



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 11 DECEMBER 2017 at 7.02 PM**

PRESENT	Cr. Colin Hampton (Mayor) Cr. Sandra Mayer Cr. Glenn Aitken Cr. Brian Cunial Cr. Michael O'Reilly Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam Cr. Lillian O'Connor
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	Mr. Dennis Hovenden, Chief Executive Officer Mr. Tim Frederico, Director Corporate Development Dr. Gillian Kay, Director Community Development Mr. Phil Cantillon, Director Community Assets Mr. Michael Papageorgiou, Manager Planning & Environment Ms. Liz Daley, Manager Community Strengthening Ms. Kristen Thomson, Communications Officer Media Ms. Vera Roberts, Executive Assistant to Mayor
EXTERNAL REPRESENTATIVES:	Nil

COUNCILLOR STATEMENT

Councillor Toms made the following statement:

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

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

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

Chairperson's initials: *C. Hampton*

PRAYER

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

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

Chairperson’s initials: 

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Chairperson's initials: *C. Hampton*

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1. PRESENTATION TO COMMUNITY GROUPS

A Certificate of Appreciation was presented to the Frankston Youth Services for their program "Kokoda on the Right Track" working with Year 9/10 students from selected high schools.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Special Meeting No. SP206 held on 9 November 2017 and Ordinary Meeting No. OM309 held on 20 November 2017.

Council Decision

Moved: Councillor O'Connor

Seconded: Councillor Bolam

That the minutes of the Special Meeting No. SP206 held on 9 November and Ordinary Meeting No. OM309 held on 20 November 2017 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Cr Toms noted that Cr Aitken was attending the meeting and should arrive shortly.

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Cr Aitken entered the chamber at 7.07 pm.

Cr Brian Cunial declared an interest to the CEO by email on the matter C.1: Proposed Recipients for Citizen, Young Citizen, Senior Citizen and Community Event of the Year Awards for 2018. Cr Cunial will leave the chamber during discussion and voting of Item 1 – Citizen of the Year.

Cr Glen Aitken declared an interest on the matter C.1: Proposed Recipients for Citizen, Young Citizen, Senior Citizen and Community Event of the Year Awards for 2018. Cr Aitken will leave the chamber during discussion and voting of Item 3 – Senior Citizen of the Year.

The Mayor, Cr Colin Hampton declared an interest on the matter C.1: Proposed Recipients for Citizen, Young Citizen, Senior Citizen and Community Event of the Year Awards for 2018. Cr Hampton will leave the chamber during discussion and voting of Item 3 – Senior Citizen of the Year.

5. PUBLIC QUESTION TIME

One (1) person submitted questions to Council with Notice and one (1) person submitted questions to Council without Notice. At the request of the Mayor, the Chief Executive Officer read the questions and answers to the gallery. The questions and answers are contained in Appendix.

6. HEARING OF PUBLIC SUBMISSIONS

Mr Graeme Dickson made a submission to Council regarding Item 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;

Mr Chris Farmer made a submission to Council regarding Item 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;

Chairperson's initials: 

Mr Trevor Robinson made a submission to Council regarding Item 14.5: NOM1393 – Centenary Park Golf Course;

Mr Ian Hoskins made a submission to Council regarding Item 14.5: NOM1393 – Centenary Park Golf Course;

Mr Gary Hodgson made a submission to Council regarding Item 14.4: NOM1392 – Frankston Pines Soccer Club Redevelopment;

Mr Noel Tudball made a submission to Council regarding Item C.8: NOM 1391 – Apsley Place Concerns.

7. ITEMS BROUGHT FORWARD

Council Decision

Moved: Councillor Cunial

Seconded: Councillor Mayer

That Items:

- 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;
- 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;
- 14.4: NOM1392 – Frankston Pines Soccer Club Redevelopment
- 14.5: NOM1393 – Centenary Park Golf Course

be brought forward.

Carried

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

Against the Motion: Cr Bolam

Items Brought Forward

Council Decision

Moved: Councillor Toms

That Item 13.5: Interim Response to NOM 1373 - Funds from Trader's Assistance Package be brought forward.

Motion lapsed due to lack of Seconder

8. PRESENTATIONS / AWARDS

Nil.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil.

