with Good Shepherd to provide customers who are enduring financial hardship with free access to confidential and timely financial counselling. SEW has also partnered with AMES to help raise awareness about Melbourne's water cycle and water efficiency among recently arrived migrant and refugee communities across the region.

SEW has also partnered with Smart Approved WaterMark to deliver a range of water efficiency information and tools to help customers reduce their water consumption to achieve 'Target 155'. Target 155 is a voluntary water efficiency campaign to encourage Victorian households to use less water and keep water use to 155 litres of water per persons per day.

The Bendigo Bank

The Bendigo Bank prides itself on being a leader in Corporate Stewardship practices whereby they encourage customers to 'bank with them to help others'. Bendigo Bank maintains six community partnerships that include OXFAM Australia, Emergency Services, Scouts Victoria, RSPCA, The Royal Children's Hospital and the Royal Botanic Gardens. Bendigo Bank also maintains local charitable funding in which they create a pool of money to help build stronger communities through funding programs for families, youth, health, education, the environment, the arts and more.

Frankston Business Network

The Frankston Business Network (FBN) has recently adopted a Corporate Social Responsibility Policy that reflects their commitment to protecting the natural environment, people and human rights. The association has made a commitment to a range of 'proactive' activities, such as potentially making donations to local charities that support those in need, encouraging employees to volunteer, proactively protecting the environment, and supporting community investment and educational programs. FBN is committed to the United Nations Global Compact where they will readily act to promote their identity as a socially aware and responsible organisation.

POTENTIAL PROGRAMSEnvironmental Upgrade Agreement (EUA)

An Environmental Upgrade Agreement (EUA) is an agreement between a property owner, a bank and local government that facilitates a building upgrade to improve energy efficiency. EUAs allow for the tenants and building owners of commercial and industrial property to collaborate on energy, water and waste projects that will reduce the impact to the environment and reduce operating costs. Unlike other alternative finance options, EUAs allow tenants to contribute financially to the project where it makes sense to do so and help shape the project to best suit their needs. Importantly EUA finance also offers 100% project finance, very competitive interest rates and long term finance.

**13.4 Response to NOM 1360 PART B - Frankston CSR and Corporate Stewardship
Officers' Assessment**

The Sustainable Melbourne Fund (SMF) has designed and established the EUA program specifically for local governments and act as a trusted intermediary to implement the program on behalf of Council. SMF also provide ongoing support, monitoring and reporting.

Key benefits of the EUA are:

- Upgrading buildings delivers savings on utility bills, driving down the overall cost of energy for business while also reducing the impacts of climate change. EUAs are a mechanism for building owners to access attractive finance for retrofitting.
- EUA finance can overcome the split-incentive barrier (between owners and renters) by enabling the costs and benefits to be shared with the building occupiers.
- EUAs unlock private investment in local communities. As a consequence, there is no financial risk to local councils budgets and does not require government handouts.

ASPIRE program

ASPIRE is an online 'match-making tool' that engages and supports small and medium sized manufacturing businesses. It supports business sustainability by means of matching material resources, or waste, between businesses, manufacturers, re-manufacturers and recyclers to identify alternative supply chains.

ASPIRE improves the operation of sustainable business networks by providing network facilitators with training in effective economic development practises, tailored match-making suggestions and internet content to end-users and a means to track sustainability outcomes. It does this consistently by using research outcomes for best practise in industrial ecology approaches.

Key benefits of ASPIRE:

- Improved awareness of waste : by product resources and therefore reduced waste flows to landfill
- Identification of opportunities for local amalgamation of resources
- Provision of a value-add service to the business community
- Supports business engagement within region and supports sustainable economic development

Council has previously run a similar in-house program called LEAP which was co-funded by the EPA. This ceased approximately eight years ago.

Executive Summary

13.5 Interim Response to NOM 1373 - Funds from Trader's Assistance Package

Enquiries: (Sam Jackson: Corporate Development)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.1 Employment, education and economy
Priority Action	2.1.5 Strengthen and promote Frankston City's visitor economy

Purpose

To provide an interim report to Council on the feasibility of operating a night market and the likelihood of the State Government to provide recurrent financial support.

Recommendation (Director Corporate Development)

That Council notes this interim report and that a further report will be provided at the 29 January 2018 Ordinary Meeting of Council.

Key Points / Issues

- At its meeting on 25 September 2017, Councillor Toms tabled a Notice of Motion regarding Funds from Trader's Assistance Package. Council resolved:
"That a report be presented at the November 2017 Council Meeting on any remaining funds from the traders assistance package being re directed to hold a street fair or night market with the purpose of bringing shoppers back to the Young Street precinct. This is in accordance with the wishes of the majority of traders in the Central Activity Area."
- At its meeting on 20 November 2017, Council considered the report and resolved:
"That Council:
 1. *Notes that the funds that were identified for the emergency relief grants were not incorporated in the adopted 2017-2018 Frankston City Council Budget.*
 2. *Notes that in partnership with private sector and the Victorian Government, there is a significant amount of activation being planned to draw people back to the city centre.*
 3. *Notes that one grant for \$750 has been awarded during the six week period in which the grants were open.*
 4. *Endorses the return of the unallocated funds (\$49,250) in accordance with the adopted 2017-2018 Council budget.*
 5. *Calls for an urgent report on the feasibility of initiating a night market in Young Street and east end of Wells Street at the next Ordinary Meeting being held on 11 December 2017. Such report shall include:*
 - *Advice obtained from Traders respect to their opinion on suitable stalls*
 - *Possibility of using stall holders from the existing Sunday Market*
 6. *Formally requests State Government to assist Council with funding of Night Market on a recurrent basis."*

13.5 Interim Response to NOM 1373 - Funds from Trader's Assistance Package**Executive Summary**

- It is noted that 33 pro-forma letters have been received by Council at the 20 November 2017 Ordinary Meeting. These letters are from traders in the affected zone and state that they are not pursuing Council's emergency relief grants in favour of "having a street party to launch and showcase the business precinct, and allocate a percentage to on-going promotional campaigns over the months following the completion of the works". There is no reference to a night market in these letters.

