



FRANKSTON CITY  
COUNCIL

# Ordinary Meeting

# A G E N D A

1 October 2018





# COUNCIL CHAMBERS

<b>Dennis Hovenden</b> Chief Executive Officer	<b>Cr Colin Hampton</b> Mayor	<b>Tim Frederico</b> Director Corporate Development
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<b>Executive Assistant to the Mayor</b>	<b>Council Core Business Support Coordinator</b>	<b>Prue Digby</b> Municipal Monitor
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Cr. O'Connor

Cr. McCormack

Cr. Cunial

Cr. O'Reilly

Cr Bolam

Cr. Mayer

Cr. Aitken

Cr. Toms

Guest Speaker

EMT

EMT

MEDIA

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 Councillors Office (call 9768 1632) and on our website, [www.frankston.vic.gov.au](http://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](http://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

## **Live Streaming of Council Meetings**

Frankston City Council will be Live Streaming Council Meetings from Monday 29 January 2018.

Live Streaming allows you to watch and listen to the meeting in real time, giving you greater access to Council decision making and debate and improving openness and transparency.

There are three (3) fixed cameras in the Council Chambers and it is intended that the cameras will only provide vision of the Councillors who are present at the meeting.

Every care will be taken to maintain privacy and as far as practically possible, it is not intended that there be either live or recorded footage of the public or Media personnel, however, there might be incidental capture; for example footage of a person exiting the building depending on which camera is being used at the time, or audio recording of a person who interjects the meeting. Council officers who address Council will be heard on the live audio stream, and audio of them speaking will be recorded.

Archives of meetings will be published on Council's website generally within three (3) business days after the meeting date for the public's future reference. Council will make every reasonable effort to ensure that a live stream and recording is available. However technical difficulties may arise in relation to live streaming or access to Council's website.

Appropriate signage will be placed at the entrance to the meeting location notifying all attendees that the meeting will be streamed live and recorded.

It is not intended that public speakers will be visible in a live stream of a meeting. Cameras are to be positioned so that these members of the public are not visible. If you do not wish to be recorded you will need to contact the Councillors Office on telephone (03) 9768 1632 or via email [councillors.office@frankston.vic.gov.au](mailto:councillors.office@frankston.vic.gov.au) to discuss alternative options prior to the meeting.

## **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 four (4) clear 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](http://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.

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

Question Time forms are available from the Civic Centre and our website, [www.frankston.vic.gov.au](http://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 Councillors Office (call 9768 1632) and on our website, [www.frankston.vic.gov.au](http://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 available 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, contractual matters 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 Councillors 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](http://www.frankston.vic.gov.au).

The submissions process is conducted in accordance with guidelines which are available from Council's Councillors 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 will be made available to members of the public. 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 four (4) themes which depict the Council Plan's Strategic Objectives, as follows:

1. A Planned City
2. A Liveable City
3. A Well Governed City
4. A Well Managed City

### **MAYOR**



## NOTICE PAPER

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### ALL COUNCILLORS

NOTICE is hereby given that an Ordinary Meeting of the Council will be held at the Civic Centre, Davey Street, Frankston, on 1 October 2018 at 7.00pm.

### 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**  
Nil
2. **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**  
Ordinary Meeting No. OM11 held on 10 September 2018.
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
10. **DELEGATES' REPORTS**  
Nil
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Dr Gill Kay

**ACTING CHIEF EXECUTIVE OFFICER**

26/09/2018

**Executive Summary****11.1 Planning Application 570/2017/P - 1/19 Shaxton Circle, Frankston - Use of land for the sale and consumption of liquor associated with an existing cafe**

*Enquiries: (Michael Papageorgiou: Community Development)*

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.2 Development and Housing
Priority Action	1.2.1 Attract investment for new industry

**Purpose**

This report considers the merits of the planning application for use of land at 1/19 Shaxton Circle, Frankston for the sale and consumption of liquor under a General Licence.

**Recommendation (Director Community Development)**

That a Planning Permit be issued, subject to the conditions contained in the Officers' Assessment, for use of land at 1/19 Shaxton Circle, Frankston for the sale and consumption of liquor under a General Licence.

**Key Points / Issues**

- The proposal seeks approval to allow the supply and consumption of liquor associated with an existing café located at 1/19 Shaxton Circle, Frankston.
- There is also a small supermarket that has operated from the site for at least 30 years, and a more recent licensed bottle shop within the same premises.
- A building permit was issued for the café in 2016 which involved internal reconfiguration and works, and the café has now been operating for about 12 months. The maximum seating of the cafe is for 46 patrons; including 16 seats within the small outdoor area.
- The applicant seeks Council's approval to incorporate a 'red line' area to cover the café and a small external area on the south side of the building, enabling sale and consumption of alcohol and opportunity for the owner to seek a liquor licence from the Victorian Commission for Gambling and Liquor Regulation (VCGLR).
- The proposed trading hours are from 9am to 11pm on 6 days a week with different hours for Sunday which would be from 10am to 11pm and on Good Friday and ANZAC Day from 12 noon to 11pm.
- The proposal will enhance the nature of the service offer of the business and create economic benefits. There are not likely to be external impacts or contributions to alcohol related harms as a result of the proposal. However, Council's consistent practice in approving liquor licence applications has been for these to apply no earlier than 11am in areas located outside of a major activity centre. It is considered there is no justification for this to be any different in this case.
- The matter is reported to Council as it is an application associated with liquor.
- The application satisfies the requirements of the Planning Scheme in relation to car park numbers.

**11.1 Planning Application 570/2017/P - 1/19 Shaxton Circle, Frankston - Use of land for the sale and consumption of liquor associated with an existing cafe****Executive Summary****Financial Impact**

The State Government has introduced the "Fair Go Rates" system, placing a cap on Council rates which has restricted the level of increases that Council can apply to its rate revenue. Rate revenue constitutes 63 per cent of all Council revenue.

The rate cap over the past two financial years has been 2.5 per cent and 2.0 per cent respectively and is 2.25 per cent in 2018-2019.

The rate cap percentages are based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services. The cost of providing Council services has been increasing well in advance of the rate cap applied by State Government.

Over time this trend may lead to a reduction in the levels of service provided to the community and in Councils ability to fund both new facilities and the ongoing renewal of existing facilities.

Council will continue to evaluate the impacts of rate capping annually and needs to be mindful of these outcomes in all Council decisions.

The permit application fee paid to Council is \$1,265.60. The average cost to process a planning application is \$2,264 which represents a difference of \$998.40.

**Consultation****1. External Referrals**

The proposal was referred to Victoria Police who offered no objection to the proposal.

**2. Internal Referrals**

The application was referred internally to Council's:

- Community Strengthening Department who raised concerns as outlined in the Officers Assessment section.
- Traffic Engineer who offered no objection.

**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
- A 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 support for the proposal to sell liquor associated with the existing café will encourage economic growth, extend the services offered by the commercial centre and increase employment opportunities to the local community. Additionally, this would provide opportunity strengthen social and recreation interaction within the local community.

**11.1 Planning Application 570/2017/P - 1/19 Shaxton Circle, Frankston - Use of land for the sale and consumption of liquor associated with an existing cafe****Executive Summary**

The subject site is located within a designated commercial area that provides a focal point to residents within the Lakewood residential area. It is considered that with the inclusion of specific conditions on any approval issued, as discussed within the report, there would be minimal opportunity for any amenity impacts within the local area.

**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

The proposal requires a planning permit under Clause 52.27 (Licensed Premises) of the Frankston Planning Scheme.

Policy Impacts

The relevant State and Local Planning Policies are Clauses 11 (Settlement), 17 (Economic Development), 21.04 (Settlement) and 21.08 (Economic Development) are considered.

Should a permit be issued, the applicant 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**

Overall, it is considered that the proposal, subject to some changes, is satisfactory and should be supported as discussed throughout the report.

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**ATTACHMENTS**

Attachment A: [↓](#) Attachment 1 - Locality Plan

Attachment B: [↓](#) Attachment 2 - Locality Map (Aerial)

Attachment C: [↓](#) Attachment 3 - Floor Plan showing the redline area for the cafe at 1/19 Shaxton Circle, Frankston South.

## 11.1 Planning Application 570/2017/P - 1/19 Shaxton Circle, Frankston - Use of land for the sale and consumption of liquor associated with an existing cafe

### Executive Summary

#### Summary

<b>Existing Use</b>	Commercial use
<b>Site Area</b>	364 square metres total floor area
<b>Proposal</b>	Use of the land for the sale and consumption of liquor
<b>Site Cover</b>	Not applicable
<b>Permeability</b>	Not applicable
<b>Zoning</b>	Commercial 1 Zone
<b>Overlays</b>	Not applicable
<b>Neighbourhood Character Precinct</b>	Not applicable
<b>Reason for Reporting to Council</b>	Application associated with Liquor

#### Background

##### **Subject Site**

The subject premises is located at the southern end of the Lakewood shopping centre in Shaxton Circle, Frankston South.

The subject premises is a single storey building that has an 'L' shaped floor plan. The building has extensive frontage to Shaxton Avenue on the southern and eastern facades; with a 34.5 metre street frontage. There is also a generous landscaped area between the building and the road.

The northern and eastern parts of the building contain a small supermarket, store and bottle shop (220 square metres floor area). The southern part of the building contains a café (The Round About Café) with kitchen and amenities area (125 square metre floor area). The café can be accessed directly from the street and internally from the supermarket.

A large car park is located at the rear of the building within the common property. This has 14 car spaces shared by all the shops within the centre. There is also on-street angled parking in front of the shopping centre.

##### **Locality**

The Lakewood shopping centre is located within an established residential area and serves the Lakewood community. The supermarket was established about 30 years ago and is now a smaller size.

The Shaxton Circle lake and reserve are located opposite the shops providing a community focal point. A local bus service connects the centre with the Frankston Major Activity Centre and railway station.

##### **Site History**

Previous planning permit applications for the site include:

**11.1 Planning Application 570/2017/P - 1/19 Shaxton Circle, Frankston - Use of land for the sale and consumption of liquor associated with an existing cafe****Executive Summary**

- Planning Permit 296/2001/P; approved on 9/07/2001, allowed an on-premises liquor license with off-site conditions (no longer valid).
- Planning Permit 140/2009/P; approved on 23/09/2008, allowed a five (5) lot subdivision and common property.

The existing packaged liquor licence (32008321) associated with this property was granted by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) at a time when a planning permit was not required.

The permit allows for trading hours on any day other than Sunday, Good Friday, ANZAC Day or Christmas Day between 9am and 11pm; Sunday between 10am and 11pm; ANZAC Day between 12 noon and 11pm. The existing redline area associated with the packaged licence covers the bottleshop and store area only.

**Proposal**

The applicant seeks approval to increase the licensed area within the premises and into the adjacent area, to enable the sale and consumption of liquor associated with the existing cafe. The sale of packaged liquor within the bottle shop section would continue.

The café seats 30 patrons within the building and proposes seating for a further 16 patrons within a 2m wide strip of the common property located on the south side of the building between the shop and the road.

The applicant intends to obtain a General Licence from the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to encompass the two types of liquor trading. The appropriate type of licence to be granted in this case would be matter considered by VCGLR. The report considers the planning merits regarding the sale and consumption of alcohol associated with the café.

The proposed alcohol service hours associated with the cafe are 9am to 11pm 7 days a week, except Sundays being 10am to 11pm, and on Good Friday and ANZAC Day being 12noon to 11pm. This is consistent with the trading hours on the packaged liquor licence.

It is anticipated there would be use of recorded background music within the building.

**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:

**11.1 Planning Application 570/2017/P - 1/19 Shaxton Circle, Frankston - Use of land for the sale and consumption of liquor associated with an existing cafe****Executive Summary**

- Clause 52.27 (Licensed Premises) of the Frankston Planning Scheme to use land to sell or consume liquor as a new licence is required under the *Liquor Control Reform Act 1998*.

**Notification of Proposal**

Notification of the planning application was given pursuant to the requirements of section 52 of the *Planning and Environment Act 1987*, in the form of:

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

No objections were received as a result of the notification.

**External Referrals****Victoria Police**

Frankston Police have advised they have no objection to the sale and consumption of alcohol associated with the cafe.

**Internal Referrals****Community Strengthening**

A summary of the comments received from Community Strengthening:

- *The proposal is not supported due to potential for alcohol-related harms from it being in a mixed business that sells package liquor for consumption off site.*
- *Lakewood is not a tourist area, nor an area with special needs nor are there a lack of adequate existing facilities for the supply of liquor in the area.*
- *The concern about the potential for alcohol-related harm in Frankston is provided by statistical data produced by the State Government relating to alcohol sales (2015/2016), alcohol hospitalisation (2014/2015) and the Victorian Population Health Survey (2014).*

**Traffic Engineer**

Advice from Council's Traffic Engineer indicates there would be the need for 6 car spaces generated by the existing café and the outdoor seating area which is accommodated within the existing car parking area at the rear of the site.

The application satisfies the requirements of the Planning Scheme in relation to carpark numbers.

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

The proposal meets with the objectives of the relevant State and Local Planning Policy of the Frankston Planning Scheme. The proposed 'red line' area allowing the serving of alcohol is associated with an existing café within an established shopping centre.

The existing supermarket, bottle shop and café provide for a successful mixed business serving the local Lakewood community. The café owner indicates that the café patrons would like the opportunity to enjoy alcohol with their meal. The opportunity to purchase alcohol to accompany a meal is not unusual. It also adds to the social experience and can be an important component to the viability of the business.

**11.1 Planning Application 570/2017/P - 1/19 Shaxton Circle, Frankston - Use of land for the sale and consumption of liquor associated with an existing cafe****Executive Summary**

The applicant seeks that the hours of service would be consistent with the existing packaged liquor trading hours outlined previously.

Council's consistent practice in approving liquor licence applications has been to grant approval from 11am, thus restricting hours of service to more regular times.

The reasoning for the trading hours sought by the applicant is to provide for consistency with the existing packaged liquor licence hours, so that an application for a General Licence can be sought from the VCGLR.

This is not sufficient argument to warrant variation from Council's consistent approach of allowing trading from 11am. For this reason it is recommended that the earliest liquor service time be from 11am until 11pm, with the exception of Good Friday and ANZAC Day, which would be from 12 noon until 11pm. This requirement is recommended to be included as a condition of permit.

Consideration is given to the concerns raised by Council's Community Strengthening team. With regard to this, the café is fairly low key in nature with a maximum number of 46 patrons. The alcohol would be served within a managed environment which can be reinforced through the requirement on permit for a Venue Management Plan to be submitted to Council's satisfaction. Additionally, there are no other liquor licences issued for properties within a 500m radius, so there would be limited resulting cumulative impacts should the application be supported. This is discussed in more detail below.

No objections were received as a result of the notification process, so it can be assumed the potential to impact on the amenity of nearby uses would be limited. Additionally, Victoria Police has advised that it does not object to the proposal.

It is considered that the proposed permit conditions provide adequate measures to, address any safety and amenity concerns to the local area and community. The proposal will provide a service to the local community, will have beneficial economic effects and will generate direct local employment opportunities.

Subject to the more limited service hours, it is considered that this proposal will appropriately respond to State and Local Planning Policies.

**Clause 52.27 Licensed Premises**

The purpose of Clause 52.27 of the Frankston Planning Scheme is:

- *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.*

The decision guidelines under Clause 52.27 identify considerations such as the likely impact on the amenity of the surrounding area resulting from the sale and consumption of alcohol, the hours of operation and patron numbers. This has been discussed previously.

Consideration is also to be given to the cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surround area. A review of the VCGLR website of liquor licences granted within the municipality shows there are no other licenses within a 500m radius of the subject site; other than the existing packaged liquor licence associated with the subject property. It can be deemed the cumulative impact would be negligible.

Subject to the requirement for more limited service hours, it is considered that the proposal appropriately responds to State and Local Planning Policies.

**11.1 Planning Application 570/2017/P - 1/19 Shaxton Circle, Frankston - Use of land for the sale and consumption of liquor associated with an existing cafe****Executive Summary****Clause 52.06 Car Parking**

The existing supermarket and bottle shop has been operating from the subject site for many years. Council's records indicate there were no requirements for planning approval when this use commenced. No additional car parking requirement is triggered by the proposed service of alcohol.

**Liquor Accord**

Council supports the responsible serving of alcohol in a consistent manner throughout the municipality. A permit note is recommended to be included on any planning permit issued encouraging the permit holder to become a member of the Frankston Liquor Industry Accord.

**Analysis (Economic and Social Implications)**

It is considered that the proposal will support local economic growth and employment opportunities. The application indicates that there would be a maximum of five (5) staff on the site at one time to assist with service and supervision. The proposal provides opportunity to extend the range of service a business offers to the local community and support viability of the business and the small shopping centre.

The subject site is located within a designated commercial area in Lakewood. The café also provides for recreational and social opportunities to Lakewood community. Support for the proposal as outlined above, would assist in strengthening the centre as a community focal point and opportunity for social interaction.

**Conclusion**

On balance and subject to the inclusion of permit conditions as discussed within this report, it is considered that the proposal satisfies the requirements of the State and Local Planning Policy Frameworks and Clause 52.27 (Licensed Premises) of the Frankston Planning Scheme, and warrants Council support.

**Recommendation (Director Community Development)**

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 570/2017/P for use of the land at 1/19 Shaxton Circle, Frankston South for the sale and consumption of liquor associated with a food and drinks premises (café) subject to the following conditions:

**Plans**

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application (or some other specified plan) but modified to show:
  - (a) Amended plans showing the seating arrangement within the café component (30 people maximum) and the outdoor seating area (16 people maximum).

**11.1 Planning Application 570/2017/P - 1/19 Shaxton Circle, Frankston - Use of land for the sale and consumption of liquor associated with an existing cafe****Executive Summary****No Alterations**

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

**Patron Numbers**

3. A maximum of 46 patrons (30 patrons within the indoor café area and 16 within the designated outdoor area) shall be permitted at any one time unless with the prior written consent of the Responsible Authority.

**Liquor Licence Requirements**

4. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place within the approved red line plan and at the premises during the following hours:
  - On any day other than Good Friday and ANZAC Day between 11am and 11pm.
  - ANZAC Day between 12noon and 11pm.