10. DELEGATES' REPORTS

Nil.

Chairperson's initials: 

ITEMS BROUGHT FORWARD**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**

(MP Community Development)

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

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.

Carried

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

Against the Motion: Cr Aitken

Chairperson's initials: 

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
(MP Community Development)

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

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.

Chairperson's initials: 

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.
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).

Chairperson's initials: 

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
 - 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.

Carried Unanimously

Chairperson's initials: 

14.4 NOM 1392 - Frankston Pines Soccer Club Redevelopment

(LD Community Development)

Councillor Recommendation

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.

*Cr Bolam sought leave of Council to amend his motion
and Leave was granted*

Councillor Recommendation**Moved: Councillor Bolam****Seconded: Councillor McCormack**

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 and lease issues between Frankston City Council and the Frankston Pines Soccer Club.

Motion lapsed due to Procedural Motion

Chairperson's initials: 

Deferral Motion to another Council Meeting**Moved: Councillor Cunial****Seconded: Councillor O'Reilly**

That the matter be deferred pending discussions with the Frankston Pines Football Club, council officers, ward councillors, Mr Paul Edbrooke, MP and all other interested parties.

Carried UnanimouslyChairperson's initials: 

14.5 NOM 1393 - Centenary Park Golf Course

(LD Community Development)

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

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.

Carried Unanimously

The Meeting was adjourned at 8.25 pm

Chairperson's initials: *C. Hampton*

11. CONSIDERATION OF TOWN PLANNING REPORTS

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

(MP Community Development)

*The meeting resumed at 8.33 pm with all Councillors present
apart from Cr Aitken*

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.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Cunial

That Council:

1. 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.
2. Prepares a motion for consideration for the MAV State Council in 2018 which echoes the sentiments contained within this report; and the need for policy reform.

Carried Unanimously

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

Against the Motion: Nil

Absent: Cr Aitken

Cr Aitken entered the Chamber at 8.35 pm

Chairperson's initials: 

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

(DH Chief Executive Office)

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

That Council receives the following written records:

- 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).

Carried Unanimously

Chairperson's initials: 

12.2 Minutes of the Frankston Arts Board - 21 November 2017

(AM Community Development)

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

That Council:

1. Receives the Minutes of the Frankston Arts Board meeting of 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.

Carried UnanimouslyChairperson's initials: 

12.3 Resolution Progress Update*(MC Corporate Development)***Council Decision****Moved: Councillor Cunial****Seconded: Councillor O'Connor**

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 1 November 2017 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

Carried UnanimouslyChairperson's initials: 

12.4 Councillor Training and Development Policy

(RJ Corporate Development)

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

That the Councillor Training and Development Policy be endorsed by Council.

Carried Unanimously

Chairperson's initials: 

12.5 South East Councils Climate Change Alliance (SECCCA) membership

(MP Community Development)

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.

Recommendation (Director Community Development)

Moved: Councillor Toms

Seconded: Councillor Aitken

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.

Motion lapsed due to Procedural Motion

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

That this matter be deferred pending a further report which should detail the actual costs to Council and should also detail the actual benefits to Council should they choose to join SECCA.

Carried Unanimously

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

Abstained: Cr McCormack

Against the Motion: Nil

Chairperson's initials: *C. Hampton*

12.6 Procurement Policy 2017/2018 - Review

(MP Corporate Development)

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.

Cr Cunial left the Chamber at 8.55 pm

Cr Cunial returned to the Chamber at 8.56 pm

Council Decision

Moved: Councillor Bolam

Seconded: Councillor McCormack

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. That the next annual review of the Frankston City Council Procurement Policy will be presented to the May 2018 Council meeting and 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; and
 - 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

Carried Unanimously

Chairperson's initials: 

12.7 Waste Minimisation and Management Plan - Year 2 Progress Report
(LU Community Assets)

Council Decision

Moved: Councillor Cunial

Seconded: Councillor Mayer

That Council receives and notes this progress report.

Carried Unanimously

Chairperson's initials: *C. Hampton*

12.8 Variation to the Local Government Funding Vehicle Loan Agreement

(KJ Corporate Development)

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

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.