An interim response to these letters has been provided, with a formal response to be brought before Council for its consideration at the 29 January 2018 Ordinary Meeting.

- Officers are currently undertaking a survey of traders with regards to the holding of a night market, type of stalls and format of the market. This survey is being conducted as follows:
 - Online survey open to all city centre traders 22 November - 8 December (extended by two days).
 - Face to Face interviews with traders in Wells Street to also gain an understanding of their experience of the previous Wells Street Market (which is something other traders have not experienced)
 - Other businesses in the affected area:
 - Face to face interviews for those businesses in Station Street and Young Street*
 - Telephone interviews with the balance of traders*

(*please note – if a business had customers with them at the time of our visit or call, we provided them with the details of the online survey so that they may complete it at a time that is appropriate for them)

Full results were not available in time for the authoring of this report, but will be presented at the January 2018 meeting of Council.

- The state government has already committed \$10,000 to the long term growth of the Wells Street Market as part of the Frankston Station Precinct Place Activation Program, with funding to be provided in 2018-2019. Officers have requested that this funding be amended to be delivered in 2017-2018 and support the extension of the market into Young Street, and that the funding is confirmed on an ongoing basis.
- Officers are also investigating the timing of other markets to determine if there is any competition in the immediate region as this may impact on the availability and interest of stall holders.

Financial Impact

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

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

13.5 Interim Response to NOM 1373 - Funds from Trader's Assistance Package**Executive Summary**

There are no financial implications of this interim report. The balance of the emergency relief funds that have not been allocated have been referred to the Mid-Year Budget Review so that they are still available pending any future resolution on NOM 1373 – Funds from Trader's Assistance Package.

Consultation**1. External Stakeholders**

Traders are currently being consulted with via an online survey. Results of this survey were not available at the time of authoring this report.

The State Government are being consulted with in relation to the provision of funding.

Crafts Markets Australia (CMA) the operators of the Wells Street Market have indicated that they do not wish to proceed any further with managing a market in Frankston city centre. However their advice is being sought on the success of a night market as they held a Christmas Twilight Market in over several nights in 2016.

2. Other Stakeholders

Community Relations (Economic Development and Communications) have been consulted in relation to the preparation and dissemination of the survey of traders.

Analysis (Environmental / Economic / Social Implications)

Businesses in the Frankston city centre have been affected by an ongoing program of streetscape and construction works. To assist, Council have a program of activities to support the traders and attract the community back to the city centre. Some of these are occurring in partnership with the state government. The holding of a night market has the potential to build upon the benefits of the Wells Street Market, which was due to come out of its winter hiatus.

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

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

Legal

There are no legal implications of this interim report.

Policy Impacts

There are no policy implications stemming from this interim report.

Officers are required to establish a Pop-Up Business Protocol – which would incorporate markets (refer to Further Response to NOM 1285 – Pop-Up Vans/Stalls (OM304 - 24/7/2017) and Evaluation of Commercial Use of Public Open Space 2016-2017 (OM305 - 14/8/2017). The establishment of any market needs to not prejudice the development of these protocols.

Officer's Declaration of Interests

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

13.5 Interim Response to NOM 1373 - Funds from Trader's Assistance Package**Executive Summary****Risk Mitigation**

Given the resolution of Council seeks an urgent report that responds to advice from traders and that the feedback from traders was not available at the time of authoring of this report – it would be unwise to do anything other than note this interim report.

Conclusion

Officers are currently seeking feedback from the Frankston city centre traders in relation to the holding of a night market to assist with attracting the community back to the city centre. The results of this survey and other research with other market operators and the state government will be presented to Council at its January 2018 Ordinary Meeting.

ATTACHMENTS

Nil

Executive Summary

13.6 Response to NOM 1379 - Additional Food Safety Measures

Enquiries: (Jarred Stevens: Community Development)
(Leonie Reints: Community Development)

Council Plan

Community Outcome:	4. A Well Managed City
Strategy:	4.1 Services
Priority Action	4.1.3 Ensure a positive customer experience

Purpose

To brief Councillors on the potential implementation of two additional food safety initiatives utilised by other municipalities in relation to food safety:

1. 'Eat Safe' publically available database which gives a star rating for food safety on each premises; and
2. 'I'M ALERT' online food safety training program (or equivalent) which could be offered to new food businesses and/or non-complying food businesses

Recommendation (Director Community Development)

That Council implements the current actions undertaken by officers in use of the 'Do Food Safety' free online food handler training and introduction of the new 'Frantastic' Food Award Program.