**Amenity**

5. The amenity of the area must not be detrimentally affected by the use and development through the:
  - a) Transport of materials, goods or commodities to or from the land;
  - b) Appearance of any building, works or materials;
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil;
  - d) Presence of vermin; others as appropriate; or
  - e) In any other way.
6. Noise levels emanating from the premises must not exceed those required to be met under State Environment protection Policy (Control of Music Noise from Public Premises), No. N-2.

**Satisfactorily Completed**

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

**Permit Expiry**

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

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

**11.1 Planning Application 570/2017/P - 1/19 Shaxton Circle, Frankston - Use of land for the sale and consumption of liquor associated with an existing cafe****Executive Summary****Notes**

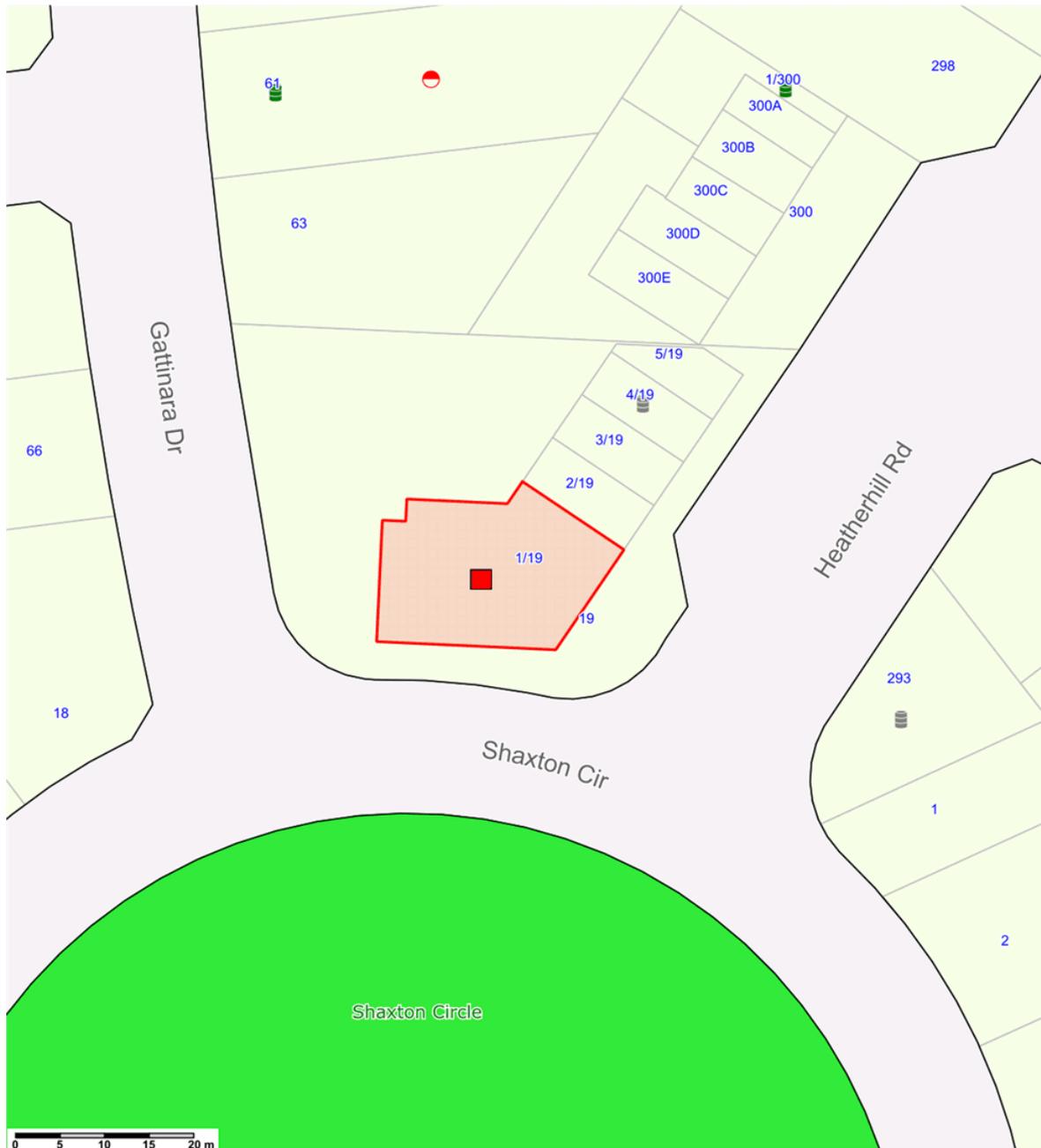
- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment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

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

- C. 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.

Town Planning Application 570/2017/P – 1/19 Shaxton Circle Frankston South

Subject site  Objectors 



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Town Planning Application 570/2017/P – 1/19 Shaxton Circle Frankston South

Subject site 

Objectors 



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**Executive Summary****11.2 August 2018 Town Planning Progress Report**

*Enquiries: (Michael Papageorgiou: Community Development)*

**Council Plan**

Community Outcome:	4. A Well Managed City
Strategy:	4.2 Systems
Priority Action	4.2.3 Facilitate informed decision making through informed reporting and data management

**Purpose**

To provide Council with an update on planning delegations by Council officers for the month of August 2018.

**Recommendation (Director Community Development)**

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

**Key Points / Issues**

This report provides Council with an update on the exercise of planning delegations by Council officers on the following items:

- Planning applications received;
- Planning decisions;
- Subdivision applications received;
- Subdivision decisions;
- Planning scheme amendments;
- VCAT appeal register; and
- VCAT decisions.

In August 2018, 104 applications for planning permits or amendments to permits were received, and 85 applications determined. A total of 61% of permit decisions were made within 60 days.

10 decisions related to multi-dwelling applications. All of these applications complied with the Multi-Dwelling Visitor Car Parking Guidelines.

Two VCAT decisions were handed down. Both set aside Council's decisions – one by consent and one following a hearing on the merits.

**Financial Impact**

The State Government has introduced the "Fair Go Rates" system, placing a cap on Council rates which has restricted the level of increases that Council can apply to its rate revenue. Rate revenue constitutes 63 per cent of all Council revenue.

The rate cap over the past two financial years has been 2.5 per cent and 2.0 per cent respectively and is 2.25 per cent in 2018-2019.

The rate cap percentages are based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services. The cost of providing Council services has been increasing well in advance of the rate cap applied by State Government.

**11.2 August 2018 Town Planning Progress Report****Executive Summary**

Over time this trend may lead to a reduction in the levels of service provided to the community and in Councils ability to fund both new facilities and the ongoing renewal of existing facilities.

Council will continue to evaluate the impacts of rate capping annually and needs to be mindful of these outcomes in all Council decisions.

Of the two VCAT cases decided in August, in both of these Council was represented by Council planners, and the cost of this is covered by the Planning and Environment labour budget.

**Consultation**

This report provides details of all planning applications and decisions that are required to be considered in accordance with the Frankston Planning Scheme and the Planning and Environment Act (1987).

Consultation occurs with the community as part of the planning process of each application that requires public advertising.

**Analysis (Environmental / Economic / Social Implications)**

This report will not result in any identified environmental, economic or social impacts.

**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.

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 identified risks noted in relation to the preparation of this report.

**Conclusion**

This report provides Council with an overview of the activities and decisions made on planning applications in the month of August 2018.

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**ATTACHMENTS**

Attachment A:[↓](#) Town Planning Progress Report - August 2018

<b>Progress Report – Planning Applications Received</b>				
<b>For The Application Date: From 1/08/2018 To 31/08/2018</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
362/2018/P	North-East	2 Barnett Avenue, Carrum Downs 3201	To construct buildings and works within the Tree Protection Zone of any trees listed in Table 1 of the Significant Landscape Overlay - Schedule 5 (Trees No. 435 and 436)	1/08/2018
373/2018/P	North-East	240-242 McCormicks Road, Skye 3977	To construct one (1) double storey dwelling to the front of the existing dwelling (two dwellings) and 2 lot subdivision	2018
364/2018/P	North-East	75 Boundary Road, Carrum Downs 3201	Construction of a warehouse and associated office	2/08/2018
365/2018/P	North-East	35 Hafey Way, LANGWARRIN 3910	To construct one (1) single storey dwelling and remove native vegetation	2/08/2018
372/2018/P	North-East	4 Pekina Court, Carrum Downs 3201	To construct an extension to an existing dwelling within the Bushfire Management Overlay (BMO)	3/08/2018
381/2018/P	North-East	390 McClelland Drive, Langwarrin 3910	To extend the existing Restaurant and Cafe Liquor Licence	7/08/2018
379/2018/P	North-East	40 William Road, Carrum Downs 3201	To construct four (4) double storey dwellings.	7/08/2018
414/2018/P	North-East	131 Ballarto Road, Carrum Downs 3201	To construct one (1) double storey dwelling to rear of existing dwelling	8/08/2018
383/2018/P	North-East	39 Titan Drive, Carrum Downs 3201	Buildings and works to an existing warehouse and a reduction in the car parking requirements of Clause 52.06 of the Frankston Planning Scheme	9/08/2018
388/2018/P	North-East	40 Yazaki Way, Carrum Downs 3201	To construct and display internally illuminated signage	10/08/2018
399/2018/P	North-East	2/26 Access Way, Carrum Downs 3201	To construct and carry out works in association with increasing the area of an existing building in an Industrial 1 Zone and a reduction in the car parking requirements of Clause 56.06 of the Frankston Planning Scheme	15/08/2018
396/2018/P	North-East	12 Ash Grove South, Langwarrin 3910	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	16/08/2018
407/2018/P	North-East	31 Boundary Road, Carrum Downs 3201	Change of use from warehouse to place of assembly use and partial waiver of car parking	17/08/2018
402/2018/P	North-East	590 Frankston-Dandenong Road, Carrum Downs 3201	Install illuminated signage	20/08/2018
64/2018/VS	North-East	15 Lathams Road, Carrum Downs 3201	To erect and display business identification signage.	20/08/2018

<b>Progress Report – Planning Applications Received</b>				
<b>For The Application Date: From 1/08/2018 To 31/08/2018</b>				
<b>Application No</b>	<b>Ward</b>	<b>Property Address</b>	<b>Application Description</b>	<b>Date</b>
412/2018/P	North-East	250 Wedge Road, Skye 3977	Two hundred seventy three (273) lot subdivision	22/08/2018
415/2018/P	North-East	23 Myrtle Street, Langwarrin 3910	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	23/08/2018
413/2018/P	North-East	22 Northgateway, Langwarrin 3910	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwelling)	23/08/2018
406/2018/P	North-East	20 Brunnings Road, Carrum Downs 3201	To construct twelve (12) double storey dwellings with associated car parking & remove existing vegetation where required	23/08/2018
66/2018/VS	North-East	52 Progress Drive, Carrum Downs 3201	To construct mezzanine level to existing warehouse	24/08/2018
418/2018/P	North-East	586 Frankston-Dandenong Road, Carrum Downs 3201	To construct indoor play centre and signage	27/08/2018
421/2018/P	North-East	52 Boundary Road, Carrum Downs 3201	Alterations and additions to temple and construction of a shed	28/08/2018
422/2018/P	North-East	9 Poplar Grove, Langwarrin 3910	To construct one (1) dwelling to the rear of the existing dwelling (two (2) dwellings)	28/08/2018
424/2018/P	North-East	113 Frankston Gardens Drive, Carrum Downs 3201	Buildings and works for warehouse development with ancillary office	29/08/2018
426/2018/P	North-East	99 Clifton Grove, Carrum Downs 3201	To construct and display illuminated business identification sign	29/08/2018
<b>North East Ward Total: 25</b>				
234/2016/P/A	North-West	Mens Shed 14R Stringybark Crescent, Frankston North 3200	Amendment under secondary consent - To construct an extension to the existing building	1/08/2018
370/2018/P	North-West	4 Reserve Road, Seaford 3198	To construct three (3) double storey dwellings	1/08/2018
368/2018/P	North-West	1 Vermay Avenue, Frankston 3199	To construct three (3) double storey dwellings.	1/08/2018
58/2018/VS	North-West	129 Kananook Avenue, Seaford 3198	To construct a front fence in a Special Building Overlay	2/08/2018
378/2018/P	North-West	7 James Street, Seaford 3198	To construct two (2) double storey dwellings on a lot	3/08/2018
377/2018/P	North-West	6-10 Govan Street, Seaford 3198	Construction of a warehouse	8/08/2018
61/2018/VS	North-West	59 Dandenong Road East, Frankston 3199	Two (2) lot subdivision	8/08/2018
380/2018/P	North-West	2 Eula Court, Frankston 3199	Use of the site as a residential building (boarding house - internal works increasing the number of rooms to 12)	8/08/2018

<b>Progress Report – Planning Applications Received</b>				
<b>For The Application Date: From 1/08/2018 To 31/08/2018</b>				
<b>Application No</b>	<b>Ward</b>	<b>Property Address</b>	<b>Application Description</b>	<b>Date</b>
394/2018/P	North-West	68 Skye Road, Frankston 3199	Three (3) lot subdivision	9/08/2018
386/2018/P	North-West	9 Corlett Street, Frankston 3199	To construct one (1) double storey dwelling at the rear of existing dwelling (two (2) dwellings)	10/08/2018
387/2018/P	North-West	17 Madden Street, Seaford 3198	To construct two (2) townhouses	10/08/2018
390/2018/P	North-West	20 Coral Street, Frankston 3199	Buildings and works to an existing education facility and associated vegetation removal	13/08/2018
395/2018/P	North-West	18 McCulloch Avenue, Seaford 3198	To construct six (6) double storey dwellings (including a basement car parking area)	13/08/2018
62/2018/VS	North-West	24 Elsie Avenue, Seaford 3198	To construct alterations and additions to existing dwelling including new garage in a Special Building Overlay.	14/08/2018
392/2018/P	North-West	126 Wangarra Road, Frankston 3199	To construct two (2) double storey dwellings	14/08/2018
403/2018/P	North-West	5 Nabilla Avenue, Seaford 3198	Two (2) lot subdivision	15/08/2018
397/2018/P	North-West	9 Mitchell Street, Seaford 3198	Extension to an existing dwelling	16/08/2018
401/2018/P	North-West	2/5 Riviera Street, Seaford 3198	To construct a veranda	17/08/2018
404/2018/P	North-West	4 Gladwyn Avenue, Frankston 3199	Three (3) lot subdivision	21/08/2018
65/2018/VS	North-West	5 Attunga Crescent, Seaford 3198	Two (2) lot subdivision	22/08/2018
417/2018/P	North-West	1 Inglis Avenue, Frankston 3199	Use and development of a child care centre	27/08/2018
67/2018/VS	North-West	8 Newton Street, Seaford 3198	Two (2) lot subdivision	28/08/2018
425/2018/P	North-West	232 Seaford Road, Seaford 3198	To construct two (2) double storey dwellings	29/08/2018
423/2018/P	North-West	1 Lorna Street, Seaford 3198	To construct two (2) double storey dwellings and remove existing dwelling	29/08/2018
<b>North West Ward Total: 24</b>				
366/2018/P	South	1 Minimbah Court, Frankston South 3199	Construction of a shed and removal of four (4) trees	2/08/2018
59/2018/VS	South	1 Sturt Place, Frankston South 3199	To construct and carry out works in the Design and Development Overlay Schedule 9 and to carry out works in the Tree Protection Zone of one (1) substantial tree	2/08/2018

<b>Progress Report – Planning Applications Received</b>				
<b>For The Application Date: From 1/08/2018 To 31/08/2018</b>				
<b>Application No</b>	<b>Ward</b>	<b>Property Address</b>	<b>Application Description</b>	<b>Date</b>
371/2018/P	South	17 Gweno Avenue, Frankston 3199	Extension to an existing dwelling	3/08/2018
60/2018/VS	South	8 Burswood Close, Frankston South 3199	To construct an extension to an existing dwelling	3/08/2018
393/2018/P	South	55 Baileyana Street, Frankston South 3199	Two (2) lot subdivision	3/08/2018
382/2018/P	South	22 Nursery Avenue, Frankston 3199	To construct three (3) double storey dwellings and retention of the existing dwelling (four (4) dwellings)	8/08/2018
384/2018/P	South	5 Mary Street, Frankston 3199	Renovation to an existing dwelling	9/08/2018
385/2018/P	South	36 Barretts Road, Langwarrin South 3911	To construct an outbuilding (shed) in a Design and Development Overlay Schedule 4	10/08/2018
389/2018/P	South	100 Barretts Road, Langwarrin South 3911	To construct a shed	13/08/2018
391/2018/P	South	222 North Road, Langwarrin 3910	To construct four (4) dwellings (two (2) single storey dwellings and two (2) double storey dwellings)	14/08/2018
398/2018/P	South	22 Gweno Avenue, Frankston 3199	Two (2) lot subdivision	15/08/2018
63/2018/VS	South	25 Derinya Drive, Frankston South 3199	To construct a deck in a Design and Development Overlay Schedule 1 and to construct buildings and works within the Tree Protection Zone of a substantial tree in a Significant Landscape Overlay Schedule 3	16/08/2018
405/2018/P	South	111 Cranbourne Road, Frankston 3199	Change of use - Use and development of a supermarket and shops and a reduction in the standard car parking requirement	17/08/2018
400/2018/P	South	13 Vera Street, Frankston 3199	To construct two (2) double storey dwellings	17/08/2018
410/2018/P	South	6 Bridgewater Court, Langwarrin 3910	To construct one (1) outbuilding, a veranda and pergola	20/08/2018
411/2018/P	South	87 Kars Street, Frankston South 3199	To construct three (3) dwellings ( Two (2) double storey dwellings and One (1) single storey )	21/08/2018
409/2018/P	South	5 Lardner Road, Frankston 3199	Four (4) lot subdivision	23/08/2018
420/2018/P	South	8 Chetwyn Court, Frankston South 3199	To construct a single dwelling	28/08/2018
419/2018/P	South	135 Gould Street, Frankston 3199	To construct new landing at edge of property	28/08/2018
68/2018/VS	South	11 Black Wallaby Drive, Langwarrin 3910	To remove one (1) tree	28/08/2018

Progress Report – Planning Applications Received For The Application Date: From 1/08/2018 To 31/08/2018				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
427/2018/P	South	18 Argyle Street, Frankston 3199	To construct five (5) units for people living with extreme functional impairments or very high support needs and one (1) live - in carers unit.	29/08/2018
South Ward Total: 21				
Total New Applications: 70				