Carried UnanimouslyChairperson's initials: 

12.9 Cranhaven Road (Warrandyte Rd to Lapwing Cl) Special Charge Scheme - Intent to Declare

(DD Community Assets)

Cr Bolam left the Chamber at 9.02 pm

Cr Bolam returned to the Chamber at 9.03 pm

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

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 Cl), 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 3 April 2018, a Special Charge Scheme for the construction of Cranhaven Road (Warrandyte Rd to Lapwing Cl) 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 3 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.
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.

Chairperson's initials: 

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

Carried Unanimously

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

Against the Motion: Cr Aitken

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

(AM Community Development)

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

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That the matter be deferred until March 2018.

Carried

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

Against the Motion: Cr Cunial

Chairperson's initials: 

13.2 Response to NOM 1358 - Formation of Strategic Alliance with prominent local organisations

(SJ Corporate Development)

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

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Mayer

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.

Chairperson's initials: 

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 all local organisations in the municipality 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.

Carried Unanimously

Chairperson's initials: *C.A. Hampton*

**13.3 Response to NOM 1360 PART A - Frankston CSR and Corporate Stewardship
(Internal Focus)**

(RJ Corporate Development)

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

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.

Carried UnanimouslyChairperson's initials: 

13.4 Response to NOM 1360 PART B - Frankston CSR and Corporate Stewardship
(*SJ Corporate Development*)**Council Decision****Moved: Councillor Bolam****Seconded: Councillor Toms**

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.

Carried UnanimouslyChairperson's initials: 

13.5 Interim Response to NOM 1373 - Funds from Trader's Assistance Package
(*SJ Corporate Development*)**Council Decision****Moved: Councillor Cunial****Seconded: Councillor O'Reilly**

That Council notes this interim report and that a further report will be provided at the 29 January 2018 Ordinary Meeting of Council.

Extension of Time**Moved: Councillor Mayer****Seconded: Councillor O'Reilly**

That Cr Cunial be granted an extension of time.

Carried Unanimously

Cr Mayer left the Chamber at 10.05 pm

Cr Toms foreshadowed an alternate motion

**The Motion was then Put
and Carried**

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

13.6 Response to NOM 1379 - Additional Food Safety Measures

(JS Community Development)

Recommendation (Director Community Development)

That Council Implements the current actions undertaken by officers in use of the 'Do Food Safely' free online food handler training and introduction of the new 'Frantastic' Food Award Program.

Cr Toms left the Chamber at 10.10 pm

Cr Mayer returned to the Chamber at 10.12 pm

Cr Toms returned to the Chamber at 10.13 pm

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

That Council:

1. Implements the current actions undertaken by officers in use of the 'Do Food Safely' free online food handler training and introduction of the new 'Frantastic' Food Award Program.
2. Creates an online template, maintained prominently, on the Frankston City Council website which will allow concerns/complaints to be forwarded to the Council's Environmental Health Department in relation to food safety practices exhibited by food based businesses within the municipality. The CEO is to ensure that complaints and concerns raised via this template are pro-actively investigated; and
3. Creates a link to the Victorian Government's register of successful prosecutions under the Food Act 1984 be made prominently available on the Frankston City Council website.

Carried Unanimously

Chairperson's initials: 

14. NOTICES OF MOTION**14.1 NOM 1388 – Recognition and appreciation of services by Carol Morris**

(MT Chief Executive Office)

Cr Cunial left the Chamber at 10.14 pm

Cr Cunial returned to the Chamber at 10.16 pm

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

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.

Carried Unanimously

14.2 NOM 1389 - Ballam Park Precinct Improvements

(VG Community Assets)

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

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.

Carried Unanimously

Chairperson's initials: 

14.3 NOM 1390 - Exploration of Local Laws

(JS Community Development)

Cr McCormack left the Chamber at 10.30 pm

Cr Mayer left the Meeting at 10.30 pm

Cr McCormack returned to the Chamber at 10.35 pm

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

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 Local Law Part 3, 36. Interference from Adjoining 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.

Carried Unanimously

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

Against the Motion: Nil

Absent: Cr Mayer

Chairperson's initials: 

15. LATE REPORTS

Nil.