Key Points / Issues

At its meeting on 16 October 2017, Councillor Bolam tabled a Notice of Motion regarding implementation of the following two measures utilised by other municipalities in relation to food safety:

1. *"City of Brisbane's 'Eat Safe' database which is designed to encourage adherence to good food safety practices. The report is to ensure the creation of an online database, available to the public as per the Brisbane City Council 'Eat Safe' model as well as the use of certificates, which identify the food hygiene standard of given local businesses; and*
2. *The 'I'M ALERT' online food training program (or equivalent) which could be offered to new food-based businesses and/or non-complying food based businesses. The report is to consider now the use of online certification – new and present – for food safety awareness can be better formalised for Safety and Compliance, as well as Planning, Environmental and Health purposes."*
 - Council resolved:
"That a report be provided to Council at the December Ordinary Meeting on the potential implementation of the above two measures utilised by other municipalities in relation to food safety"
 - 'Eat Safe' is a food business regulatory rating scheme in use by Brisbane City Council where all licensed food business in Brisbane receive a food safety rating based on compliance with the *QLD Food Act 2006*, the food safety standards and good management practices.
 - Every licensed food business in Brisbane receives a food safety star rating. Businesses that demonstrate high levels of food safety receive three or more stars and can choose to publicly display their star rating.

13.6 Response to NOM 1379 - Additional Food Safety Measures**Executive Summary**

- Trading names and addresses of businesses which receive a rating of between 3 & 5 are also listed on the City of Brisbane website.
- Similar programs are conducted by the City of Whitehorse and City of Glen Eira in Victoria. Participation in these programs is voluntary and consent to disclose information is sought from businesses before any business is listed in a database. Many other Victorian Councils also conduct similar programs aimed at rewarding high standards for food hygiene practice.
- Frankston City Council will be implementing a very similar program to the 'eat safe' program in 2018. The Frankston Food Safety Awards Program will be offering a 'Frantastic Food Award' for food hygiene excellence which can be displayed and considered for promotion in Council's publications.
- The 'I'M ALERT' online food safety program is a commercial product which can be purchased by payment of set up costs and an annual subscription fee available for use by all food handlers within the City of Frankston.
- This program is essentially the same service which is currently provided by the Department of Health and Human Service's 'Do Food Safely' online program which is available free of charge. A link to this program is currently provided on the City of Frankston website.

Financial Impact

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

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

To implement the 'Eat Safe' and I'M ALERT programs additional resources would be required

- Set up costs: \$20,550 of which includes subscription fees.
- Ongoing costs: \$30,000 per annum of which includes additional staff resources and subscription fees.

Consultation**1. External Stakeholders**

The Department of Health and Human Services conducted a survey in early 2017 on the impacts of the Food Safety Awards Programs at the Cities of Whitehorse and Glen Eira as they had established Programs in place for some time and the outcome from the community and businesses found that the programs offered had little effect on raising standards in non-complying businesses and also that participation was largely confined to businesses which were already operating at a high standard.

2. Other Stakeholders

In response to this Notice of Motion officers have engaged with the Cities of Brisbane, Whitehorse and Glen Eira. In addition to also engaging with the Department of Health and Human Services Food Safety Unit and Environmental Health Australia.

13.6 Response to NOM 1379 - Additional Food Safety Measures**Executive Summary****Analysis (Environmental / Economic / Social Implications)**

In view of the costs involved in implementing new programs which are comparable to Ensuring food hygiene standards enables trade, residents and visitors to confidently enjoy social and economic benefits.

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

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

Legal

A signed consent to disclose information would be required from businesses prior to any release or publication of ratings information. Ensuring compliance with food safety standards is an existing statutory obligation of Council.

Policy Impacts

It is not anticipated that there will be any impact on any existing council policies.

Officer's Declaration of Interests

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

Risk Mitigation

There are no specific risks identified in relation to this report, however, additional expenditure will require potential reprioritisation of the information management budget.

Conclusion

The measures identified in this NOM are similar to programs already in place or planned in the beginning of 2018. It is not considered cost effective to implement measures which are similar in relation to services currently provided or planned for in 2018.

ATTACHMENTS

- Attachment A: [↓](#) Frantastic Food Safety Award Program
Attachment B: [↓](#) I'm Alert Do Food Safely online training
Attachment C: [↓](#) Eat Safe Program

13.6 Response to NOM 1379 - Additional Food Safety Measures**Officers' Assessment****Background**

At Ordinary Meeting on 16 October 2017, Councillor Bolam tabled a Notice of Motion regarding implementation of the following two measures utilised by other municipalities in relation to food safety:

- 1 City of Brisbane's 'Eat Safe' database which is designed to encourage adherence to good food safety practices. The report is to ensure the creation of an online database, available to the public as per the Brisbane City Council 'Eat Safe' model as well as the use of certificates, which identify the food hygiene standard of given local businesses; and
- 2 The 'I'M ALERT' online food training program (or equivalent) which could be offered to new food-based businesses and/or non-complying food based businesses. The report is to consider now the use of online certification – new and present – for food safety awareness can be better formalised for Safety and Compliance, as well as Planning, Environmental and Health purposes.