Progress Report – Amendments to Planning Permits - Received For The Application Date: From 1/08/2018 To 31/08/2018				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
211/1998/P/D	East	1075 Dandenong-Hastings Road, Langwarrin 3910	Section 72 - Retail plant nursery and caretakers residence	23/08/2018
<b>East Ward Total: 1</b>				
617/2015/P/B	North-East	112 & 5/112 Colemans Road, Carrum Downs 3201	Section 72 - To construct seven (7) factories	2/08/2018
460/2017/P/A	North-East	16 Alder Street, Langwarrin 3910	Section 72 - Two (2) lot subdivision	3/08/2018
408/2011/P/F	North-East	46 McCormicks Road, Skye 3977	Section 72 - To construct ten (10) dwellings (nine (9) double storey and one (1) single storey) and alterations to access to a Road Zone Category 1	8/08/2018
381/2014/P	North-East	50 Aqueduct Road, Langwarrin 3910	Extension of Time - The construction of nine dwellings The construction of an extension (carport) to the existing dwelling and The removal of native vegetation	10/08/2018
593/2017/P/B	North-East	66 McCormicks Road, Skye 3977	Secondary Consent - To alter the access adjacent to a Road Zone Category 1 and display business identification sign and Satisfaction Matters - Car Parking Plan associated with a Medical Centre.	14/08/2018
451/2015/P/E	North-East	11/3 Yazaki Way, Carrum Downs 3201 16 & 20 Colemans Road, Carrum Downs 3201	Section 72 - To construct thirty four (34) factories for industry use and reduction in car parking	21/08/2018
312/2017/P/B	North-East	26 Hafey Way, Langwarrin 3910	Secondary Consent - To construct one (1) single storey dwelling and associated outbuilding	23/08/2018
316/2014/P/D	North-East	34 Potts Road, Langwarrin 3910	Secondary Consent - To construct twenty four (24) single storey dwellings to the rear of existing dwelling ( twenty five dwellings )	23/08/2018
456/2016/P	North-East	1195 Frankston-Dandenong Road, Carrum Downs 3201	Extension of time - to construct eight (8) dwellings (4 side by side dwellings)	27/08/2018
457/2016/P/B	North-East	1195 Frankston-Dandenong Road, Carrum Downs 3201	Extension of Time - to construct seven (7) single storey dwellings and remove one (1) tree in the Significant Landscape Overlay Schedule 5	27/08/2018

<b>Progress Report – Amendments to Planning Permits - Received</b>				
<b>For The Application Date: From 1/08/2018 To 31/08/2018</b>				
<b>Application No</b>	<b>Ward</b>	<b>Property Address</b>	<b>Application Description</b>	<b>Date</b>
67/2010/P/P	North-East	Brotherhood of St Laurence Common Property 1195 Frankston-Dandenong Road Carrum Downs	Secondary Consent - Two hundred and forty-one (241) lot subdivision, demolition of buildings, removal of vegetation, removal of easements, alter access to a Road Zone Category 1, and to carry out works	27/08/2018
388/2014/P/C	North-East	281 Cranbourne-Frankston Road, Langwarrin 3910	Secondary Consent - to construct eleven (11 ) dwellings (six (6) double storey dwellings and five (5) single storey dwellings)	28/08/2018
471/2016/P/B	North-East	11 Cedar Street, Langwarrin 3910	Extension of time - Two (2) lot subdivision	29/08/2018
<b>North-East Ward Total: 13</b>				
580/2014/P/C	North-West	66 & 68 Fortescue Avenue, Seaford 3198	Section 72 - To construct four (4) double storey dwellings and two (2) single storey dwellings (six (6) dwellings) and a six (6) lot subdivision	1/08/2018
262/2014/P/G	North-West	42A Nepean Highway, Seaford 3198	Section 72 Amendment - To construct four (4) three storey dwellings and a four (4) lot subdivision	2/08/2018
397/2015/P/C	North-West	1 Weatherston Road, Seaford 3198	Section 72 amendment - To construct three (3) double storey dwellings and vegetation removal	8/08/2018
215/2011/P/D	North-West	48 Rosslyn Avenue, Seaford 3198	Extension of Time - The construction of a double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	13/08/2018
662/2015/P/D	North-West	68 Skye Road, Frankston 3199	Extension of Time - To construct two (2) double storey dwellings and one (1) single storey dwelling (three (3) dwellings)	20/08/2018
343/2009/P/F	North-West	87 Nepean Highway, Seaford 3198	Extension of time - To construct two (2) triple storey dwellings and four (4) double storey dwellings	20/08/2018
342/2014/P/B	North-West	39 Lorna Street, Seaford 3198	Secondary Consent - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	24/08/2018
241/2013/P/C	North-West	2/17 Ireland Street, Seaford 3198	Extension of time - The construction of one (1) double storey dwelling to the rear of the existing single storey dwelling (two (2) dwellings)	27/08/2018
282/2008/P/B	North-West	12 Fortescue Avenue, Seaford 3198	Secondary Consent - The development of two (2) double storey dwellings	28/08/2018
700/2010/P/C	North-West	19 Sheridan Avenue, Frankston 3199	Section 72 amendment - To construct eight (8) dwellings within a four (4) storey building, including basement car parking.	28/08/2018

<b>Progress Report – Amendments to Planning Permits - Received</b>				
<b>For The Application Date: From 1/08/2018 To 31/08/2018</b>				
<b>Application No</b>	<b>Ward</b>	<b>Property Address</b>	<b>Application Description</b>	<b>Date</b>
248/2017/P/A	North-West	1 & 1A Hannah Street, Seaford 3198	Secondary Consent - To construct two (2) double storey dwellings	31/08/2018
<b>North-West Ward Total: 11</b>				
439/2015/P/B	South	8 Cecil Street, Frankston 3199	Extension of time - The construction of four (4) double storey dwellings	8/08/2018
346/2015/P/D	South	40 Hillcrest Road, Frankston 3199	Extension of time - To construct three (3) double storey dwellings	8/08/2018
494/2012/P/G	South	44 Seaview Road, Frankston South 3199	Secondary Consent - The construction of a single storey dwelling to the rear of the existing dwelling (two (2) dwellings) and buildings and works to the existing dwelling	13/08/2018
25/2016/P/C	South	5 Holmes Street, Frankston 3199	Extension of Time - To construct two (2) double storey dwellings	14/08/2018
201/2015/P/B	South	22 Kenilworth Avenue, Frankston 3199	Extension of Time - To construct three (3) double storey dwellings	16/08/2018
55/2017/VS	South	6 Goldthorp Court, Frankston South 3199	Secondary Consent - To construct a detached garage	16/08/2018
79/2015/P/D	South	2 Pastoral Street, Frankston South 3199	Extension of time - Development of two or more dwellings on a lot in the General Residential Zone. Removal of one indigenous tree in the Significant Landscape Overlay - Schedule 4	20/08/2018
23/2017/P	South	84 Heatherhill Road, Frankston 3199	Secondary Consent - To construct three (3) dwellings	29/08/2018
371/2012/P/H	South	16 Nirvana Close, Langwarrin South 3911	Extension of Time - To construct a double storey dwelling exceeding 7 metres in height, lopping of native vegetation	30/08/2018
<b>South Ward Total: 9</b>				
<b>Total Amendments: 34</b>				

Progress Report – Planning Application Decisions For The Application Date: From 1/08/2018 To 31/08/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
12/2003/P/A	East	1075 Dandenong-Hastings Road, Langwarrin 3910	Section 72 - Building and Works for Drainage Pit	Permit Approved	22/08/2018
<b>East Ward Total: 1</b>					
156/2018/P	North-East	5 Kestrel Court, Carrum Downs 3201	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Notice of Decision	1/08/2018
238/2018/P	North-East	22 Athol Court, Langwarrin 3910	Two (2) lot subdivision	Permit Approved	1/08/2018
57/2018/VS	North-East	8 Timarron Court, Langwarrin 3910	To construct an outbuilding in a Design and Development Overlay "Schedule 4 (DDO4)	Permit Approved	8/08/2018
650/2013/P/E	North-East	4/25 Robin Drive, Carrum Downs 1231 Frankston-Dandenong Road, Carrum Downs 3201	Section 72 - Construction of twelve (12) double storey dwellings and the alteration and creation of access to a road in a Road Zone Category 1	Permit Approved	8/08/2018
169/2018/P	North-East	1447 Dandenong-Hastings Road, Langwarrin 3910	To construct one (1) single storey dwelling in a Bushfire Management Overlay and to build outside the designated building envelope	Permit Approved	9/08/2018
331/2018/P	North-East	17 Sanoma Drive, Skye 3977	To construct an extension to an existing dwelling on a lot of more than 300 square metres	No Permit Required	9/08/2018
47/2018/P	North-East	26 Larch Street, Langwarrin 3910	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	9/08/2018
539/2017/P	North-East	173 Lyrebird Drive, Carrum Downs 3201	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	9/08/2018
450/2015/P/C	North-East	39 McCormicks Road, Carrum Downs 3201	Extension of Time - Five (5) lot subdivision	Extension of Time Approved	16/08/2018
543/2015/P/C	North-East	3/83 & 83 Edward Street, LANGWARRIN 3910	Secondary Consent - To construct one (1) double storey and four (4) single storey dwelling (five (5) dwellings)	Secondary Consent Approved	20/08/2018
207/2018/P	North-East	18 Sonia Street, Carrum Downs 3201	The construction of an extension to an existing warehouse and reduction in car parking requirements of Clause 52.06	Permit Approved	22/08/2018

Progress Report – Planning Application Decisions For The Application Date: From 1/08/2018 To 31/08/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
81/2018/P	North-East	58 Luscombe Avenue, Carrum Downs 3201	To construct one (1) single storey dwelling to the rear of an existing dwelling (Two (2) dwellings) and a two (2) lot subdivision	Notice of Decision	22/08/2018
153/2018/P	North-East	23 Capital Place, Carrum Downs 3201	Six (6) lot subdivision	Permit Approved	24/08/2018
33/2018/P	North-East	20 Currawong Drive, Carrum Downs 3201	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	28/08/2018
424/2017/P	North-East	21 Edward Street, Langwarrin 3910	To construct six (6) dwellings (three (3) single storey & three (3) double storey dwellings )  Amended Application	Notice of Decision	28/08/2018
460/2017/P/A	North-East	16 Alder Street, Langwarrin 3910	Section 72 - Two (2) lot subdivision	Permit Approved	29/08/2018
381/2014/P	North-East	50 Aqueduct Road, Langwarrin 3910	Extension of Time - The construction of nine dwellings The construction of an extension (carport) to the existing dwelling and The removal of native vegetation	Extension of Time Approved	30/08/2018
388/2018/P	North-East	40 Yazaki Way, Carrum Downs 3201	To construct and display internally illuminated signage	Permit Approved	30/08/2018
650/2013/P/F	North-East	1231 Frankston-Dandenong Road, Carrum Downs 3201	Secondary Consent - Construction of twelve (12) double storey dwellings and the alteration and creation of access to a road in a Road Zone Category 1	Secondary Consent Approved	30/08/2018
101/2018/P	North-East	19 Pardalote Avenue, Carrum Downs 3201	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	31/08/2018
399/2018/P	North-East	2/26 Access Way, Carrum Downs 3201	To construct and carry out works in association with increasing the area of an existing building in an Industrial 1 Zone and a reduction in the car parking requirements of Clause 56.06 of the Frankston Planning Scheme	Permit Approved	31/08/2018
North-West Ward Total: 21					

Progress Report – Planning Application Decisions For The Application Date: From 1/08/2018 To 31/08/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
1/2018/P	North-West	339 Frankston-Dandenong Road, Frankston North 3200	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	1/08/2018
252/2018/P	North-West	13 & 15 Bouvardia Crescent, Frankston North 3200	To construct six (6) double storey dwellings	Application Refused	1/08/2018
253/2018/P	North-West	48 Rosemary Crescent, Frankston North 3200	Two (2) lot subdivision	Permit Approved	1/08/2018
375/2016/P/C	North-West	104 Austin Road, Seaford 3198	Extension of Time - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Extension of Time Approved	1/08/2018
51/2018/VS	North-West	48 McAlister Street, Frankston 3199	Construct extensions to an existing dwelling on a lot of less than 300 square metres	Permit Approved	1/08/2018
52/2018/VS	North-West	1 Chevalier Place, Frankston 3199	A reduction in the car parking requirements of Clause 52.06-3 of the Frankston Planning Scheme (Medical Centre)	No Permit Required	1/08/2018
448/2017/P	North-West	217 Nepean Highway, Seaford 3198	Three (3) lot subdivision and three (3) dwellings	Notice of Decision	3/08/2018
53/2018/VS	North-West	234 Nepean Highway, Seaford 3198	To construct an extension (verandah) to an existing dwelling on a lot of less than 300 square metres	Permit Approved	6/08/2018
726/2013/P/B	North-West	29 Leonard Street, Frankston 3199	Extension of Time - To construct two (2) single storey dwellings to the rear of the existing single storey dwelling (three (3) dwellings)	Extension of Time Approved	6/08/2018
445/2017/P	North-West	14 Harold Street, Seaford 3198	To construct two (2) double storey dwellings	Permit Approved	7/08/2018
162/2018/P	North-West	31 Kepler Circuit, Seaford 3198	construction of one (1) warehouse and associated office	Permit Approved	8/08/2018
163/2018/P	North-West	33 Kepler Circuit, Seaford 3198	construction of one (1) warehouse and associated office	Permit Approved	8/08/2018
252/2017/P	North-West	33 Royle Street, Frankston 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	9/08/2018
282/2018/P	North-West	30 Bardia Avenue, SEAFORD 3198	To construct a fence in a Special Building Overlay (SBO)	Permit Approved	9/08/2018

Progress Report – Planning Application Decisions For The Application Date: From 1/08/2018 To 31/08/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
186/2011/P/C	North-West	15 Spray Street, Frankston 3199	Secondary Consent - The construction of a two (2) double storey dwellings	Application Withdrawn	13/08/2018
329/2017/P	North-West	6 Stawell Street, Seaford 3198	To construct two (2) double storey dwellings to the rear of the existing dwelling (three(3) dwellings)	Permit Approved	14/08/2018
595/2017/P	North-West	39 Johnstone Street, Seaford 3198	To construct two (2) double storey dwellings	Notice of Decision	14/08/2018
440/2012/P/A	North-West	3 Jolly Street, Frankston 3199	Extension of time - To construct one (1) single storey dwelling to the rear of the existing (two (2) dwellings)	Extension of Time Approved	16/08/2018
58/2018/VS	North-West	129 Kananook Avenue, Seaford 3198	To construct a front fence in a Special Building Overlay	Permit Approved	16/08/2018
99/2013/P/B	North-West	25 Oliphant Way, Seaford 3198	Secondary Consent - Use of the land for a restricted recreation facility, (trampolining), construction of a mezzanine floor, display of advertising signs and reduction of bicycle facilities	Secondary Consent Approved	20/08/2018
224/2018/P	North-West	23 Coral Street, Frankston 3199	To construct a Dependent Person Unit in the Special Building Overlay	Permit Approved	21/08/2018
261/2018/P	North-West	105 Rosslyn Avenue, SEAFORD 3198	Two (2) lot subdivision	Permit Approved	21/08/2018
524/2017/P	North-West	7 Naroo Place, Frankston 3199	To construct two (2) triple storey dwellings	Permit Approved	21/08/2018
551/2017/P	North-West	30 Parer Street, Frankston 3199	To construct three (3) double storey dwellings	Permit Approved	21/08/2018
62/2018/VS	North-West	24 Elsie Avenue, Seaford 3198	To construct alterations and additions to existing dwelling including new garage in a Special Building Overlay.	Permit Approved	22/08/2018
273/2017/P	North-West	24 Robinsons Road, Seaford 3198	To construct three (3) double storey dwellings	Application Refused	24/08/2018
337/2017/P	North-West	24 Leonard Street, Frankston 3199	To construct three (3) double storey dwellings	Application Refused	28/08/2018
99/2018/P	North-West	95 East Road, Seaford 3198	Seven (7) lot subdivision	Permit Approved	29/08/2018
282/2008/P/B	North-West	12 Fortescue Avenue, Seaford 3198	Secondary Consent - The development of two (2) double storey dwellings	Secondary Consent Approved	30/08/2018
65/2018/VS	North-West	5 Attunga Crescent, Seaford 3198	Two (2) lot subdivision	Permit Approved	30/08/2018

Progress Report – Planning Application Decisions For The Application Date: From 1/08/2018 To 31/08/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
67/2018/VS	North-West	8 Newton Street, Seaford 3198	Two (2) lot subdivision	Permit Approved	30/08/2018
73/2018/P	North-West	8 Belvedere Road, Seaford 3198	To construct one (1) double storey dwelling and one (1) single storey dwelling (two (2) dwellings)	Permit Approved	30/08/2018
182/2010/P/E	North-West	6 – 8 McAlister Street, Frankston 3199	Section 72 - Construction of four (4) double storey dwellings	Permit Approved	31/08/2018
228/2018/P	North-West	13 Pine Street, Frankston North 3200	To construct two (2) double storey dwellings	Permit Approved	31/08/2018
292/2018/P	North-West	36 Nabilla Avenue, Seaford 3198	To construct two (2) double storey dwellings	Permit Approved	31/08/2018
344/2018/P	North-West	6-10 Govan Street, SEAFORD 3198	Re-subdivision of two (2) lots (re-alignment of boundary)	Permit Approved	31/08/2018
<b>North-West Ward Total: 36</b>					
10/2018/P	South	11 Pratt Avenue, Frankston South 3199	To construct three (3) double storey dwellings	Application Refused	1/08/2018
691/2015/P/F	South	43 McComb Boulevard, Frankston South 3199	Secondary Consent - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and vegetation removal	Secondary Consent Approved	2/08/2018
104/2018/P	South	53 Lawson Avenue, Frankston South 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	8/08/2018
56/2018/VS	South	2 Canning Street, Frankston South 3199	To remove one (1) substantial tree in a Significant Landscape Overlay Schedule 4 (SLO4)	Permit Approved	8/08/2018
220/2018/P	South	27 Bergman Road, Langwarrin 3910	To construct an outbuilding (shed) in a Design and Development Overlay Schedule 4 (DDO4)	Permit Approved	9/08/2018
36/2018/P	South	55 Baileyana Street, Frankston South 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	9/08/2018
473/2017/P	South	4 Screen Street, Frankston 3199	To construct three (3) double storey dwellings	Permit Approved	9/08/2018
575/2017/P	South	100 Donald Road, Langwarrin 3910	To construct one (1) single storey dwelling	Permit Approved	9/08/2018
125/2018/P	South	97 Robinsons Road, Langwarrin 3910	To construct one (1) arts building to be used in association with the existing education centre and remove native vegetation	Permit Approved	14/08/2018
359/2018/P	South	209 Humphries Road, Frankston South 3199	To construct extensions to an existing dwelling	Permit Approved	14/08/2018