16. URGENT BUSINESS

Nil.

Chairperson's initials: *C. Hampton*

17. CONFIDENTIAL ITEMS

Council Decision

Moved: Councillor Cunial

Seconded: Councillor Bolam

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)

...
...
...

Carried Unanimously



.....
Signed by the CEO

Chairperson's initials: *C. Hampton*

19. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS**C.3 Award of Contract 2016/17-66 - Provision of Tree Maintenance Services (considered at OM309 20 November 2017)**

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

Deferral Motion to another Council Meeting**Moved: Councillor Cunial****Seconded: Councillor Aitken**

That the matter be deferred to the Ordinary Meeting being held 11 December 2017.

The motion was put and Carried

C.5 Frankston District Basketball Association Project Update (considered at OM310 20 November 2017)

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

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

That Council:

1. Notes the requirements of the Special Meeting 205 (25 October 2017) Council Resolution has not been complied with or able to be complied with and therefore give formal notification to FDBA, State and Federal Government to withdraw from the Frankston Basketball Expansion Project.
2. Review expenditure to date in line with State and Federal Government service level agreements requirements to determine the percentage of grant funding to be returned in line with project milestones achieved.
3. Honour the current FDBA lease for the remainder of its term until 30 June 2026 subject to compliance with the current lease terms.
4. Confirms its commitment to deliver additional community based basketball facilities in Frankston and establishes an internal working group with representatives from Basketball Victoria to work with local schools, organisations and other indoor sports representatives to ensure adequate provision for basketball.
5. Requests a further report to May 2018 Ordinary Council Meeting on the provision of expanded basketball facilities and opportunities in Frankston.
6. Delegates the Mayor and CEO to be the sole spokespeople for Council on this matter.
7. Requires all groups participating or benefiting from major development projects to provide full detailed financial statements and annual budgets to the satisfaction of Council at the commencement of the project; and
8. Determines that the report remains confidential but that the resolution be released.

The motion was put and Carried

C.3 Appointment of Independent Member to the Audit and Risk Management Committee (considered at this meeting)

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

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

That Council:

1. Reappoints Mr David Fraser as an Independent Member for a further three (3) year term, expiring on 31 December 2020;
2. Incorporates this resolution in the public minutes of this Ordinary Meeting.

The motion was put and Carried

C.4 Issuing Small Business Grants (considered at this meeting)

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

Deferral Motion to another Council Meeting**Moved: Councillor Toms****Seconded: Councillor McCormack**

That the matter be deferred to the Ordinary Meeting being held on 29 January 2018.

The motion was put and Carried

**C.6 Award of Contract 2016/17-66 - Provision of Tree Maintenance Services
(considered at this meeting)**

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

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

1. That for Contract No.2016/17-66, Council awards;
 - a. Category 1 to The Tree Doctor (Vic) Pty Ltd, for the Lump sum of \$880,900.00 per annum ex GST;
 - b. Category 2 to The Tree Doctor (Vic) Pty Ltd; Aspect Tree Management Pty Ltd; and Active Tree Services Pty Ltd, noting current annual budget of \$354,436 per annum ex GST;
 - c. Category 3 to The Tree Doctor (Vic) Pty Ltd, noting current annual budget of \$122,500.00 per annum ex GST;
 - d. Category 4 to Enspec Pty Ltd, noting current annual budget of \$10,000.00 per annum ex GST.
2. That Council authorise the Chief Executive Officer to sign and seal the Contracts; and
3. The recommendation be released at the next open meeting of Council following signing of the Contract

The motion was put and Carried

Chairperson's initials: 

The meeting was closed to the public at 10.36 pm

CONFIRMED THIS

DAY OF

2018

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Colin Hampton, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday 11 December 2017, confirmed on Monday 29 January 2018.

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

Dated this

day of

2018

Hilary Poad

Question 1

Could Council please provide lighting in the foyer and outside the Council Chambers in Young Street? Invariably they are not turned on after Council Meetings and it is very dangerous for exiting members of the public. Perhaps sensor lights could be installed.

Response:

We will review the current lighting set up and provide an appropriate solution to address this matter for the next Council meeting.