- Council resolved:

“That a report be provided to Council at the December Ordinary Meeting on the potential implementation of the above two measures utilised by other municipalities in relation to food safety”

There are no previous resolutions related to these matters

Issues and Discussion

- 'Eat Safe' is a food business regulatory rating scheme in use by Brisbane City Council where all licensed food business in Brisbane receive a food safety rating based on compliance with the QLD Food Act 2006, the food safety standards and good management practices.
- Every licensed food business in Brisbane receives a food safety star rating. Businesses that demonstrate high levels of food safety receive three or more stars and can choose to publicly display their star rating.
- Trading names and addresses of businesses which receive a rating of between 3 & 5 are also listed on the City of Brisbane website.
- Similar programs are conducted by the City of Whitehorse and City of Glen Eira in Victoria. All participation in these programs is voluntary and consent to disclose information is sought from businesses before any business is listed in a database. Many other Victorian Councils also conduct similar programs aimed at rewarding high standards for food hygiene practice.
- Frankston City Council will be implementing a very similar program to the 'eat safe' program in 2018. The Frankston Food Safety Awards Program will be offering a 'Frantastic Food Award' for food hygiene excellence which can be displayed and considered for promotion in Council's publications.
- To achieve an Award an assessment, score of 95 per cent or higher must be attained and adherence to the following requirements.
- Demonstrated compliance with their Food Safety Program. This includes the completion of all applicable food safety records. Completed records for the past three months must be available at the time of the assessment which will be unannounced.

13.6 Response to NOM 1379 - Additional Food Safety Measures**Officers' Assessment**

- The business must have a qualified Food Safety Supervisor (FSS) who has met the required food safety competency standards/food safety training.
- The Food Safety Supervisor, proprietor or person in charge must demonstrate adequate knowledge in Food Safety during the assessment. This will be determined by the Environmental Health Officer (EHO) and includes business food safety practices on the day.
- At the conclusion of the assessment the business must have no major or critical non-compliances observed by the EHO. Eg. Unable to demonstrate how to adequately sanitise.
- Achieve satisfactory results for any food sampling conducted in the previous 12 months from the assessment date.
- Have no substantiated complaints in relation to cleanliness, food handling, food adulteration or food poisoning matters in the previous 12 months from the assessment date.
- Have not received a Food Act/Direction/Order/Infringement or have not been prosecuted in the previous 12 months from the assessment date.
- Businesses with a Non Standard Food Safety Program must have had an external food safety audit in the past 12 months and have not received any critical non-compliance in the previous 12 months from the assessment date.
- Allow entry and/or co-operate with the Environmental Health Officer at the time of the assessment.
- The 'I'M ALERT' online food safety program is a commercial product which can be purchased by payment of set up cost and an annual subscription fee and be available for use by all food handlers within the City of Frankston.
- This program is essentially the same service which is currently provided by the Department of Health and Human Service's 'Do Food Safely' online program which is available free of charge. A link to this program is provided on the City of Frankston website.
- The I'M ALERT program additionally allows the product to be branded with the City of Frankston logo on the City of Frankston website.

In response to this Notice of Motion officers have engaged with the Cities of Brisbane, Whitehorse and Glen Eira. In addition to also engaging with the Department of Health and Human Services Food Safety Unit and Environmental Health Australia.

Options Available including Financial Implications

To implement the 'Eat Safe' and I'M ALERT programs additional resources would be required

Set up costs: \$20,550 of which includes subscription fees.

Ongoing costs: \$30,000 per annum of which includes additional staff resources and subscription fees.

The resource requirements associated with this report include set up costs of \$20,550 and ongoing costs \$30,000 per annum. There is currently no annual budget allocation for this purpose.

There are no current resources included within the Annual Budget for this purpose. Consideration for funding will need to be referred to the next Annual Budget process.

Frantastic Food Safety Award Program



opportunity » growth » lifestyle



Welcome to Frankston City Council's Frantastic Food Safety Award Program. This award program will provide you with the opportunity to showcase your commitment to providing customers with safe, high quality food.

The Award Program commencing in 2018 will provide medium and high-risk food businesses (class 1 and 2) with an overview of their performance in relation to best practice standards and provide an incentive to strive for a higher standard.

Frantastic Food Safety Awards will only be presented to those businesses considered excellent operators and leaders within our local food industry.

Promotional incentives for award winners are as follows:

- Display of a Frantastic Food Safety Award for your business
- Consideration for media publicity in various Council publications
- Eligibility for a Finest Food Safety Award, four selected overall winners of this award will receive a Finest Food Safety plaque which will be presented to the winner at a morning tea by Council's Mayor and/or CEO. Winners of this award will receive publicity in the Frankston City's Food News newsletter and considered for other various publications

There are four classes of food premises, only Class 1 and 2 food businesses are eligible to receive an award as class 3 and 4 businesses are low risk and are not required to have a Food Safety Program or Food Safety Supervisor.

Class 1 Hospitals, child care centres and aged care services which serve high risk food.

Class 2 Cafes, restaurants, coffee and dessert outlets, deli's and other premises that handle unpackaged high risk food

How to Achieve a Frantastic Food Safety Award

To achieve an Award in your assessment, you must adhere to the following:

1. Achieve a score of 95% or higher
2. Demonstrate compliance with your Food Safety Program. This includes the completion of all applicable food safety records. Completed records for the past three months must be available at the time of the assessment which will be unannounced
3. The business must have a qualified Food Safety Supervisor (FSS) who has met the required food safety competency standards/food safety training
4. The Food Safety Supervisor, proprietor or person in charge must demonstrate adequate knowledge in Food Safety during the assessment. This will be determined by the Environmental Health Officer (EHO) and includes business food safety practices on the day
5. At the conclusion of the assessment the business must have no major or critical non-compliances observed by the EHO. E.g. Unable to demonstrate how to adequately sanitise
6. Achieve satisfactory results for any food sampling conducted since the previous year's assessment
7. Have no substantiated complaints in relation to cleanliness, food handling, food adulteration or food poisoning matters since the previous year's assessment
8. Have not received a Food Act/Direction/Order/Infringement or have not been prosecuted since the previous year's assessment
9. Businesses with a Non Standard Food Safety Program must have had an external food safety audit in the past 12 months and have not received any critical non-compliance since the previous year's assessment
10. Allow entry and/or co-operate with the Environmental Health Officer at the time of the assessment