Progress Report – Planning Application Decisions For The Application Date: From 1/08/2018 To 31/08/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
59/2018/VS	South	1 Sturt Place, Frankston South 3199	To construct and carry out works in the Design and Development Overlay Schedule 9 and to carry out works in the Tree Protection Zone of one (1) substantial tree	Permit Approved	15/08/2018
60/2018/VS	South	8 Burswood Close, Frankston South 3199	To construct an extension to an existing dwelling	No Permit Required	16/08/2018
118/2016/P/B	South	94 Heatherhill Road, Frankston 3199	Secondary Consent - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Secondary Consent Approved	20/08/2018
86/2018/P	South	11 Peter Chance Crescent, Langwarrin 3910	To construct a dwelling within the Bushfire Management Overlay (BMO)	Permit Approved	21/08/2018
238/2017/P	South	1 Quail Place, Langwarrin 3910	Five (5) lot subdivision and vegetation removal	Permit Approved	22/08/2018
542/2017/P	South	185 Warrandyte Road, Langwarrin 3910	To undertake building and works and to use the land for a medical centre, works within TPZ of substantial trees and vegetation removal.	Notice of Decision	23/08/2018
565/2017/P/A	South	95 Humphries Road, Frankston South 3199	Amendment to Planning Permit S 72 - To construct one (1) double storey dwelling exceeding 7.0 metres in height, to remove substantial trees and to undertake works within the Tree Protection Zone of substantial trees	Permit Approved	23/08/2018
316/2018/P	South	485 Golf Links Road, Langwarrin South 3911	Buildings and Works Associated with Existing Education use	Permit Approved	24/08/2018
442/2017/P	South	Level 1, 27 Wells Street, Frankston 3199	Liquor License (On premises license)	Application Refused	24/08/2018

Progress Report – Planning Application Decisions For The Application Date: From 1/08/2018 To 31/08/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
142/2009/P/B	South	160 Beach Street, Frankston 3199	Section 72 - Use of the land as a Food and Drink premises (Restaurant) and associated Liquor License (On Premises License) and a reduction in the Car Parking requirements of the Frankston Planning Scheme to amend the permit by:  - Increasing the licenced area - Amending Condition 6 of the permit to increase the maximum number of patrons to 120 - An additional reduction in the number of car spaces required under Clause 52.06 of the Frankston Planning Scheme	Notice of Decision	28/08/2018
439/2015/P/B	South	8 Cecil Street, Frankston 3199	Extension of time - The construction of four (4) double storey dwellings	Extension of Time Approved	29/08/2018
604/2017/P	South	16 Hoadley Avenue, Frankston South 3199	Construct extensions to an existing dwelling and the removal of four (4) substantial trees	Notice of Decision	29/08/2018
179/2018/P	South	31-33 Chetwyn Court, Frankston South 3199	To construct one (1) outbuilding where total area of outbuildings on site in excess of 100 square metres	Permit Approved	30/08/2018
25/2016/P/C	South	5 Holmes Street, Frankston 3199	Extension of Time - To construct two (2) double storey dwellings	Extension of Time Approved	30/08/2018
494/2012/P/G	South	44 Seaview Road, Frankston South 3199	Secondary Consent - The construction of a single storey dwelling to the rear of the existing dwelling (two (2) dwellings) and buildings and works to the existing dwelling	Secondary Consent Approved	30/08/2018
55/2017/VS	South	6 Goldthorp Court, Frankston South 3199	Secondary Consent - To construct a detached garage	Secondary Consent Approved	30/08/2018
182/2018/P	South	153 North Road, Langwarrin 3910	To construct two (2) double storey dwellings	Notice of Decision	31/08/2018
<b>South Ward Total: 27</b>					
<b>Total Decisions: 85</b>					

<b>Progress Report – Subdivision Application Received</b>				
<b>For The Application Date: From 1/08/2018 To 31/08/2018</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
95/2018/S	North-East	570 Thompsons Road, Carrum Downs 3201	Certification of a Plan	2/08/2018
106/2018/S	North-East	96-102 Gamble Road, Carrum Downs 3201	Certification of Two (2) lot subdivision	20/08/2018
104/2018/S	North-West	59 Dandenong Road East, Frankston 3199	Two (2) lot subdivision	8/08/2018
97/2018/S	North-West	68 Skye Road, Frankston 3199	Certification of three (3) lot subdivision	9/08/2018
100/2018/S	North-West	4 Gladwyn Avenue, Frankston 3199	Three (3) lot subdivision	21/08/2018
102/2018/S	North-West	5 Attunga Crescent, Seaford 3198	Two (2) lot subdivision	24/08/2018
99/2018/S	North-West	5 Nabilla Avenue, Seaford 3198	Two (2) lot subdivision	21/08/2018
107/2018/S	North-West	8 Newton Street, Seaford 3198	Two (2) lot subdivision certification	28/08/2018
96/2018/S	South	55 Baileyana Street, Frankston South 3199	Certification of two (2) lot subdivision	3/08/2018
105/2018/S	South	36 Cranbourne Road, Frankston 3199	Consolidation of Two (2) lots	7/08/2018
105/2018/S	South	34 Cranbourne Road, Frankston 3199	Consolidation of Two (2) lots	7/08/2018
98/2018/S	South	22 Gweno Avenue, Frankston 3199	Certification of two (2) lot subdivision	15/08/2018
101/2018/S	South	5 Lardner Road, Frankston 3199	Four (4) lot subdivision	23/08/2018
103/2018/S	South	79A Cranhaven Road, Langwarrin 3910	Thirty (30) lot subdivision	23/08/2018
<b>Total Applications: 14</b>				

<b>Progress Report – Subdivision Decisions</b>					
<b>For The Application Date: From 1/08/2018 To 31/08/2018</b>					
<b>Application No</b>	<b>Ward</b>	<b>Property Address</b>	<b>Application Description</b>	<b>Status</b>	<b>Date</b>
123/2016/S	North-East	31 Boundary Road, Carrum Downs 3201	Two (2) lot subdivision (Spear ref: S093716t)	SOC Issued (M)	7/08/2018
124/2016/S	North-East	31 Boundary Road, Carrum Downs 3201	Two (2) lot subdivision (Spear ref: S093719e)	SOC Issued (M)	7/08/2018
33/2015/S	North-East	17 Coles Parkway, Carrum Downs 3201	Three (3) lot subdivision	Certification and SOC Issued	8/08/2018
36/2015/S	North-East	1 Coles Parkway, Carrum Downs 3201	Two (2) lot subdivision	Certification and SOC Issued	8/08/2018
43/2018/S	North-East	8 Grnja Way, Carrum Downs 3201	Thirty six (36) lot subdivision	Certification and SOC Issued (M)	15/08/2018
87/2018/S	North-East	210 Cranbourne-Frankston Road, Langwarrin 3910	Consolidation of Owners Corporations	Certification and SOC Issued	29/08/2018
95/2018/S	North-East	570 Thompsons Road, Carrum Downs 3201	Certification of a Plan	Certified	29/08/2018
83/2018/S	North-West	17 McAlister Street, Frankston 3199	Two (2) lot subdivision	SOC Issued (M)	28/08/2018
100/2017/S	North-West	65 Armstrongs Road, Seaford 3198	Two (2) lot subdivision	SOC Issued (M)	29/08/2018
17/2017/S	North-West	23 Boonong Avenue, Seaford 3198	Two (2) lot subdivision	Certification and SOC Issued	31/08/2018
80/2016/S	South	106 Beach Street, Frankston 3199	Two (2) lot subdivision	Certified	2/08/2018
58/2018/S	South	5 Crathie Court, Frankston 3199	Removal of Easement	Certification and SOC Issued	6/08/2018
35/2018/S	South	166 North Road, Langwarrin 3910	Two (2) lot subdivision	Certified	10/08/2018
218/2015/S	South	132 Williams Street, Frankston 3199	Three (3) lot subdivision	SOC Issued (M)	28/08/2018
178/2013/S	South	91 Humphries Road, Frankston South 3199	Three (3) lot subdivision	Certified	29/08/2018
102/2017/S	South	11 Jasper Terrace, Frankston South 3199	Four (4) lot subdivision	SOC Issued (M)	31/08/2018
<b>Total Decisions: 16</b>					

<b>Town Planning Applications – Direction To Advertise Issued August 2018</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Application Date</u></b>
242/2018/P	North-East	8 Access Way, Carrum Downs 3201	To use and development of the land for two (2) factories/warehouses and associated offices	25/05/2018
208/2018/P	North-West	24 Austin Road, Seaford 3198	To construct two (2) double storey dwellings	3/05/2018
315/2018/P	North-West	43 Rosemary Crescent, Frankston North 3200	To construct two (2) double storey dwellings	9/07/2018
183/2018/P	North-West	8 Longleaf Street, Frankston North 3200	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	18/04/2018
198/2018/P	North-West	101 Beach Street, Frankston 3199	To construct two (2) double storey dwellings, construct or carry out works in a Special Building Overlay (SBO) and create or alter access to a road in a Road Zone, Category 1 (RDZ1)	20/04/2018
135/2018/P	North-West	1/12-16 Govan Street, Seaford 3198	To use the site for food and drink premises (restaurant), display a business identification sign and reduction of the car parking requirement under Clause 52.06 and on- premises Liquor licence	22/03/2018
202/2018/P	North-West	13 Fellowes Street, Seaford 3198	To construct one (1) double storey dwelling to the rear of existing dwelling	24/04/2018
292/2018/P	North-West	36 Nabilla Avenue, Seaford 3198	To construct two (2) double storey dwellings	28/06/2018
547/2015/P/D	South	185 Warrandyte Road, Langwarrin 3910	Section 72 - To undertake buildings and works and to use the land for a childcare centre and to remove native vegetation.  Amendment - New Kerb and channel, footpath, pavement and associated works, changes to internal car park and removal of crossover etc.	5/07/2018

521/2017/P	South	73 Coogee Avenue, Frankston 3199	Variation of Covenant in Instrument of Transfer No. 01169672 by deleting the words "and will not at any time hereafter erect or allow to be erected more than one private dwelling on any one of the said lots hereby transferred and the building line of any such dwelling to be erected shall not be less than Thirty five feet distant from the Street or Road facing which is to be erected..."	6/11/2017
801/2002/P/A	South	20 Reservoir Road, Frankston 3199	Section 72 - Building and works to the Child care centre. Amendment is to Amend condition 2 of the planning permit to increase the maximum number of children accommodated from 60 to 65 at any one time and waiver of 1 car parking space.	9/07/2018
383/2017/P	South	15 Gum Hill Drive, Langwarrin 3910	Two (2) lot subdivision	15/08/2017
325/2018/P	South	40 Gardeners Road, Langwarrin South 3911	To construct an ancillary outbuilding with a floor area of more than 100 square metres in a Bushfire Management Overlay Schedule 1 (BMO1) and a Design and Development Overlay Schedule 4 (DDO4)	16/07/2018
241/2018/P	South	4 Ithaca Road, Frankston South 3199	Variation to the restrictive covenant contained in Instrument No.A377135 (applicable to lot 56 on LP10865) by replacing the words "any building or erection other than one dwelling house' with the words  'any building or erection other than two dwelling houses'	23/05/2018
246/2018/P	South	2 Rex Street, Frankston 3199	To construct two (2) double storey dwellings	31/05/2018
317/2018/P	North-East	Factory 13/684-700 Frankston-Dandenong Road, Carrum Downs 3201	To use the land for a restaurant, to sell and consume liquor and a reduction in the bicycle parking requirements of Clause 52.34 of the Frankston Planning Scheme.	9/07/2018
269/2018/P	North-East	416 McClelland Drive, Langwarrin 3910	To construct (2) two double storey dwellings and retention of the existing dwelling (three(3) dwellings)	18/06/2018
368/2018/P	North-West	1 Vermay Avenue, Frankston 3199	To construct three (3) double storey dwellings.	1/08/2018
208/2018/P	North-West	24 Austin Road, Seaford 3198	To construct two (2) double storey dwellings	3/05/2018

170/2018/P	North-West	Shop 5/129-133 Beach Street, Frankston 3199	To use the land to sell and consume liquor (Restaurant and Cafe Liquor Licence) and reduction in car parking requirements of Clause 52.06	5/04/2018
561/2017/P	North-West	6 Arabil Street, Frankston 3199	To construct six (6) double storey dwellings	5/12/2017
326/2018/P	North-West	85B East Road, SEAFORD 3198	To construct two (2) double storey dwellings	16/07/2018
338/2018/P	North-West	22 East Road, Seaford 3198	To construct two (2) single storey dwellings and six (6) double storey dwellings (eight (8) dwellings)	17/07/2018
357/2018/P	North-West	27 Havana Crescent, Frankston 3199	To construct three (3) double storey dwellings	30/07/2018
321/2017/P	South	310 Centre Road, Langwarrin 3910	Four (4) lot subdivision with common property	13/07/2017
276/2018/P	South	252 Frankston-Flinders Road, Frankston South 3199	Buildings and works to an existing place of worship	15/06/2018
333/2018/P	South	4 Geoffrey Court, Frankston 3199	To construct two (2) double storey dwellings, including buildings and works exceeding seven (7) metres in height in a Design and Development Overlay - Schedule 6 (DDO6) and building and works within the Tree Protection Zone of a tree specified in the table (Tree No. 257) of the Environmental Significance Overlay - Schedule 4 (ESO4)	16/07/2018
311/2018/P	South	28A Mountain Avenue, Frankston South 3199	To construct an outbuilding exceeding 100 square metres within a Design and Development Overlay - Schedule 1 (DDO1)	29/06/2018
358/2018/P	South	30 Nirvana Close, Langwarrin South 3911	To construct buildings and works within a Design and Development Overlay - Schedule 4 (DDO4) and construct buildings and works within the Tree Protection Zone of substantial trees under a Significant Landscape Overlay - Schedule 1 (SLO1)	30/07/2018
360/2018/P	South	3 Allawah Avenue, Frankston 3199	To construct or carry out works to a single dwelling that exceed 7 metres in height in a Design and Development Overlay Schedule 6 (DDO6)	30/07/2018

<u>Legend</u>	
10 or more dwellings:	Yellow
3 or more lot subdivisions:	Blue
3 or more storey development:	Green
Applications in the CAA:	Pink

Progress Report – Current VCAT Appeals August 2018									
<u>Appeal No</u>	<u>Application Number</u>	<u>Address</u>	<u>Proposal</u>	<u>Lodged at VCAT</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P1454/2017	586/2016/P	23 Coogee Avenue Frankston	To modify the Restrictive Covenant contained in Instrument of Transfer 1306858 dated 3 April 1924 to delete the wording: "and will not at any time hereafter erect or allow to be erected more than one private dwelling on either of the said lots hereby transferred, and the building line of any such dwelling to be erected shall not be less than Thirty five feet distant from the Street or Road facing which it is to be erected" and replace with wording "will not erect or allow to be erected on the said lot works of any kind whatsoever other than three private dwellings on the said lot hereby transferred and the building line of any such dwelling to be erected shall not be less than the local authority approved distance from the street or road facing which it is to be erected"	11-Jul-2017	Refusal	Refusal to grant a permit	06-Sep-18		
P2707/2017 P2928/2017 P2929/2017	481/2016/P	634A and 634B Nepean Highway Frankston South	The (re)Subdivision of the Land into 2 Lots and Road	29-Nov-2017 29-Dec-2017 21-Dec-2017	Notice of Decision	Decision to grant a permit	28-May-18		

## Item 11.2 Attachment A: Town Planning Progress Report - August 2018

P1401/2017	323/2016/P	8 Valley Road Langwarrin	To use and develop the land for one (1) double storey dwelling, garage, outbuilding, and native vegetation removal	21-Jun-2017	Refusal	Refusal to grant a permit	20-Aug-2018 and 21-Aug-2018		
P45/2018	226/2017/P	45 Kenilworth Avenue Frankston	To construct four (4) double storey dwellings	9-Jan-2018	Refusal	Refusal to grant a permit	08-Oct-18		
P199/2018	936/2005/P/D	12 Hi-Tech Place Seaford	Two (2) storey office and warehouse development	26-Jan-2018	Approval	Appeal against conditions	05-Dec-18		
P306/2018	51/2017/P	610 Robinsons Road Langwarrin South	Use and building and works to construct one (1) single storey dwelling, an outbuilding and removal of vegetation.	16-Feb-2018	Notice of Decision	Decision to grant a permit	16-Aug-18		
P271/2018	329/2017/P	6 Stawell Street Seaford	To construct two (2) double storey dwellings to the rear of the existing dwelling (three(3) dwellings)	12-Feb-18	Refusal	Refusal to grant a permit	Vacated	Approved	8/08/18
P325/2018	358/2017/P	218 Heatherhill Road Frankston	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	16/03/2018 (Vacated)	Notice of Decision	Decision to grant a permit	05-Dec-18		
P337/2018	238/2017/P	1 Quail Place Frankston	Five (5) lot subdivision and vegetation removal	20-Feb-18	Notice of Decision	Decision to grant a permit	15-Aug-18	Struck out	15/08/18
P312/2018	401/2017/P	178 and 178A Seaford Road Seaford	Construction of four (4) double storey dwellings	6-Feb-18	Refusal	Refusal to grant a permit	30-Aug-18		
P489/2018	200/2016/P	115-119 Union Road Langwarrin	Five (5) Lot Subdivision	15-Mar-18	Approval	Appeal against conditions	05-Sep-18		
P506/2018	789/2010/P	301-303 Ballarto Road Carrum Downs	To construct buildings and works for an extension to an existing building for the use as a medical centre and the erection of a business identification sign and to	19-Mar-2018	Approval	Appeal against conditions	20-Sep-18		

## Item 11.2 Attachment A: Town Planning Progress Report - August 2018

			alter access to a Road Zone Category 1						
P654/2018	240/2017/P	41 Potts Road Langwarrin	To construct six (6) double storey dwellings	3-Apr-2018	Refusal	Refusal to grant a permit	03-Oct-18		
P649/2018	450/2015/P	104 Gamble Road Carrum Downs (formally known as 39 McCormicks Road Carrum Downs)	Five (5) lot subdivision	29-Mar-2018	Approval	Act: Subdivision Act 1988 Section: 36	04-Oct-18		
P708/2018	351/2017/P	5, 7 and 9 Edward Street Langwarrin	To construct twenty two (22) double storey dwellings	5-Apr-2018	Not yet Determined	Failure to determine	29-Nov-18		
P808/2018	492/2017/P	424-426 Nepean Highway, Frankston 3199	Use and development of the land for a multi-storey building for retail, dwellings, serviced apartments and gym, and a reduction in car parking requirements	7-May-2018	Not yet Determined	Failure to determine	12-Sep-18		
P741/2018	328/2016/P	30 High Street Frankston	To construct five (5) double storey dwellings	27-Apr-2018	Refusal	Refusal to grant a permit	25-Oct-18		
P979/2018	203/2017/P	341 Frankston-Dandenong Road, Frankston North ...	To construct three (3) double storey dwellings	25-May-2018	Refused	Refusal to grant a permit	08-Nov-18		
P993/2018	606/2017/P	6-12 Davey street Frankston	Demolition of heritage buildings, construction of a 13 storey building for retail and accommodation	29-May-2018	Not yet Determined	Failure to determine	08-Oct-18	Cancelled	21/08/18
P772/2018	247/2016/P	30 Queen Street Frankston	To construct two (2) double storey dwellings to the rear of the existing dwelling (three (3) dwellings)	24-May-2018	refused	Refusal to grant a permit	31-Oct-18		

## Item 11.2 Attachment A: Town Planning Progress Report - August 2018

P1037/2018	346/2017/P	14 Bragge Street, Frankston 3199	To construct six (6) triple storey dwellings	4-Jun-2018	refusal	Failure to determine	29-Oct-18		
P1233/2018	518/2017/P	105 Humphries Road, Frankston South 3199	To construct one (1) building, use of site as child care centre and vegetation removal	28-Jun-2018	Not yet Determined	Failure to determine	7-Nov-18		
P1215/2018	2/2018/P	14 Grain Store Court, Langwarrin 3910	To construct two (2) double storey dwellings and three (3) single storey dwellings (five (5) dwellings)	28-Jun-2018	application Refused	Refusal to grant a permit	14-Apr-18		
P1282/2018	385/2017/P	7 The Range, Frankston South 3199	To construct two (2) double storey dwellings	9-Jul-2018	application Refused	Refusal to grant a permit	07-Dec-18		
P1393/2018	342/2017/P	7 Sussex Crescent, Seaford 3198	To construct one (1) single storey dwelling to the rear of the existing dwellings (two (2) dwellings)	6-Jul-2018	application Refused	Refusal to grant a permit	14-Jan-19		
P1392/2018	507/2017/P	155 Potts Road Langwarrin	Use and building and works to construct one (1) double storey dwelling with bed and breakfast accommodation and associated outbuilding for storage exceeding 100sqm.	25-Jul-2018	Notice of Decision	Decision to grant a permit	21-Jan-19		
P1456/2018	160/2017/P	159 Nepean Highway Seaford	To construct eleven (11) dwellings within a three (3) storey building	23-Jul-2018	Notice of Decision	Decision to grant a permit	29-Jan-19		

Progress Report – VCAT Determination – Policy Implications August 2018			
<u>Appeal No</u>	<u>Application No</u>	<u>Address</u>	<u>VCAT Determination – Policy Implications</u>  <u>August 2018</u>
P271/2018	329/2017/P	6 Stawell Street, Seaford	Council had refused to grant a permit for the construction of two new dwellings to the rear of three existing dwellings. The applicant had sought review of Council’s decision, however following discussions between the applicant and Council officers an amended design was developed which addressed the issues identified in Council’s refusal notice. The VCAT directed the issue of a permit with the consent of the parties.
P337/2018	238/2017/P	1 Quail Place, Frankston	A planning permit was granted allowing the subdivision of a moderately large ‘balance’ lot within the Spring Hill estate into a further 5 lots. An objecting party sought review of the decision. The objecting party was unable to attend either the practice day or final hearing days, and the matter was determined in the party’s absence. The applicant made submissions, based upon recent reviews of relatively old plan approval records, that notice of the application to neighbours should not have been given at all. The VCAT ultimately agreed. It noted that where a development (or subdivision) is proposed in an area where a development plan has been approved pursuant to a Development Plan Overlay, notice is not to be provided where the proposal is generally in accordance with the plan. Because of the broad coverage and lack of detail in older development plans previously approved by Council, most forms of development in the areas covered by those plans (including this estate) will be exempt from public notice. If a development is not found to be in accordance with the plan, Council is obligated to refuse to grant a permit. In this case the VCAT found the proposed subdivision was not contrary to the development plan (and thus generally in accordance with it), and therefore the objector had no standing to bring an appeal. It directed the grant of a permit. The decision raises an issue for Council in respect of a number of ‘old’ development plans relating to areas of Frankston which have served their purpose, but still have statutory effect. Council’s Strategic Planning Unit will prepare an amendment to the Frankston Planning Scheme for Council’s consideration which seeks to remove these redundant plans. This will enable the provision of notice of future developments in these areas to neighbours and for them to participate with legal standing in the application process.

<b>Strategic Unit - Planning Scheme Amendments – August 2018</b>				
<b><u>Amendment</u></b>	<b><u>Address</u></b>	<b><u>Description</u></b>	<b><u>Status</u></b>	<b><u>Status Date</u></b>
C103	160 Potts Road	Amending the DPO	Seeking authorisation from Minister to prepare and exhibit amendment.	31 August 2018
C105	Health & Education precinct	Student Accommodation Policy	Deferred. Will do a following on project after the Housing Strategy Amendment Exhibition	31 August 2018
C111	Frankston City Car Parking Overlay	Implement a parking overlay over the FMAC	Adopted at 14 May 2018 Council Meeting. Submitted to the Minister for Planning for Approval with Council's recommendations.	31 August 2018
C123	Frankston MAC	Implements the recommendations of the Frankston MAC Structure Plan	Adopted at 3 April 2018 Council Meeting. Submitted to the Minister for Planning for Approval with Council's recommendations.	31 August 2018
C124	Frankston MAC (balance)	Implements the recommendations of the Frankston MAC Structure Plan for areas other than city centre.	Adopted at 23 July 2018 Council Meeting. To be submitted to the Minister for Planning for Approval with Council's recommendations.	31 August 2018

## Executive Summary

### 12.1 Resolution Progress Update

Enquiries: (Michelle Tipton: Chief Executive Office)

#### 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 update and brief Council on the current status of resolutions.

#### Recommendation (Director Corporate Development)

That Council:

1. Receives the Notices of Motion Report as at 1 October 2018.
2. Approves the archiving of the following Notice of Motion from the Notices of Motion Report:
  - 2018/NOM25 - Investment in CCTV
  - 2018/NOM48 - Public Safety Reference Committee
  - 2018/NOM51 - Prospective land acquisitions (Part 1)
3. Notes that, since 28 August 2018, 20 resolutions have been completed, as detailed in the body of the report.
4. Notes that the reports listed below will not be presented back to Council by their advised dates and that a detailed explanation is provided in the body of the report.
  - Procurement Policy 2018/19

#### 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 1 October 2018 is attached and will continue to be updated and reported at each Ordinary Council Meeting.
- The following 3 Notice of Motion actions are reported as ‘complete’ and are proposed to be archived from the document:
  - 2018/NOM25 - Investment in CCTV
  - 2018/NOM48 - Public Safety Reference Committee
  - 2018/NOM51 - Prospective land acquisitions (Part 1)

**12.1 Resolution Progress Update****Executive Summary**

- As of 28 August June 2018, the following 20 resolution actions have been reported as 'complete':
  - Centenary Park Golf Course Expression of Interest
  - Response to NOM 1354 - Urban Design Excellence
  - Delegates to Internal Organisations - Municipal Emergency Management Planning Committee
  - Record of Assemblies of Councillors
  - Frankston Skate Park Management Tender
  - Standing Grants Program 2018-2019
  - Delegates Report - National General Assembly, Canberra - June 2018
  - Committee Minutes
  - Mayoral Chain Protocol
  - Raise the Rate advocacy campaign
  - General Motion: petitions and letter received
  - Urgent Business: Cr Steve Toms Leave of Absence be raised as Urgent Business
  - Urgent Business: Cr Steve Toms Leave of Absence
  - Award of Contract - Weed Management
  - Minutes of the Frankston Arts Board - 24 July 2018 and Membership Status of Frankston Arts Board
  - Community Grants Program 2018/2019
  - South East Country Regional Cricket Hub - Jubilee Park Frankston
  - Planning Permit Application 135/2018/P - 1/12-16 Govan Street Seaford - To use the site for food and drink premises (tavern), reduction of car parking spaces and on - premises liquor licence
  - July 2018 Town Planning Progress Report
- Due to various factors, it is sometimes not possible for reports to be brought back before Council in accordance with the time frames resolved. However, progress updates have been supplied for the items set out below:
  - *Procurement Policy 2018/19*

The matter is still being investigated and a briefing is being scheduled to Councillors. The report will be provided to Council at the 22 October 2018 Ordinary Meeting.

**Financial Impact**

The State Government has introduced the "Fair Go Rates" system, placing a cap on Council rates which has restricted the level of increases that Council can apply to its rate revenue. Rate revenue constitutes 63 per cent of all Council revenue.

The rate cap over the past two financial years has been 2.5 per cent and 2.0 per cent respectively and is 2.25 per cent in 2018-2019.

**12.1 Resolution Progress Update****Executive Summary**

The rate cap percentages are based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services. The cost of providing Council services has been increasing well in advance of the rate cap applied by State Government.

Over time this trend may lead to a reduction in the levels of service provided to the community and in Councils ability to fund both new facilities and the ongoing renewal of existing facilities.

Council will continue to evaluate the impacts of rate capping annually and needs to be mindful of these outcomes in all Council decisions.

**Consultation****1. External Stakeholders**

Nil.

**2. Other Stakeholders**

Nil.

**Analysis (Environmental / Economic / Social Implications)**

Making the written records available may provide some confidence regarding transparency in decision making, and is in keeping with best practice advice from the Victorian Ombudsman.

**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

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.

**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.

## 12.1 Resolution Progress Update

**Executive Summary**

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**ATTACHMENTS**

- Attachment A: [↓](#) Notices of Motion Cost Summary as at 1 October 2018
- Attachment B: [↓](#) Notices of Motion as at 1 October 2018
- Attachment C: [⇒](#) Notices of Motion Confidential as at 1 October 2018 (*Under Separate Cover*)

Notice of Motion Report - 2018 - for the 1 October Council Meeting (A3690017).XLSX

### Notice of Motions Estimated Costs By Councillor 2016 – 2020 Term

**Table 1**

Councillor	Number	Primary Cost	Ongoing Cost	Outcome Cost
Cr Cunial	9	\$0	\$128,800	\$227,500
Cr McCormack	12	\$3,025	\$0	\$238,000
Cr Toms	28	\$7,240	\$62,000	\$259,158
Cr Aitken	32	\$7,115	\$0	\$69,750
Cr Bolam	75	\$11,138	\$642,392	\$539,800
Cr O'Connor	18	\$2,600	\$4,000	\$25,163
Cr Mayer	3	\$200	\$66,000	\$0
Cr Hampton	22	\$6,565	\$4,200	\$31,100
Cr O'Reilly	3	\$0	\$0	\$0
<b>TOTAL</b>	<b>194</b>	<b>\$ 37,883</b>	<b>\$ 907,392</b>	<b>\$ 1,390,471</b>

NOTE: There may be occasions when the Ongoing Cost is ALSO reported under Outcome costs: this is on the occasions when the ongoing cost has a KNOWN FINITE total. This is to note for budgeting purposes (for eg: \$121,000 total over 11 years = \$11,000 budgeted per year). Notes/comments are provided in the report when this occurs

Notice of Motion Report - 2018 - for the 1 October Council Meeting (A3690017).XLSX

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	Phil Cantillon	17 September 2018 - Letter has been sent to VicTrack/Metro with revised plans and Council request for co-contribution of capital funds towards the project and Council preference for VicTrack to be responsible for the future ongoing maintenance. A copy of letter was also circulated to all Councillors via email dated 3 September 2018. 27 August 2018 - A memo update to all councillors on the progress of project was circulated on 25 July. No additional update at this stage. 31 July 2018 - Works are currently underway to refine the concept plans to incorporate feedback received from METRO. It is expected that revised plans will be submitted to METRO by August end/early September for further comments/approval. A memo update on the project has been prepared for distribution to Councillors. 9 July 2018 - No change to the status. 18 June 2018 - Open Space Delivery team is currently working on the revised plans to incorporate feedback received from Metro. It is expected that revised plans will be submitted to Metro in early August for further comments/approval. 21 May 2018 - No change to the status. 30 April 2018 - Council officers have received some initial feedback from Metro on engineering elements related to the proposed 'Green Wall' concept. Over the next few months, Council officers will further refine the proposal in consultation with Metro officers to progress this matter further. 09 April 2018 - No change to the status. 22 March 2018 - Council Officers, Phil Cantillon and Vishal Gupta, met with Cr Bolam and representatives from Metro and VicTrack onsite on 16 March 2018. At the meeting, draft concept plan prepared by Council officers for the potential improvements (Green wall) to Seaford Substation was distributed and discussed. The initial concept plan was well received by the staff from Metro and VicTrack enabling some initial feedback and discussion on how to progress this matter further. There are number of issues which needs to be addressed to establish costings and potential funding contributions. It was also discussed that the timing of these works needs to take into account forthcoming works by LXRA on the Frankston Line at the Seaford Station. Council officers will continue to work with Metro and VicTrack on this matter and provide further update in due course. 19 March 2018 - A meeting with PTV is scheduled for 16 March 2018. Council Officers are working on a concept plan for green walls, for discuss with PTV as to feasibility. 26 February 2018 - Officers are still trying to arrange a meeting with PTV. A number of attempts have already been made to secure a date. 13 February 2018 - We are keen to have the involvement of the local member in discussions of this matter. Efforts are continuing in locking in an agreed date for a meeting to take place 05 February 2018 - No change to the status. 15 January 2018 - No change to the status. 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: \$620 (meeting held)
16-Oct-17	14.1	NOM 1376 - Inconsistencies of Clause 52.48 - Bushfire Protection Exemptions (Known as the 10/30 Right)  Cr Aitken	Council Decision: 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	17 September 2018 - There is no new update as we are still awaiting advice from the State Government. 27 August 2018 - There is no new update information as we are awaiting advice from the State Government. 31 July 2018 - A meeting has now been arranged with the DELWP bushfire planning officer. Should this be successful, a resolution favourable to Council may be achieved by the end of 2018. Revised Target Date changed by: Papageorgiou, Michael From: 27 Jul 2018 To: 27 Nov 2018; Reason: This will allow for negotiations with DELWP for revised bushfire exemption controls to be undertaken. 9 July 2018 - A meeting has been sought with the Executive Director, Planning, Building and Heritage at DELWP by the end of the month. Awaiting confirmation from DELWP. Officers have undertaken an assessment of Council's current ESO4 (significant trees) trees and their standing in relation to the exemption. It has found that 54% of significant trees could be removed under the exemption. This report will be presented to DELWP to further justify our argument. Revised Target Date changed by: Hall-davis, Tracee From: 30 Jun 2018 To: 27 Jul 2018 Reason: Awaiting Meeting with DELWP. 18 June 2018 - Revised Target Date changed by: Papageorgiou, Michael From: 31 May 2018 To: 30 Jun 2018 Reason: Meeting date is currently being sought with DELWP's project officer for late June 2018. 21 May 2018 - Revised Target Date changed by: Hall-davis, Tracee From: 14 May 2018 To: 31 May 2018 Reason: Please refer to notes. 30 April 2018 - A Letter of Response from the Minister for Planning regarding the review of Clause 52.48 has been received dated Feb 2018. The letter acknowledges "that the municipality-wide application of the exemptions impacts areas with relatively limited bushfire risk. As you have noted, this has the potential to result in unnecessary vegetation clearance." It adds that DELWP "is fully aware of the issue and is currently in the process of reviewing exemptions to ensure a more risk-based approach to vegetation management in areas with identified bushfire hazards." Further officer contact details are provided - Andrew Grear, Executive Director, Planning, Building and Heritage. Officers will now proceed to set up a meeting with Andrew to discuss our issues further and their progress with the review. 19 March 2018 - Acknowledgement of initial letter has now been received from Minister for Planning. Awaiting response to follow-up letters. 15 January 2018 - No responses have been received as yet. Follow up letters will be sent this week. 30 October 2017 - Letters are currently being drafted to Local members of Parliament referencing the inconsistencies of the clause.	Primary Cost:
16-Oct-17	14.6	NOM 1381 - Committee for the Future Occupancy of Linen House  Cr Hampton	Council Decision: 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	17 September 2018 - The next Committee meeting will be held early October. Revised Target Date changed by: Hall-davis, Tracee From: 25 Oct 2018 To: 25 Oct 2018 27 August 2018 - Mayor has sought legal advice; Officers awaiting direction. 31 July 2018 - A meeting is being held today (25 July 2018). Now scheduled to come back to Council in October 2018. Revised Target Date changed by: Hall-davis, Tracee From: 27 Jul 2018 To: 25 Oct 2018 9 July 2018 - Critical to progress the Belvedere Precinct (Linen House) EOI is the clarification about the long term home of the Seaford Football Netball Club ie Belvedere or RF Miles. As such, a report will be presented to 2 July 2018 OM. Following Council's direction, the draft EOI can be refined and presented to the sub-committee for discussion prior to progressing to a briefing of Councillors. The Committee for Linen House meeting is scheduled on 25 July 2018 comprising interested Councillors, EMT and Officers. Revised Target Date changed by: Hall-davis, Tracee From: 25 May 2018 To: 27 Jul 2018 18 June 2018 - Unfortunately the meeting with Sonya Kilkenny planned for 16/5/18 was cancelled and is being rescheduled. OM7 (June 2018) requires a letter to LXRA and Sonya Kilkenny to clarify RF Miles reserve funding and provide necessary clarification for Seaford Football Netball Club. 21 May 2018 - Revised Target Date changed by: Hall-davis, Tracee From: 26 Apr 2018 To: 25 May 2018 Reason: Awaiting meeting outcome 30 April 2018 - Seaford Football/Netball Club have met with the Mayor and EMT whereby they discussed the preferred site at a meeting with their members. On receiving advice the meeting will be confirmed. 19 March 2018 - The first Committee meeting was held 5 March 2018 and further meetings will be scheduled monthly. 01 March 2018 - Consultant has been appointed to assist with EOI process. Committee meeting is planned for 5 March 2018. 15 January 2018 - The EOI process is being developed. Now that the holiday period has concluded, the Committee will be convened to meet at the beginning of February. 27 November 2017 - Expression of Interest process, including committee, being drafted. 31 October 2017 - Committee will be established.	Primary Cost: \$350 (meetings held) Year 1: \$10,000