For further detailed information on this new Award Program and how to achieve an award, please visit www.frankston.vic.gov.au

ONLINE & INTERACTIVE TRAINING PROGRAMS I'M ALERT FOOD SAFETY

[HOME](#) [MENU](#) [PRICING](#) [ORDER](#) [MARKETING](#) [IDEAS](#) [CUSTOMERS](#) [TESTIMONIALS](#) [REPORTS](#) [FAQ](#) [CONTACT](#)

I'M ALERT FOOD SAFETY IS **INTERACTIVE, LOGICAL** AND OFFERS AN **EASY LEARNING FORMAT**, AND EVEN INCLUDES **INTERACTIVE QUIZZES**

WHAT IS I'M ALERT?

USERS THIS MONTH **930** TOTAL USERS **1**

I'M ALERT Food Safety is an online food safety training program that various organisations subscribe to and deliver FREE food safety training to the food handlers within their local authority. I'M ALERT Food Safety enables a consistent and efficient delivery of Food Safety Training.



The program can be accessed online, twenty-four hours a day, seven days a week and includes:

- Sections reflecting the basic food safety principles as outlined in the Food Safety Standards (Eg. Temperature Control, Food Receipt, Food Storage, Hygiene of Food Handlers etc.)
- Ability to only select the sections that are relevant to your role
- Interactive tasks and quizzes
- Printable training acknowledgement form (assists a food business operator and staff to demonstrate skills and knowledge requirements) - [click here to view an example](#)
- Printable certificate (can be displayed within a food business) - [click here to view an example](#)
- "Remind me" option (prompts a user to conduct the training again after a nominated time period)
- "Notify" option (enables a user to notify others of their completion of the training program)

WHAT IS SUBSCRIPTION / BRANDING?

The training program will be branded with the title and logo of your organisation. Your organisation's title and logo will appear on the header in the program and printouts (checklists, training acknowledgement form and certificate). An A4 promotional brochure will be branded with the title and logo of your organisation.

WHY SUBSCRIBE / BRAND THE TRAINING PROGRAM WITH YOUR ORGANISATION'S DETAILS?

Customising the site with your organisations details will allow you to deliver FREE Online & Interactive Training to your customers and/or staff. Furthermore, you to place a link to the customised training program on your website and/or distribute the customised A4 promotional brochure.

Current and potential partners include:

- Government organisations
- Service providers
- Training organisations
- Businesses
- Professional bodies
- Business groups
- Charity groups



ENVIRONMENTAL
HEALTH
AUSTRALIA

VIEW THIS WEBSITE AND CONDUCT TRAINING
ON YOUR **TABLET OR SMART PHONE**

USERS THIS MONTH **930** TOTAL USERS **334**

* Where applicable, the content of your subscription program is available on this page

Privacy Policy: [Terms of Use](#) [A11114 - CSS](#)

Copyright © 2015 - 2017 I'M ALERT Food Safety. All Rights Reserved



Do Food Safely

Key messages

- Dofoodsafely is a free online learning resource for people working with food.
- It provides information about safe food handling.
- A certificate of completion is provided if the assessment is successfully completed however it is not an accredited program.
- This learning resource is also available in Arabic, Chinese and Vietnamese languages.

Do Food Safely is a free online learning resource for people working with food. This online learning resource provides information about safe food handling. Participants can test their knowledge by completing the assessment at the end of the online course.

A certificate of completion is provided if the assessment is successfully completed however it is not an accredited program.

This learning resource is also available in Arabic, Chinese and Vietnamese languages.

Start [Do Food Safely](#).

default

Department of Health & Human Services

General Enquiries

+61 3 9096 9000

1300 253 942

enquiries@health.vic.gov.au

[50 Lonsdale Street, Melbourne, 3000, Victoria, Australia](#)

Page last reviewed: 31 Aug 2016

<https://www2.health.vic.gov.au:443/public-health/food-safety/food-businesses/food-safety-training-skills-knowledge/do-food-safely>

[Privacy Statement](#) <https://www2.health.vic.gov.au:443/privacy>

<https://www2.health.vic.gov.au/public-health/food-safety/food-businesses/food-safety-t...> 3/11/2017



When will eat safe brisbane start?

Council will commence food safety rating audits by the end of this financial year. Star ratings can be **voluntarily displayed*** on your premises in addition to a website from **November 2010**.



What if a business disagrees with a star rating?

A business can make a formal application for an audit review where a star rating can be reviewed. A senior Council officer will then review the audit results and determine if the star rating should be revised. An application for an audit review must be made within five working days from the date the licensee becomes aware of the audit result. Supporting documentation will be required to justify the review request. Conditions apply.



Can I improve my star rating?

Businesses who have made improvements to their food safety management practices since their initial audit and want to improve their star rating can request a reassessment for a fee. Conditions apply.