Notice of Motion Report - 2018 - for the 1 October Council Meeting (A3690017).XLSX

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
19-Feb-18	14.3	2018/NOM6 - Letter to the Minister regarding Level Crossing Removal Projects  Cr Bolam	Council Decision:  That in light of the fact that no funding packages have been made available to communities and businesses affected by the Level Crossing Removal at Skye/Overton Road, the closure of Eel Race Road, and the government's decision to locate a new train stabling facility at Kananook, that Council write to the Minister for Public Transport, the Hon. Jacinta Allan MP, to call for a consistent approach to the provision of funding to communities and businesses affected by Level Crossing Removal Projects (defined community benefit/compensation).  The letter should also include a request that all crossing removal projects should incorporate a common protocol for asset ownership and maintenance to ensure consistency and equity for all local government areas impacted by Level Crossing Removal.  Carried Unanimously	Kate Jewell	27 August 2018 - MAV currently receiving feedback on proposed list of potential transfer of assets to be discussed with Transport for Victoria next. This will contribute to develop of draft guidelines/protocols to be circulated in early October. 31 July 2018 - Meeting is being held on 30 July 2018 at MAV which includes Kingston, Frankston, Dandenong, Monash and Glen Eira Councils to discuss common approach to asset ownership and maintenance for land in the rail corridor post crossing removal projects. 9 July 2018 - Discussions have been held at officer level to ensure compatible cross municipality schedule of asset ownership and maintenance. 18 June 2018 - Response received 01 June 2018, circulated to Councillors 1 June 2018. CEO Comment - based on the limited response provided to Council, a report will be prepared for the 23rd July 2018 Council meeting outlining options to go forward. 21 May 2018 - No response received 30 April 2018 - No response received, will send follow up letter. 09 April 2018 - No change from previous update 19 March 2018 - No change from previous update 01 March 2018 - Letter has been prepared and forwarded, no response to date.	Primary Cost: \$200 (letters sent)
23-Apr-18	14.2	2018/NOM20 - Traffic calming options at the top of Balmoral Street, Frankston  Cr Toms	Council Decision Moved: Councillor Toms Seconded: Councillor Aitken That Council works with VicRoads to monitor the traffic operations of the Balmoral and Young Streets intersection in the Frankston CAD over a period of three months and that a report be presented to Council on the findings.  Carried	Doug Dickins	17 September 2018 - A report to Council regarding traffic calming at the top of Balmoral Street is being prepared for presentation to council at its meeting on 22 October 2018. 27 August 2018 - Report to Council regarding this matter is being prepared. 31 July 2018 - Council officers have had discussion with Vicroads regarding vehicle, pedestrian and public transport dynamics within Young St to inform the report back to Council in September 2018. 9 July 2018 - Awaiting for reopening of Young Street to enable investigation to proceed. Young Street has reopened to vehicles however buses are not fully back into Young Street. Previous traffic data has been sourced to assist in the study. Assessment of the intersection will need to take place for three months as per the resolution. 18 June 2018 - Young Street southbound is still closed. A program for collecting additional data is being prepared for when the traffic reverts back to normal. 21 May 2018 - Young Street southbound has now been closed and is anticipated to reopen in late June / early July. Council officers are collecting previous traffic information which will assist in the investigation. 30 April 2018 - A section of Young St southbound will be closed for a period as part of the station upgrade. Council officers will discuss monitoring of the site with VicRoads for commencement when Young St is again fully open.	Primary Cost:
14-May-18	14.1	2018/NOM23 - Operational and Performance Review  Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor McCormack That the Chief Executive Officer prepare a report for the September 2018 Ordinary Meeting of Council on options available for Council to undertake an Operational and/or Performance Audit of the delivery of operational and capital programs, to determine whether efficiencies, budget allocations and performance objectives are being achieved, having regard to practice in the Local Government sector Australia-Wide. This is to include scope for attrition opportunities where identified. Any proposed audit is to be in line with the next 'Internal Audit' to mitigate costs and resourcing.  Carried	Tim Frederico	27 August 2018 - Report is scheduled for 22 October meeting. No further update provided 31 July 2018 - Given the impact that any outcomes of this report may have on the workplan of the Audit and Risk Committee, it is considered appropriate that the Committee is given an opportunity to review the report and have input to it prior to it going to Council for consideration. The next available meeting of the Committee is on 21 September 2018. The report will now be brought before Council at its meeting on 22 October 2018. Revised Target Date changed by: Tipton, Michelle From: 4 Jun 2018 To: 22 Oct 2018 Reason: Report will be presented to Council at the 22 October Council meeting. 18 June 2018 - A report will be prepared and presented to the ARC in September. A report will then be presented to Council in October 2018	Primary Cost:
14-May-18	14.2	2018/NOM24 - Frankston 'Future Fund'  Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Toms That a report be presented at the September 2018 Ordinary Meeting on the creation, and maintenance, of a Frankston based 'Future Fund'. The purpose of the fund is to accumulate funds for the benefit of future generations. The accumulation of the funds for this dedicated purpose should be via safe investments and interest bearing opportunities. This could include a percentage of an Annual Budget amount being allocated to a fixed interest account and unlocked and utilised after a timed period. The report should refer to both governmental and non-governmental examples.  Carried	Kim Jaensch	17 September 2018 - A report will be presented to the Audit and Risk Committee on 21 September 2018 for input relating to the creation, and maintenance, of a Frankston based 'Future Fund'. A Council report will be prepared and presented at the 22 October 2018 Ordinary Meeting. 27 August 2018 - It is proposed that a report first be presented to the Audit and Risk Committee for input relating to the creation, and maintenance, of a Frankston based 'Future Fund'. Discussions are underway to source data on both governmental and non-governmental examples. A Council report will be prepared and presented at the 22 October 2018 Ordinary Meeting. 31 July 2018 - A report will be presented at the September 2018 Ordinary Meeting relating to the creation, and maintenance, of a Frankston based 'Future Fund'. Discussions are underway to source data on both governmental and non-governmental examples. 9 July 2018 - A report will be presented at the September 2018 Ordinary Meeting relating to the creation, and maintenance, of a Frankston based 'Future Fund'. Discussions are underway to source data on both governmental and non-governmental examples. 18 June 2018 - A report will be presented at the September 2018 Ordinary Meeting relating to the creation, and maintenance, of a Frankston based 'Future Fund'. Discussions are underway to source data on both governmental and non-governmental examples.	Primary Cost:
14-May-18	14.3	2018/NOM25 - Investment in CCTV  Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That a report be presented at the August 2018 Ordinary Meeting on the use of increased CCTV technology to improve perceptions of public safety and to detect unlawful offences. The report is to consider: 1. State and Federal funding opportunities for new CCTV units; 2. Potential locations for additional CCTV units; 3. Cost effective and unique CCTV technology/ies that could be utilised; 4. Potential Midyear Budget referral for such CCTV units; 5. Number plate recognition software and/or specific software; 6. The mounting of CCTV units on utility poles as is practiced in other municipalities; 7. The creation of a formal 'Public Spaces CCTV Policy' (i.e. placement of CCTV units, relationship with stakeholders, individual access to CCTV footage and the archiving of CCTV footage etc.); and 8. The workability of the existing citywide system and any improvements sought.  Carried Unanimously	Leonie Reints	17 September 2018 - Request to archive 27 August 2018 - A report has been provided for Ordinary Meeting 13 August 2018 advising of new technologies and financial impact for the expansion of CCTV across Frankston. Report was presented to 13/8/18 OM, please refer to comments in resolution for 13/8/18. 31 July 2018 - A joint meeting was held in March 2018 with interested Councillors, relevant Council Officers and a specialised CCTV provider (Camvex). Camvex specialise in the development in covert CCTV and general public surveillance systems. As an outcome of that meeting Council is currently trialling a covert CCTV camera that utilises a street bollard to obtain evidence for dumped rubbish offences. This type of camera has been successful in other municipalities. A report will be presented to council at the Ordinary Meeting 13 August 2018. 9 July 2018 - A briefing of interested Councillors is being arranged prior to the August meeting. 18 June 2018 - A report will be presented to 13 August 2018 Ordinary Meeting to provide councillors an update on new technology available and options for council moving forward. Revised Target Date changed by: Hall-davis, Tracee From: 4 Jun 2018 To: 17 Aug 2018 Reason: Awaiting outcome of OM 13/8/18.	Primary Cost: \$70k - cost of additional cameras and maintenance (Application to be sent to Govt for \$250k grant. If successful then Council to commit \$100k)
14-May-18	14.6	2018/NOM28 - Letter under seal for 2018 Commonwealth Games Participants  Cr Toms	Council Decision Moved: Councillor Toms Seconded: Councillor Aitken That a letter under seal be prepared and presented to the following participants at the Council Meeting in July 2018, who represented Australia at the 2018 Commonwealth Games, to congratulate them on their achievements on behalf of our City: - Francois Etoundi - Ellie Cole - James Bolding - Laetisha Scanlan  Carried Unanimously	Michelle Tipton	17 September 2018 - Francois Etoundi was not able to attend 10 September Council Meeting to receive his letter under seal - waiting for confirmation of attendance at 1 October Council Meeting. 27 August 2018 - Francois Etoundi has been invited to attend the 10 September 2018 Council Meeting to receive his letter under seal. 31 July 2018 - Two (2) attendees attended the Council Meeting on Monday 23rd July 2018 - Laetisha Scanlon and James Bolding from the Frankston Clay Target Club. Both represented Australia in the shooting event at the games. They received their letter under seal. Francois Etoundi will be invited to attend the September meeting to receive his letter and both Kelly and Ellie's letters under seal will be mailed as both have left the municipality. 9 July 2018 - Trying to locate the sporting clubs of those participants who represented Australia at the Commonwealth Games. 18 June 2018 - Emailed the Commonwealth Games Head Office for details of participants in the Frankston municipality. Information has been received and I will be contacting the sporting clubs for further information.	Primary Cost:
14-May-18	14.7	2018/NOM29 - Significant trees between Fletcher Road and Frankston Train Station  Cr Toms	Council Decision Moved: Councillor Toms Seconded: Councillor Aitken That Council writes to the Level Crossing Removal Authority (LXRA) thanking it for its written response in providing reassurance for the two (2) mature gum trees within the VicTrack car park at Frankston Train Station be retained and seeks further assurances that no other trees will be removed.  Carried	Kate Jewell	27 August 2018 - Response to letter yet to be received. 31 July 2018 - Letter was prepared by Biodiversity department, no response received to date. Trees are currently unaffected by Station construction works. 9 July 2018 - No response received from LXRA to date. 18 June 2018 - letter has been sent from the Biodiversity section CEO comment - currently awaiting response.	Primary Cost:

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Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
4-Jun-18	14.2	2018/NOM31 - Improvements to the Planning Process Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That Council: 1. Supports officers reporting the average legal and officer costs together with the number of planning consultants and lawyers associated with each month's resolved VCAT cases as part of the monthly Town Planning Report. 2. Approves officers conveying residents' and ratepayers' concerns (on their behalf where agreed) to Council's legal representatives where a related planning matter is scheduled for VCAT. 3. Mandates the amended 'town planning application call-in' template, which will be attached to all reports called in by Councillors (see attached). 4. Endorses Resident Discussion Meetings be required for all applications where there are more than three objectors and the applicant is willing to attend. 5. Notes that Town Planning Progress Reports will be presented no later than 2 months after the cessation of the month on the proviso that State Government data is available. 6. Seeks a report on the process for establishing a Frankston Native Vegetation Offsets Policy for the October Ordinary Meeting. 7. Notes that all planning matters that involve liquor or gaming machines are to be referred to the appropriate agency/organisation for expert advice (i.e. Frankston Liquor Accord, Frankston/Carrum Downs Police etc). All subsequent reports, with the above instances, must be accompanied with feedback from such agencies/organisations. Where such agencies/organisations have not provided formal responses, this is to be reflected in the report.  Carried Unanimously	Michael Papageorgiou	11 September 2018 - Archived NoM as per Council Decision at 10 September 2018 Ordinary Meeting. 27 August 2018 - Request to archive 31 July 2018 - Action completed by: Papageorgiou, Michael All actions have now been completed This NOM has been reopened. As per Council Resolution Business Rule 9, NOMs can only be closed by Council resolution. 9 July 2018 - Revised Target Date changed by: Hall-davis, Tracee From: 25 Jun 2018 To: 25 Jun 2018 Revised Target Date changed by: Hall-davis, Tracee From: 25 Jun 2018 To: 26 Oct 2018 A report will be presented to the October Ordinary Meeting on a Frankston Native Vegetation Offsets Policy. 18 June 2018 - All actions have been noted by Statutory Planning staff. A report is scheduled for 22/10 Ordinary Meeting.	Primary Cost:
2-Jul-18	14.1	2018/NOM35 - Proposed Downs Estate Business Case Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Cunial It is noted that the University of Melbourne is engaging with the Friends of the Downs Estate community group to prepare a business case on the future sustainability of the site as food security demonstration site. The business case will cost between \$80k to \$100k and subject to Council approval, the University of Melbourne is seeking \$25k contribution from Council. Should Council support the proposal, \$25k will be referred for consideration to the mid-year budget review. A report is to be provided to 10 September Ordinary Meeting outlining the proposal and considerations that will be detailed in the business case  Carried Unanimously	Michael Papageorgiou / Kim Jaensch	17 September 2018 - This item has been noted and a provisional amount of \$25,000 has been flagged for consideration at the Mid-Year Budget review on the condition that the business case is approved. 27 August 2018 - Revised Target Date changed by: Hall-davis, Tracee From: 23 Jul 2018 To: 14 Sep 2018 Reason: Report being submitted to 10 September OM. 31 July 2018 - Noted and request to close this action. Item has been listed for MYBR consideration. Action completed by: Shannon, Jacqui A/Director approved to close This NOM has been reopened. As per Council Resolution Business Rule 9, NOMs can only be closed by Council resolution. Additionally, all actions must be complete prior to the request for closure is put to Council. Completed. This item has been noted and a provisional amount of \$25,000 has been flagged for consideration at the Mid-Year Budget review on the condition that the business case is approved. 9 July 2018 - A report will be submitted to OM 10/9/18. Revised Target Date changed by: Hall-davis, Tracee From: 23 Jul 2018 To: 14 Sep 2018	Primary Cost:
2-Jul-18	14.2	2018/NOM37 - Overflow Rubbish at Fast Food Sites Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken Given ongoing instances where inconsistent and insufficient clean-ups of fast food outlets is occurring (ie. McDonalds, Kentucky Fried Chicken, Red Rooster, Burger King etc), a report is to explore the following: - Increased patrols/audits of fast food sites to determine compliance; - The ability to impose additional or better defined penalties on fast food businesses/landholders that are not maintaining their properties and/or creating an overflow situation where rubbish is posing a visual (reducing pride) or actual (i.e. attracting vermin and rodents) impediment to adjoining residents or public land; - Increased utilisation of any statutory and/or state-based legislation to enforce better compliance to overflowing rubbish on fast food sites; and - Where applicable, exploring prosecutions under the Victorian Food Act 194 (and thereby risking placement on the Victorian Food Convictions Register) The report is to be provided at the second October Ordinary Meeting.  Carried	Leonie Reints	17 September 2018 - Report is being finalised and is scheduled to be presented to Council at its 22 October meeting 27 August 2018 - No further comments to be added and report will be presented to Council at the October 2018 Ordinary Meeting. 31 July 2018 - A report will be prepared for the October Ordinary Meeting. Officers will continue to monitor known sites and work with the traders. 9 July 2018 - Noted. A report will be prepared for the October OM. Revised Target Date changed by: Hall-davis, Tracee From: 23 Jul 2018 To: 25 Oct 2018	Primary Cost:
2-Jul-18	14.5	2018/NOM44 - Green Space in the CAD Cr Aitken	Council Decision Moved: Councillor Aitken Seconded: Councillor Toms Given that open space is fundamental to the quality of life for Frankston City's residents, workers and visitors, that Council strongly supports its position on the value of preserving and reinforcing green space in the Frankston Central Activities District (CAD) both now and into the future. That a report be presented back to Council at its meeting in October 2018 about all Council owned land in the CAD area and what can be done to improve open space in the CAD area.  Carried Abstained: Cunial	Martin Poole / Kate Jewell / Michael Papageorgiou	17 September 2018 - A report is being prepared for the late Oct 2018 Council meeting. 27 August 2018 - Officers are progressing this matter, considering land consistent with criteria endorsed in the Open Space Strategy. 31 July 2018 - Officers are gathering information to inform the report for the October 2018 meeting. 9 July 2018 - Noted. This report will be prepared in conjunction with Commercial Services Department of Council. Revised Target Date changed by: Hall-davis, Tracee From: 23 Jul 2018 To: 25 Oct 2018	Primary Cost:
23-Jul-18	14.1	2018/NOM45 - Greening our City Cr Toms	Council Decision Moved: Councillor Toms Seconded: Councillor Aitken That a report be provided back to the October Ordinary Meeting on what learnings Council can take from Melbourne City Council's Policy of Greening Laneways and the implementation of a Developer Green Infrastructure Contribution fund. The report should map out the costings and options for greening three (3) of the Frankston Central Activity District (CAD) laneways.  Carried	Michael Papageorgiou	17 September 2018 - No further update. Report scheduled for its 22 October Council Meeting. 27 August 2018 - Revised Target Date changed by: Hall-davis, Tracee From: 13 Aug 2018 To: 04 Oct 2018 Reason: Awaiting outcome of OM 1/10/18.	Primary Cost:
23-Jul-18	14.3	2018/NOM47 - Environmentally Sustainable Design (ESD) Development Rating System Cr Toms	Alternate by Cr Toms Toms/Aitken That a report be presented to Council at its meeting in October 2018 on a review of Council's current ESD design policy introducing an Environmentally Sustainable Design (ESD) development rating system for all new development in the Frankston Metropolitan Activity Centre (FMAC) and for this to be publically advertised. This should be part of a package of new ESD requirements that are put in place to achieve superior environmental outcomes across our FMAC.  Carried Unanimously	Michael Papageorgiou	17 September 2018 - No further update. Report scheduled for its 22 October Council Meeting 27 August 2018 - A report has been scheduled to come to OM 1/10/2018. Revised Target Date changed by: Hall-davis, Tracee From: 13 Aug 2018 To: 04 Oct 2018 Reason: Awaiting outcome of OM 1/10/18.	Primary Cost:

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Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
23-Jul-18	14.4	2018/NOM48 - Public Safety Reference Committee Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Cunial That a report be provided to Council at the September Ordinary Meeting on the creation of a 'Public Safety Reference Committee'. The role of the committee will be to (but not limited to): <ul style="list-style-type: none"> <li>• Provide independent advice to Frankston City Council, Victoria Police and other relevant authorities/stakeholders;</li> <li>• Advise Council and authorities/stakeholders on public safety matters, including crime prevention initiatives (both pro-active and re-active);</li> <li>• Be advised of isolated public safety issues that may require assistance from other tiers of governments and authorities/stakeholders;</li> <li>• Particular focus on promoting perceptions of safety (including civic pride);</li> <li>• Reviewing crime statistics (including geographic statistical abnormalities: i.e. Frankston North vs. Frankston South) and confidence data, and responding to them in a meaningful manner, and;</li> <li>• Considering how to rejuvenate and/or create a new community-wide approach to reporting crime and anti-social behaviour (i.e. Neighbourhood Watch revival).</li> </ul> The report is to consider committee composition, committee breadth and focus, committee meeting regularity and its Terms of Reference. A report is to be provided to Council quarterly, in the event the committee is formed, on the activities and recommendations of the committee.  Carried Unanimously	Leonie Reints	17 September 2018 - Report was presented to Council on 10 September 2018 and resolved to continue with the Police Community Safety Network, however Police are to be advised of Councils disappointment that no elected official is part of the network and that the local area commander is to brief council 6 monthly on crime statistics. Minutes from the Community Safety Network will be made available to Council. A meeting was held between Inspector Paul Crips, Acting CEO Gillian Kay and Acting Manager Community Safety Jarred Stevens on 11/09/2018 where Police were advised of Councils disappointment that no elected official is part of the network and that Council has requested a briefing to Council every 6 months on crime statistics. Ins Crips advised that he would discuss this with Police Command, however only the normal public available statistics can be discussed due to privacy. Request for this NOM to be archived 27 August 2018 - A report has been scheduled for OM 10/9/2018. Revised Target Date changed by: Hall-davis, Tracee From: 13 Aug 2018 To: 13 Sep 2018 Reason: Awaiting outcome of OM 10/9/18.	Primary Cost:
23-Jul-18	C.12	2018/NOM51 - Prospective land acquisitions Cr Bolam	Under Separate Cover	Martin Poole	Under Separate Cover	Under Separate Cover
13-Aug-18	14.1	2018/NOM50 - Multi-level car park Cr Toms	"Moved in parts"  3. The Premier of Victoria be requested to investigate the issue of car parking in the context of not only the Frankston Railway Station Precinct, but also the opportunities for car parking as a part of the Electrification of the rail line to Baxter. Carried  5. The State opposition also be called upon to investigate car parking opportunities not only at the Frankston Station, but also as part of the rail Electrification to Baxter connecting funds to achieve car parking when identified. Carried	Phil Cantillon	17 September 2018 - Action reassigned to Dickens, Doug by: Gaynor, Andrea for the reason: Request by Director A letter has been sent on 30 August 2018 to the Premier of Victoria regarding car parking in the context of not only the Frankston Railway Station Precinct, but also the opportunities for car parking as a part of the Electrification of the rail line to Baxter. A letter was sent to the Leader of the State opposition investigate car parking opportunities not only at the Frankston Station, but also as part of the rail Electrification to Baxter. 27 August 2018 - A letter has been drafted and is currently being finalised and is expected to be issued shortly.	Primary Cost:
13-Aug-18	14.2	2018/NOM52 - Car Parking Forum August 2018 - Committee for Greater Frankston Cr Cunial	Council Decision Moved: Councillor Aitken Seconded: Councillor Toms In response to the Committee for Greater Frankston's request to attend a forum in August 2018 to discuss the provision of publicly available parking in Frankston (copy attached), that all Councillors be invited to the Committee. Further that the Chief Executive Officer is requested to make available the relevant officer(s) to also attend the forum to provide technical advice if required and advise the Committee of Council's decision.  Carried Unanimously	Michelle Tipton	17 September 2018 - The Car Parking Forum is scheduled for 14 September. At this stage, there are no Councillors attending the forum. 27 August 2018 - Contacted Geneva to advise of Council's decision for all Councillors to be invited to the forum. Geneva responded asking if this could be reduced to 3 Councillors. A response to Geneva from Dennis will be forwarded on 17 August 2018.	Primary Cost:
10-Sep-18	14.1	2018/NOM54 - Tree Removal Cr McCormack	Council Decision Moved: Councillor McCormack Seconded: Councillor Aitken 1. That Council immediately cease all tree and vegetation removal and planning for tree and vegetation removal across the municipality, including for proposed boulevard plantings. Carried  2. That Council clarifies that existing tree and vegetation removal was not the intention of Council and the removal of all mature trees from Cranbourne Road was not endorsed. Carried Unanimously  3. That Council replace the inappropriate foreign vegetation planted along Cranbourne Road between Fletcher Road and Moorooduc Highway with appropriate native species to replace the native species removed at this location on such a mass scale. Lost  4. That any future intention for the removal of native trees and vegetation be specifically brought before Council with full information for endorsement prior to any works being undertaken. Carried	Phil Cantillon		Primary Cost:
10-Sep-18	14.2	2018/NOM55 - Car Parking Provision Rates for outer suburban Melbourne Cr Hampton	Council Decision Moved: Councillor Hampton Seconded: Councillor Mayer That Council: 1. Writes to the State Premier, the Hon Daniel Andrews MP and the Victorian State Minister for Planning, the Hon Richard Wynne MP condemning the recent State Government amendment (VC148) that affects planning schemes state wide. 2. Advocates to Councils that are members of the South East Melbourne regional group to consider and support Frankston's concerns on the ill-judged impact of Am VC148's reduced car parking rates on new development in outer suburban Melbourne Council areas 3. Seeks the support of the MAV to have the recently introduced parking rates repealed for outer suburban Melbourne areas.  Carried Unanimously	Michael Papageorgiou		Primary Cost:

## Executive Summary

### 12.2 Adoption of Governance Local Law 2018

*Enquiries: (Brianna Alcock: 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 adopt Governance Local Law No. 1 of 2018.

#### **Recommendation (Director Corporate Development)**

That:

1. Having complied with the requirements of the *Local Government Act* 1989 and with no submissions having been received, Council resolves to make Governance Local Law No. 1 of 2018 (as in Attachment A);
2. Governance Local Law No. 1 of 2018 be signed and sealed;
3. Notice of the making of Governance Local Law No. 1 of 2018 be published in the Victoria Government Gazette; and
4. A copy of Governance Local Law No. 1 of 2018 be forwarded to the Minister for Local Government.

#### **Key Points / Issues**

- Councillors have completed an extensive review of the existing Governance Local Law No. 1 of 2015.
- Through the review process, a number of improvements were identified and incorporated into a new document; the proposed Governance Local Law No. 1 of 2018 is included as [Attachment A](#) to this report.
- The proposed new local law was considered by Council at special meeting SP2 on 13 June 2018 and Council resolved to endorse the proposed new local law for public consultation.
- Council's intention to make Governance Local Law No. 1 of 2018 was published in the Frankston Leader on 2 July 2018, in the Victoria Government Gazette on 5 July 2018, and on Council's website from 2 July 2018.
- A 'Community Information Pack' comprising the public notice, the proposed new local law and the community impact statement, was also available at Council's Civic Centre and on Council's website for the duration of the exhibition period ([Attachment B](#)).
- The proposed new local law includes various changes from the existing local law, including:
  - The Mayor's ability to speak to a motion;
  - The Chair's ability to manage disruptive behaviour at Council meetings and briefings;
  - The subject matter and time frames for lodging a notice of motion; and

**12.2 Adoption of Governance Local Law 2018****Executive Summary**

- The requirements for a notice of rescission.
- A more comprehensive explanation of the changes is included in the community impact statement (refer to [Attachment B](#)).
- No submissions have been received.
- It is recommended that Council now resolves to adopt Governance Local Law No. 1 of 2018.

**Financial Impact**

The State Government has introduced the “Fair Go Rates” system, placing a cap on Council rates which has restricted the level of increases that Council can apply to its rate revenue. Rate revenue constitutes 63 per cent of all Council revenue.

The rate cap over the past two financial years has been 2.5 per cent and 2.0 per cent respectively and is 2.25 per cent in 2018-2019.

The rate cap percentages are based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services. The cost of providing Council services has been increasing well in advance of the rate cap applied by State Government.

Over time this trend may lead to a reduction in the levels of service provided to the community and in Councils ability to fund both new facilities and the ongoing renewal of existing facilities.

Council will continue to evaluate the impacts of rate capping annually and needs to be mindful of these outcomes in all Council decisions.

There are no financial implications associated with this report.

**Consultation****1. External Stakeholders**

The proposed new local law was advertised and public submissions were invited. No submissions were received.

**2. Other Stakeholders**

Detailed consultation was undertaken with Councillors in a series of briefings, to ascertain their views regarding the operation of the existing local law, and to discuss various suggestions for improvement. This consultation informed the preparation of the draft proposed new local law.

Council’s solicitors, the Municipal Monitor and Council’s Audit and Risk Management Committee were also consulted and provided feedback to the draft document.

**Analysis (Environmental / Economic / Social Implications)**

It is good practice for a council’s governance local law to be reviewed by each council and revised where necessary, to ensure that the Councillors are comfortable with the rules which govern the operation of the meetings at which decisions are made.

**12.2 Adoption of Governance Local Law 2018****Executive Summary****Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities

In preparing the Governance Local Law, consideration has been given to balancing the rights protected under the *Charter of Human Rights and Responsibilities Act 2006*, including:

- the right to take part in public life (s.18);
- the right to freedom of expression (s.15);
- the right to freedom of movement (s.12); and
- the right to privacy and reputation (s.13).

Legal

Council's power to make local laws is derived from section 111(1) of the *Local Government Act 1989* ('the Act'). A local law must be consistent with any Act or regulation, and will be inoperative to the extent of any inconsistency (s. 111(2) & (3)).

Section 119 of the Act prescribes the statutory process for making a local law. The process includes inviting and considering public submissions in accordance with section 223 of the Act.

Division 2 of the Act also sets out various requirements in relation to Council meetings, and a local law which deals with Council meetings must be consistent with these provisions.

Council has complied with these requirements.

It is noted that the *Local Government Bill 2018*, if passed, will change the arrangements regarding councils' governance (meeting procedure) local laws. Clause 58 of the Bill provides that councils must develop Governance Rules which deal with various matters including the conduct of meetings of the council, the form and availability of meeting records and the election of the Mayor and the Deputy Mayor. If the Bill is passed, Council will need to adopt a set of Governance Rules by May 2019.

Policy Impacts

Not applicable.

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 clear and considered governance local law contributes to Council's ability to make good decisions.

**Conclusion**

Councillors have provided input to the proposed new local law at a series of briefings and workshops. The document has also been reviewed by Council's external lawyers, the Municipal Monitor and by Council's Audit and Risk Management Committee. The proposed new local law was advertised and public submissions were invited, in accordance with the legislative requirements. With no submissions having been received, it is recommended that Council now resolves to make the local law.

12.2 Adoption of Governance Local Law 2018

**Executive Summary**

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**ATTACHMENTS**

Attachment A: [↓](#) Governance Local Law No. 1 of 2018 - draft for adoption

Attachment B: [↓](#) Community Information Pack - Proposal to make Governance Local Law



## **Frankston City Council**

### **Local Law No. 1**

## **Governance Local Law**

For adoption at Council's Ordinary Meeting on 10 September 2018.

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## PART A – INTRODUCTION

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### 1. Title

This Local Law will be known as the "Governance Local Law".

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### 2. Purpose of this Local Law

- (1) The purpose of this Local Law is to provide for the orderly, efficient and equitable conduct of meetings of Council and Special Committees.
  - (2) Specifically, this Local Law is to:
    - (a) provide a mechanism to facilitate the good government of *Council* through its formal meeting procedure to ensure effective and efficient *Council* decisions are made in a manner which acknowledges the role of local government within the Australian system of government;
    - (b) promote and encourage community participation in the system of local government by providing mechanisms for *Council* to ascertain the community's views and expectations;
    - (c) provide for the election of the *Mayor* and Deputy Mayor;
    - (d) regulate the use of the *common seal*;
    - (e) prohibit unauthorised use of the *common seal* or any device resembling the *common seal*;
    - (f) provide for the procedures governing the conduct of *Council meetings* and *Special Committee* meetings, *Advisory Committee* meetings and Councillor Briefings, to facilitate their orderly, efficient and equitable operation;
    - (g) set the rules of behaviour for those participating in or present at *Council meetings* and *Special Committee* meetings, *Advisory Committee* meetings and Councillor Briefings; and
    - (h) provide for the role of the *Mayor* Deputy Mayor.
- 

### 3. Authorising provision

This Local Law is made under section 111(1) of the *Local Government Act 1989*.

---

4. **Commencement and end dates**

This Local Law:

- (a) commences on the day following the day on which notice of the making of this Local Law is published in the *Victoria Government Gazette*, and operates throughout the *municipal district*; and
- (b) ends on the 10<sup>th</sup> anniversary of the day on which it commenced operation.

---

5. **Revocation of Local Law No. 1 of 2015**

On the commencement of this Local Law, Council's Governance Local Law No. 1 of 2015 is revoked.

---

6. **Definitions and notes**

- (1) In this Local Law:

"**Act**" means the Local Government Act 1989;

"**Advisory Committee**" means an advisory committee established by *Council* under section 86(1) of the *Act*;

"**agenda**" means the notice of a meeting setting out the business to be transacted at the meeting;

"**authorised officer**" means a member of Council staff who is authorised by *Council* to carry out specific functions under this Local Law;

"**business day**" means a period between 8.30am and 5.00pm on a day which is not a Saturday, Sunday or public holiday;

"**Chair**" means the Chairperson of a meeting and includes an acting, a temporary and a substitute Chairperson;

"**Chief Executive Officer**" means the Chief Executive Officer of *Council*;

"**common seal**" means the common seal of *Council*;

"**Council**" means Frankston City Council;

"**Council meeting**" includes a meeting at which the *Mayor* is elected, an *Ordinary meeting* and a *Special meeting*;

"**delegate**" means a Councillor or member of *Council* staff who, by virtue of a resolution, is *Council's* delegate, nominee or appointee to an external body, association, group or working party;

"**Mayor**" means the Mayor of *Council*;

"**minute book**" means the collective record of proceedings of *Council*;

"**municipal district**" means the municipal district of *Council*;

"**notice of motion**" means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting;

"**notice of rescission**" means a *notice of motion* to rescind a resolution made by *Council*;

"**offence**" means an act or default contrary to this Local Law;

"**Ordinary meeting**" means any meeting of *Council* which is not a *Special meeting*;

"**penalty units**" mean penalty units as prescribed in the *Sentencing Act 1992*;

"**senior officer**" has the same meaning as in the *Act*;

"**Special Committee**" means a special committee established by *Council* under section 86(1) of the *Act*;

"**Special meeting**" means a Special meeting of *Council* convened and held in accordance with section 84, 84A or 85 of the *Act*;

"**urgent business**" means business which is raised under clause 30;

"**visitor**" means any person (other than a Councillor, member of a *Special Committee*, or member of *Council* staff) who is in attendance at a *Council meeting* or a *Special Committee* meeting; and

"**written**" includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form.

- (2) Introductions to Parts, headings and notes are explanatory notes and do not form part of this Local Law. They are provided to assist understanding.

---

## 7. Review of Local Law

To ensure the appropriate functioning of *Council meetings* this Local Law will be formally reviewed every four years before the public, or sooner if *Council* determines that a review is required by any particular circumstance.

This Local Law can be amended from time to time in accordance with the statutory procedure for making a local law, to best suit *Council's* circumstances.

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## PART B – ELECTION OF MAYOR

**Introduction:** This Part is concerned with the annual election of the *Mayor*. It describes how the *Mayor* is to be elected.

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### 8. Election of the *Mayor*

- (1) A meeting to elect the *Mayor* must be held:
  - (a) as soon as practicable after the declaration of the results of a general election of Councillors;
  - (b) as soon as practicable after the fourth Saturday in October, in years between general elections of Councillors; and
  - (c) as soon as practicable after the office of *Mayor* otherwise becomes vacant.
- (2) A temporary *Chair* must be elected to facilitate the election of the *Mayor* in accordance with the provisions of this Local Law and the *Act*.

---

### 9. Method of voting

The election of the *Mayor* must be carried out by a show of hands.

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### 10. Determining the election of the *Mayor*

- (1) The temporary *Chair* must open the meeting at which the *Mayor* is to be elected, and invite nominations for the office of *Mayor*.
- (2) Any nomination for the office of *Mayor* must be seconded.
- (3) Once nominations for the office of *Mayor* have been received and those nominated have accepted their nomination, the following provisions will govern the election of the *Mayor*:
  - (a) if there is only one nomination, the candidate nominated is deemed to be elected;
  - (b) if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates and each of the candidates shall be allowed three minutes to speak to their nomination, which cannot be extended;

- (c) in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;
- (d) in the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;
- (e) if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;
- (f) in the event of two or more candidates having an equality of votes and one of them having to be declared:
  - (i) a defeated candidate; and
  - (i) duly electedthe declaration will be determined by lot.
- (g) if a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:
  - (i) each candidate will draw one lot;
  - (ii) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
  - (iii) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).