*** Food businesses rated three stars and above can opt-in to having their rating publicly displayed from November 2010.**



Further information

For further information, including **Eat Safe Brisbane** guidelines, review applications and terms and conditions, please visit www.brisbane.qld.gov.au/EatSafeBrisbane.

@ EatSafeBrisbane@brisbane.qld.gov.au

www.brisbane.qld.gov.au/EatSafeBrisbane

Phone 3403 8888

Eat Safe Brisbane was developed in partnership with and is supported by:



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Brisbane Qld 4001

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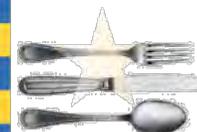
J2010-02900
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For more information, visit www.brisbane.qld.gov.au or call (07) 3403 8888

Eat Safe BRISBANE



Food safety reaches new star quality



A new way to measure and promote food safety standards in Brisbane



Dedicated to a better Brisbane



Under a new Council scheme – **Eat Safe Brisbane** – all licensed food businesses will now be provided with a 'star rating' based on an assessment of their food management practices.

Council will conduct an audit against the *Food Act 2006* and *Food Safety Standards* and good management practices and issue you with a 'star rating', which you can use to market your business to customers and boost confidence in the safety and quality of your food.

The new scheme will ensure Brisbane's food industry continues to be among the world's best in safety standards as well as introduce incentives for operators to continue to improve their food safety management practices.

Food safety rating schemes have been effective in reducing food related illnesses in cities across the world such as New York, Los Angeles, Auckland, Toronto and London.



Good news for Brisbane's food industry

Eat Safe Brisbane benefits.

- Recognise and reward high performing businesses.
- Provide customers with confidence in Brisbane's food industry.
- Potential for annual fee savings.
- Businesses that show very good food safety practices may require less audits by Council.
- Provide free marketing opportunities for your business and give Brisbane's food industry a competitive edge.
- Allow Council to focus resources on poor performers.



Rewarding good practice – how Eat Safe Brisbane will work

Eat Safe Brisbane star ratings are determined from the findings of Council's existing food safety audit. Any non-compliance issues identified are documented and the final results are calculated to give your business a star rating.

Food businesses are already audited by Council to monitor food safety and structural standards under the *Food Act 2006* and the *Food Safety Standards*. For businesses who already comply with requirements, the **Eat Safe Brisbane** audits will have no additional financial or regulatory impacts.

Your star rating will give you an indication of just how well you've done in areas like temperature records and cleaning schedules. You will also be able to voluntarily display your results* to your customers, boosting confidence in the safety of your food.

This new way of measuring food safety standards will give Brisbane's entire food industry a boost. It has been developed in response to resident requests for more information on food safety standards.

For further information and advice about food safety practices please visit www.brisbane.qld.gov.au/EatSafeBrisbane.



The Eat Safe Brisbane star ratings



Excellent Performer

Fully compliant with the *Food Safety Standards* and overall very high standard of food safety management practices.



Very Good Performer

High standard of compliance with the *Food Safety Standards* and overall good standard of food safety management practices.



Good Performer

Good level of compliance with the *Food Safety Standards* and overall acceptable standard of food safety management practices.



Poor Performer

Low level of compliance with the *Food Safety Standards* with more effort required.

No star

Non-Compliant Performer

A general failure to comply with the *Food Safety Standards* with major effort required to rectify issues.

14.1 NOM 1388 - Recognition and appreciation of services by Carol Morris

On Thursday 30 November 2017 Councillor Colin Hampton gave notice of his intention to move the following motion:

That a letter under seal be presented to Carol Morris, on behalf of past and present Councillors, in recognition of her tireless work and support to each of the Councillors over the past 20 years.

COMMENTS BY ACTING CHIEF EXECUTIVE OFFICER

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	YES
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	Not applicable
3. Is the NoM clear and well worded?	YES
4. Is the NoM capable of being implemented?	YES
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	NO Arrangements have been made for the letter under seal to be presented to Carol.
6. Is the NoM within the powers of a municipal Council?	YES
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	Not Applicable
8. Is the NoM consistent with all relevant legislation?	Not Applicable
9. Is the NoM consistent with existing Council or State policy or position?	Not Applicable
10. Is the NoM consistent with Council's adopted strategic plan?	Not Applicable
11. Can the NoM be implemented without diversion of existing resources?	YES
12. Can the NoM be implemented without diversion of allocated Council funds?	YES
13. Are funds available in the adopted budget to implement the NoM?	Not Applicable

14.1 NOM 1388 - Recognition and appreciation of services by Carol Morris

Question for Consideration	
14. What is the estimated cost of implementing the NoM?	NIL

ATTACHMENTS

Nil

14.2 NOM 1389 - Ballam Park Precinct Improvements

On Tuesday 5 December 2017 Councillor Kris Bolam gave notice of his intention to move the following motion:

1. That a report be provided to Council at the February 2018 Ordinary Meeting on the Ballam Park precinct regarding the following:
 - a) The susceptibility of the newly created concrete wall to vandalism (graffiti) at Ballam Park;
 - b) The nature of ongoing delays concerning recently upgraded play equipment at Ballam Park (i.e. soft fall area)
 - c) Whether the existing toilets in the Ballam Park precinct are adequate and secure. If improvements are identified, costings are to be incorporated in the report back to Council.
 - d) Programming the Ballam Park precinct in the routine cleaning of graffiti from landmark signage;
 - e) Whether any remedial works are required at the Ballam Park Athletics Track and the possibility of undertaking plantings on the outer fence line of the Ballam Park Athletics Track. If scope or improvements are identified, costings are to be incorporated in the report back to Council.
 - f) Advocacy to Public Transport Victoria (PTV) on the need for the installation of a mesh fitting (as opposed to glass) at the bus stop outside the Old Peninsula Private Hospital on Cranbourne Road; and
 - g) Audit of bins, drinking fountains and dog waste disposal units throughout the precinct to assess whether additional resources are required. If improvements are identified, costings are to be incorporated in the report back to Council.
2. The report must also provide funding estimates for the following items to be considered during the 2018/2019 Budget and/or within the context of the Ballam Park Masterplan:
 - a) The reactivation of the water fountain at Ballam Park;
 - b) The repair of historical fence associated with the Ballam Park Homestead;
 - c) Repairs and upgrade/s required at the Ballam Park Homestead;
 - d) The reinstatement of the windmill facing Cranbourne Road from Ballam Park;
 - e) The creation of a dog 'roam free' area (ie. fencing, signage, water provisions, pet friendly agility and play equipment, waste bags etc.) in the space between the Telecom Substation and the Ballam Park Homestead; and
 - f) Wellness equipment for adults / seniors; and
 - g) Illumination of the prominent Ballam Park gateway signage adjacent to the water fountain.

14.2 NOM 1389 - Ballam Park Precinct Improvements

COMMENTS BY DIRECTOR COMMUNITY DEVELOPMENT

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	NO However, a number of the issues have previously been investigated and are being responded to.
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	YES
3. Is the NoM clear and well worded?	YES
4. Is the NoM capable of being implemented?	YES
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	No
6. Is the NoM within the powers of a municipal Council?	YES
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	NO There are items in the NOM which would require consideration and approval from external agencies such as PTV, Heritage Victoria and Frankston Historical Society.
8. Is the NoM consistent with all relevant legislation?	YES
9. Is the NoM consistent with existing Council or State policy or position?	YES
10. Is the NoM consistent with Council's adopted strategic plan?	YES Ballam Park Masterplan
11. Can the NoM be implemented without diversion of existing resources?	NO Some of the items as per NOM would require reprioritisation of resources and future funding considerations, which will be outlined in the report
12. Can the NoM be implemented without diversion of allocated Council funds?	NO Additional funds, both, operational and capital would be required to implement NOM
13. Are funds available in the adopted budget to implement the NoM?	NO

14.2 NOM 1389 - Ballam Park Precinct Improvements

Question for Consideration	
14. What is the estimated cost of implementing the NoM?	YES Comments: Cost for implementing NOM fully is not known at this stage and require further investigations.

ATTACHMENTS

Nil

14.3 NOM 1390 - Exploration of Local Laws

On Tuesday 5 December 2017 Councillor Kris Bolam gave notice of his intention to move the following motion:

That a report be provided to Council at the February 2018 Council Meeting on the adoption of the following local laws in effect elsewhere in Victoria:

1. Hobson Bay City Council: Community Local Law, 48. Irresponsible Driving;
2. Melton City Council: General Law Part 3, 36. Interference from Adjourning Property, 35. Interference With Council Assets, 34. Noise from Vehicle Sound Equipment and 32. Consumption and Possession of Liquor;
3. Banyule City Council: General Local Law No. 1, 8.4. Behaviour in a Municipal Place or on Council Land and 8.5. Direction by an Authorised Officer in a Municipal Place or on Council Land; and
4. City of Casey: Community Local Law, 31. Abandoned or Derelict Vehicles and 32. Vehicles in a Public Place.

The following are to also be explored with a view to potential inclusion in Frankston City Council's General Local Law No.8:

1. Public auctions, and disclosure of the outcome of public auctions, relating to abandoned vehicles (i.e. cars, boats, trailers, caravans etc.) seized by Frankston City Council;
2. Greater controls to deter recalcitrant 'house parties' as implemented by Gold Coast City Council (and presently under consideration by Mornington Peninsula Shire Council); and
3. The use of powered aeronautic devices (including, by definition, remote controlled camera drones) on/from public areas.

COMMENTS BY DIRECTOR COMMUNITY DEVELOPMENT

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	NO
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	YES
3. Is the NoM clear and well worded?	YES
4. Is the NoM capable of being implemented?	YES Comments: More detailed research of specific legislation is required to ascertain if these can be implemented within Frankston Local Law or if the proposed legislative changes are already covered under state legislation

14.3 NOM 1390 - Exploration of Local Laws

Question for Consideration	
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	NO
6. Is the NoM within the powers of a municipal Council?	Not Possible to Confirm Comments: More detailed research into the specific legislation is required by officers to ascertain if these can be implemented within Frankston or if the proposed legislative changes are already covered under state legislation or by other agencies.
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	YES Comments: Further research is required however officers understand Part1: 1- Is covered under state legislation in relation to the road rules and road safety act 2- Is covered under Local Law 8, Environment Protection Act and State Legislation 3- Is covered within General Local 8, 2016 4- Is covered within General Local 8, 2016 Part 2: Further research is required, however the use of "Drones" is covered by the Civil Aviation Safety Authority and this has recently been reviewed and considered adequate by officers.
8. Is the NoM consistent with all relevant legislation?	YES Research would be required to confirm that no proposed legislative changes would contradict state or federal legislation already in place.
9. Is the NoM consistent with existing Council or State policy or position?	YES
10. Is the NoM consistent with Council's adopted strategic plan?	YES
11. Can the NoM be implemented without diversion of existing resources?	YES

14.3 NOM 1390 - Exploration of Local Laws

Question for Consideration	
12. Can the NoM be implemented without diversion of allocated Council funds?	NO Comments: Legal advice would need to be sought in relation to what effect the proposed changes would have on officer's authorisations and delegations and drafting of any proposed legislative changes would need to be undertaken by legal practitioners.
13. Are funds available in the adopted budget to implement the NoM?	YES
14. What is the estimated cost of implementing the NoM?	YES Year 1: \$20,000 Recurring: unknown Comments: legal advice will be required to undertake further research in relation to this NOM.

ATTACHMENTS

Nil

14.4 NOM 1392 - Frankston Pines Soccer Club Redevelopment

On Tuesday 5 December 2017 Councillor Kris Bolam gave notice of his intention to move the following motion:

That a report be provided at the March 2018 Ordinary Meeting in relation to the Frankston Pines Soccer Club Redevelopment, notably:

- a) Where the request / proposal emanated;
- b) The sought redevelopment specifics;
- c) The cost to redevelop the facility;
- d) The funding shortfall borne on ratepayers', if the project is to be funded;
- e) State and Federal funding obtained, the Frankston Pines Football Club contribution and Frankston City Council's recommended contribution;
- f) What benefit/s the redevelopment will provide;
- g) The theoretical timetable for delivery of the redevelopment;
- h) The state of the existing site; and
- i) Resolution of any outstanding design-construct issues between Frankston City Council and the Frankston Pines Football Club.

COMMENTS BY DIRECTOR COMMUNITY DEVELOPMENT

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	YES
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	NO
3. Is the NoM clear and well worded?	YES
4. Is the NoM capable of being implemented?	YES
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	NO
6. Is the NoM within the powers of a municipal Council?	YES
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	YES
8. Is the NoM consistent with all relevant legislation?	Not Applicable
9. Is the NoM consistent with existing Council or State policy or position?	YES

14.4 NOM 1392 - Frankston Pines Soccer Club Redevelopment

Question for Consideration	
10. Is the NoM consistent with Council's adopted strategic plan?	YES
11. Can the NoM be implemented without diversion of existing resources?	YES
12. Can the NoM be implemented without diversion of allocated Council funds?	YES
13. Are funds available in the adopted budget to implement the NoM?	YES
14. What is the estimated cost of implementing the NoM?	Comments: Officer time only

ATTACHMENTS

Nil

14.5 NOM 1393 - Centenary Park Golf Course

On 6 December 2017, Councillor Hampton gave notice of his intention to move the following motion:

That Centenary Park Golf Course along with the Pro Shop and Centenary Park Golf Club are not included in the planned Centenary Park Sporting complex.

COMMENTS BY DIRECTOR COMMUNITY DEVELOPMENT

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	NO
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	NO
3. Is the NoM clear and well worded?	YES
4. Is the NoM capable of being implemented?	YES
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	NO
6. Is the NoM within the powers of a municipal Council?	YES
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	YES
8. Is the NoM consistent with all relevant legislation?	Not applicable
9. Is the NoM consistent with existing Council or State policy or position?	YES
10. Is the NoM consistent with Council's adopted strategic plan?	YES
11. Can the NoM be implemented without diversion of existing resources?	YES
12. Can the NoM be implemented without diversion of allocated Council funds?	YES
13. Are funds available in the adopted budget to implement the NoM?	YES

14.5 NOM 1393 - Centenary Park Golf Course

Question for Consideration	
14. What is the estimated cost of implementing the NoM?	NO

ATTACHMENTS

Nil

17. CONFIDENTIAL ITEMS

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

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

Recommendation

That the Ordinary Council Meeting be closed to the public to 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 Proposed Recipients for Citizen, Young Citizen, Senior Citizen and Community Event of the Year Awards for 2018

Agenda Item C.1 Proposed Recipients for Citizen, Young Citizen, Senior Citizen and Community Event of the Year Awards for 2018 is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.2 Compulsory Acquisition of Council Land by Vic Roads - Part of 45R Wedge Road Carrum Downs

Agenda Item C.2 Compulsory Acquisition of Council Land by Vic Roads - Part of 45R Wedge Road Carrum Downs is designated confidential as it relates to contractual matters (s89 2d)

C.3 Appointment of Independent Member to the Audit and Risk Management Committee

Agenda Item C.3 Appointment of Independent Member to the Audit and Risk Management Committee is designated confidential as it relates to contractual matters (s89 2d), and Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.4 Issuing Small Business Grants

Agenda Item C.4 Issuing Small Business Grants is designated confidential as it relates to contractual matters (s89 2d)

C.5 PARC Pool Closure and Rectification works update

Agenda Item C.5 PARC Pool Closure and Rectification works update is designated confidential as it relates to contractual matters (s89 2d), and legal advice (s89 2f), and Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.6 Award of Contract 2016/17-66 - Provision of Tree Maintenance Services

Agenda Item C.6 Award of Contract 2016/17-66 - Provision of Tree Maintenance Services is designated confidential as it relates to contractual matters (s89 2d)

C.7 Response to NOM 1377 - McClelland Gallery Interconnectedness and Peninsula Link

Agenda Item C.7 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.8 NOM 1391 – Apsley Place Concerns

Agenda Item C.8 NOM 1391 – Apsley Place Concerns 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)



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Signed by the Acting CEO