---

**11. Election of Deputy Mayor and *Chairs***

- (1) At a meeting to elect the *Mayor*, *Council* will, immediately after the election of the *Mayor*, elect a Deputy Mayor.
- (2) Any election for:
  - (a) the office of Deputy Mayor; or
  - (b) temporary *Chair*, in cases where a temporary *Chair* needs to be elected under clause 12will be regulated by clauses 8-10 (inclusive) of this Local Law, as if, in the case of any election for Deputy Mayor, the reference to the:
  - (c) temporary *Chair* is a reference to the *Mayor*; and
  - (d) *Mayor* is a reference to the Deputy Mayor.
- (3) The role of the Deputy Mayor is to perform the duties ascribed to the *Mayor* where the *Mayor* is absent, unless the Deputy Mayor has a conflict or is unavailable.

---

**12. Identity of temporary *Chairs***

If:

- (1) the *Mayor* and any Deputy Mayor are absent from a *Council meeting*;
  - (2) it is a meeting to elect the *Mayor*; or
  - (3) for any other reason a temporary *Chair* is required,
- the Councillor who most recently served as *Mayor* will be the temporary *Chair* or, if no such Councillor is present, a Councillor who is elected by the meeting to be temporary *Chair* will become the temporary *Chair*.

---

**PART C – COUNCIL’S COMMON SEAL**

**Introduction:** The *common seal* is a device which formally and solemnly records the collective will of *Council*. The provisions in this Part are designed to protect the integrity of the *common seal*, and describe when it may be affixed to a document.

---

**13. Council’s common seal**

- (1) The *Chief Executive Officer* must ensure the security of the *common seal* at all times.

- (2) The affixing of the *common seal* to any document must be attested to by not less than two persons, comprising both:
  - (a) one Councillor and the *Chief Executive Officer*; or
  - (b) in the absence of the *Chief Executive Officer*, one Councillor and a member of Council staff authorised to perform this function by the *Chief Executive Officer*.
- (3) Where *Council* authorises the *common seal* to be affixed to any document, the *Chief Executive Officer* must:
  - (a) cause the sealed document to be allocated a seal register number; and
  - (b) ensure that a description of the document sealed is entered into the seal register.

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## PART D – COUNCILLOR BRIEFING ARRANGEMENTS

**Introduction:** This Part describes the nature and procedure for some informal meetings of Councillors.

Councillors meet on a number of occasions monthly at "Councillor Briefings". These are "Assemblies of Councillors" within the meeting of the *Act*.

This Part provides for these informal meetings, and explains why and how they are held.

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### 14. Councillor briefing arrangements

- (1) As part of *Council's* governance arrangements, Councillors may meet regularly at an informal gathering of Councillors known as a "Councillor Briefing" or such other name as *Council* from time to time adopts.
- (2) The purpose of such gatherings is for the organisation to provide advice to Councillors on items of a complex nature or of significant community impact. The briefing enables open discussion between the organisation and Councillors and assists both *Council* staff and Councillors develop better understanding of the matter for consideration.
- (3) The gatherings are not a decision-making forum.
- (4) The gatherings are not open to the public and will generally be held in the Civic Centre or in such other locations as *Council* nominates from time to time.
- (5) Clauses 86(5), 89, 90(1)(c) and (d), 92 and 93 apply to any gathering of Councillors at a scheduled briefing as if any reference to:

- (a) the *Chair* is a reference to the Councillor chairing the gathering;
  - (b) the meeting is a reference to the gathering; and
  - (c) the Chamber is a reference to the room in which the gathering is being held.
- (6) A Councillor who is unable to attend a scheduled briefing must give notice of their apology to the *Chief Executive Officer* as soon as possible but no later than four hours prior to the scheduled briefing commencement time, unless exceptional circumstances exist, so that reasonable notice can be given to other Councillors and Council staff if a briefing is to be cancelled due to insufficient numbers.
- (7) The operating meeting protocols and arrangements in relation to these gatherings will be reviewed from time to time and be subject to resolution of *Council*.

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## PART E – MEETINGS PROCEDURE

**Introduction:** This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, when and how business may be transacted at a meeting.

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### DIVISION 1 – NOTICES OF MEETINGS AND DELIVERY OF AGENDAS

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#### 15. Dates and times of meetings

- (1) The dates, times and places of meetings are within the discretion of *Council*.
- (2) *Council* will, by resolution at the meeting at which the *Mayor* is to be elected, determine the day and time upon which any *Ordinary meetings* will be held and may by further resolution alter any such dates, times or places.
- (3) An *Ordinary meeting* may only be rescheduled or cancelled by a resolution of *Council*. *Council* must provide a reason for and reasonable notice of the change to the public.

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#### 16. Council / Committee meeting location

- (1) *Ordinary meetings* and *Special Committee* meetings will be held in the Council Chambers, or any building within the Civic Centre Precinct as determined by the *Mayor*, or another location outside the Civic Centre

Precinct by resolution of *Council* or the *Special Committee* (as the case may be).

- (2) *Special meetings* may be held at the Council Chambers or elsewhere in the Civic Centre as determined by the *Mayor*.

---

**17. Special meetings**

- (1) The *Mayor* or at least three Councillors may by a written notice call a *Special meeting*.
- (2) The notice must:
  - (a) specify the date and time of the *Special meeting* and the business to be transacted; and
  - (b) be delivered or sent electronically to the *Chief Executive Officer* in sufficient time to enable reasonable notice of the *Special meeting* to be given to all Councillors.
- (3) The *Chief Executive Officer* must convene the *Special meeting* as specified in the notice.
- (4) Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the notice is to be transacted.
- (5) Subject to any resolution providing otherwise, the order of business of any *Special meeting* must be the order in which such business stands in the *agenda* for the meeting.

*Council is also able to call a Special meeting. This must be done by resolution. The Chief Executive Officer can call a Special meeting to be held within 14 days of the result of the Council election being declared.*

*Apart from this, the only other type of Special meeting that can be convened is a "Call of the Council". This is provided for in section 85 of the Act. It is generally reserved for occasions on which all Councillors are required to attend and remain throughout a Council meeting lest Council be deprived of a quorum and be unable to transact an item of business which has, in the past, not been transacted because of some Councillors absenting themselves from the Chamber and preventing proper consideration of the matter.*

---

**18. Notice of meeting**

- (1) A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically (at the

option of the Councillor) to every Councillor for all *Ordinary meetings* after noon on a day which is at least four clear days before the meeting.

*If a Council meeting is scheduled for a Monday evening, the notice of meeting (including the agenda) must be delivered or sent electronically by the immediately preceding Thursday evening.*

- (2) A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically to every Councillor for any *Special meeting* within a reasonable time of the *Special meeting* being called. Generally, this means that a notice of meeting must be delivered to every Councillor at least 48 hours before the meeting. A period less than 48 hours may, however, be justified if exceptional circumstances exist.
- (3) Notwithstanding sub-clauses (1) and (2):
- (a) a draft *agenda* for each *Ordinary meeting* must be delivered or sent electronically (at the option of the Councillor) to every Councillor at least ten clear days before the meeting; and
  - (b) a notice of meeting or draft *agenda* need not be served on or sent to any Councillor who has been granted leave of absence unless the Councillor has requested the *Chief Executive Officer* in writing to continue to give notice of any meeting during the period of his or her absence.
- (4) Reasonable notice of each *Ordinary meeting* and *Special meeting* must be provided to the public. *Council* may do this:
- (a) for *Ordinary meetings* by preparing a schedule of meetings annually, and arranging publication of such schedule on *Council's* website and in a local newspaper either at various times throughout the year, or prior to each *Ordinary meeting*; and
  - (b) for any meeting by giving notice:
    - (i) in at least one local newspaper or daily metropolitan newspaper;
    - (ii) on its website; andunless time does not allow this to occur in a newspaper, in which case the posting of a notice setting out the details must be displayed on *Council's* website and the entrance of the Council Chambers and Civic Centre.

*Section 89(4) of the Local Government Act 1989 requires at least seven*

*days' notice of a council meeting to be given to the public. Subsection (4A) requires 'urgent or extraordinary circumstances' to exist and be recorded in the minutes where less than seven days' notice of a meeting has been given.*

- (5) Copies of the *agenda* and any related material for *Ordinary meetings* must be made available to members of the public after noon on a day which is at least four clear days before the meeting, by being made available at the Civic Centre and on *Council's* website.

*If a Council meeting is scheduled for a Monday evening, the agenda and any related material must appear on Council's website by the immediately preceding Thursday evening. Hard copies of the agenda and any related material must be available for inspection or collection from the Friday morning immediately preceding the Monday evening meeting.*

- (6) Copies of the *agenda* and any related material for *Special meetings* and *Special Committee* meetings must be made available to members of the public immediately after they are delivered or sent electronically to Councillors, by being made available at the Civic Centre and on *Council's* website.

---

**19. Agenda**

- (1) The *agenda* for an *Ordinary meeting* will be determined by the Mayor and the *Chief Executive Officer* jointly, but the views of Councillors expressed at any relevant Councillor briefing are to be taken into account in finalising the *agenda*.
- (2) Late reports can only be accepted into the *agenda* by a majority vote of Councillors.

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**DIVISION 2 – QUORUMS**

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**20. Ordinary meetings**

The quorum for *Ordinary meetings* is the presence of a majority of the Councillors.

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**21. Special meetings**

The quorum for *Special meetings* is the presence of a majority of the Councillors.

---

**22. Inability to obtain a quorum**

If, after 30 minutes from the scheduled starting time of any *Ordinary meeting* or *Special meeting*, a quorum cannot be obtained, those Councillors present or, if there are no Councillors present, the *Chief Executive Officer* or, if the *Chief Executive Officer* is absent, any *senior officer* who is present, may adjourn the meeting for a period not exceeding seven days.

---

**23. Inability to maintain a quorum**

If during any *Ordinary meeting* or *Special meeting* or any adjournment of the meeting, a quorum cannot be maintained then clause 22 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.

---

**24. Inability to achieve or maintain a quorum due to conflicts of interest of Councillors**

If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by one or more Councillors, the *Chair* or, if there is no *Chair*, the *Chief Executive Officer* or, if the *Chief Executive Officer* is absent, any *senior officer* who is present, may adjourn the meeting for a length of time sufficient to enable dispensation for the affected Councillors to be obtained from the Minister administering the Act.

---

**25. Adjourned meetings**

- (1) The *Chief Executive Officer* must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- (2) If it is impracticable for the notice given under sub-clause (1) to be in writing, the *Chief Executive Officer* must give notice to each Councillor by telephone, in person, by electronic mail or by SMS message.
- (3) Notice must also be provided to the public of the resumption of the adjourned meeting by either giving public notice (if time reasonably permits) or publishing details on *Council's* website and posting a notice at the entrance to the Council Chambers and Civic Centre.

---

**26. Time limits for meetings**

- (1) An *Ordinary meeting* and *Special meeting* must not continue for more than four hours from its commencement unless a majority of Councillors present vote in favour of its continuance.

- (2) Notwithstanding sub-clause (1), a motion to continue the meeting need not be moved until after consideration of that item of business which was before the meeting as soon as four hours passed since the commencement of the meeting.
- (3) A continuance must not exceed 30 minutes.
- (4) In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the *Chair* immediately prior to the meeting standing adjourned. In that event, the provisions of clause 25(1) and (2) apply.

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### DIVISION 3 – BUSINESS OF MEETINGS

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#### 27. The order of business

- (1) The business of an *Ordinary meeting* must be conducted in the following order unless the *Council* otherwise resolves:
  - (a) Councillor statement regarding conflicts of interest, opening prayer and acknowledgement of Traditional Owners;
  - (b) Minutes of last meeting or meetings confirmed and signed;
  - (c) Apologies;
  - (d) Disclosure of interest and declarations of conflict of interest;
  - (e) Public questions and submissions time;
  - (f) Councillor statements;
  - (g) Items brought forward;
  - (h) Consideration of reports of committees;
  - (i) Consideration of reports of officers;
  - (j) Presentation of petitions and joint letters;
  - (k) Delegates' reports
  - (l) Notices of motion;
  - (m) Late reports;
  - (n) Urgent business;
  - (o) Items to be dealt with in Closed Council:

- (i) Disclosures of interest and declarations of conflict of interest;
  - (ii) Considerations of reports of officers;
  - (iii) Notices of motion; and
  - (iv) *Urgent business*.
- (2) Notwithstanding the above clause, the *Chief Executive Officer* may vary the order of business to take advantage of opportunities which may arise from time to time.

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**28. Change to order of business**

Once an *agenda* has been sent to Councillors, the order of business for that meeting may only be altered by resolution of *Council*.

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**29. Conflicts of interest**

- (1) A Councillor must disclose any conflict of interest which that Councillor has in an item of business at the time specified in the *agenda*.
- (2) Nothing in sub-clause (1) derogates from a Councillor's duty under the *Act* to disclose the existence, nature and class of any conflict of interest which that Councillor has in an item of business immediately before the consideration or discussion of that item of business.

*Section 77A of the Act defines when a Councillor will have a conflict of interest. Any Councillor who has a conflict of interest must comply with the requirements of section 79 of the Act.*

*Among these requirements is the requirement to disclose the existence, nature and class of the conflict of interest. This must be done 'immediately' before the consideration or discussion of the item in which the Councillor has a conflict of interest.*

*So, even if the Councillor has disclosed the conflict of interest earlier in the meeting, the existence and nature of the conflict of interest must again be disclosed immediately before any consideration or discussion of the agenda item occurs.*

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**30. Urgent business**

- (1) Business which has not been listed on the *agenda* must only be raised as *Urgent Business* by resolution of *Council*.

- (2) Unless exceptional circumstances exist and *Council* approves by resolution, only items:
- (a) of minimal impact; and
  - (b) which have arisen since distribution of the *agenda* and cannot safely and conveniently be deferred until the next *Council meeting* may be raised in *Urgent Business*.
- (3) The following items are deemed not to be items of minimal impact (and, therefore, unless exceptional circumstances exist and *Council* approves by resolution, cannot be raised in *Urgent Business*):
- (a) the creation or abolition of any office;
  - (b) the appointment of any person to any office or termination of that appointment;
  - (c) employment issues;
  - (d) the sale or lease of any assets;
  - (e) the declaration of any rate or charge;
  - (f) the creation, alteration or abolition of any strategy, policy or guideline;
  - (g) any request for an investigation which will unreasonably or substantially divert staff resources;
  - (h) any request for a report which will unreasonably or substantially divert staff resources;
  - (i) the commitment of funds, or in kind contributions, for any purposes which will exceed \$5,000; and
  - (j) the content, and provision, of any media release.

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**31. Reports of delegates**

- (1) 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.
- (2) In presenting, the Councillor may for up to three minutes:
- (a) address *Council* on the contents of any *written* report which the Councillor has submitted for inclusion in the *agenda*; or

- (b) provide a verbal report on any matters otherwise arising out of the deliberations of the external body, association, group or working party.

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#### DIVISION 4 – MOTIONS AND DEBATE

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#### 32. Councillors may propose *notices of motion*

Councillors may ensure that an issue is listed on an *agenda* by lodging a *notice of motion*.

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#### 33. *Notice of motion*

- (1) A *notice of motion* must be in writing signed by a Councillor, and be delivered or sent electronically to the *Chief Executive Officer* by no later than noon at least 11 clear *business days* before the meeting at which it is intended to be considered.

*If a Council meeting is scheduled for a Monday evening this means that any notice of motion must be lodged prior to noon on the Wednesday two weeks prior to the meeting date.*

- (2) A *notice of motion* will not be accepted if it:
  - (a) relates to a matter in respect of which *Council* has no power to act;

*This does not preclude a notice of motion which calls for Council to advocate or lobby to other levels of government for change.*

- (b) declares a rate or charge;
- (c) is defamatory, indecent, abusive or objectionable in language or substance;
- (d) promotes or is likely to facilitate a threat to public order or safety; or
- (e) seeks to substantially affect the level of *Council* services, commit *Council* to significant expenditure not included in the adopted Budget or commit *Council* to any contractual arrangement, without first calling for a formal report to be prepared and presented to *Council* in response to the *notice of motion*.

- (3) The *Chief Executive Officer* may reject any *notice of motion* which is vague or unclear in intention but must:
  - (a) notify the Councillor who lodged the *notice of motion* of the rejection and reasons for the rejection; and
  - (b) provide reasonable assistance to the Councillor to help ensure that a *notice of motion*:
    - (i) of similar intention; but
    - (ii) which is neither vague nor unclearis lodged.
- (4) The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda* and, where practicable, will be accompanied by comments from a *senior officer* with responsibility for the subject matter or the issue to which the *notice of motion* relates.
- (5) The *Chief Executive Officer* must cause all *notices of motion* to be numbered, dated and entered in the *notice of motion* register in the order in which they were received.
- (6) Except by leave of *Council*, *notices of motion* before any meeting must be considered in the order in which they were entered in the *notice of motion* register.
- (7) If a Councillor who has given a *notice of motion* is absent from the meeting or fails to move the motion when called upon by the *Chair*, any other Councillor may move the motion.
- (8) If a *notice of motion* is not moved at the meeting at which it is listed, it lapses.
- (9) If a *notice of motion* is moved but not seconded, it lapses.
- (10) Except where the *notice of motion* is to confirm a previous resolution of *Council*, the *notice of motion* may be amended.
- (11) If the Councillor who has lodged or is moving a *notice of motion* wishes to amend it, he or she may do so by seeking leave of *Council* to amend the *notice of motion* prior to it being seconded. A motion must be put to the meeting to give approval for the Councillor moving the *notice of motion* to amend it, prior to putting forward the suggested amending words.
- (12) Once a *notice of motion* has been moved and seconded, the mover cannot amend it.

- (13) Notwithstanding sub-clause (11) another Councillor may move an amendment to the *notice of motion*, which motion must be dealt with in accordance with clause 35(2) of this Local Law.
- (14) A Councillor cannot foreshadow an alternate motion to amend another Councillor's *notice of motion*.

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**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*.

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**35. Introducing a motion or an amendment**

- (1) The procedure for moving any motion or amendment is:
  - (a) the mover must state the motion without speaking to it;
  - (b) the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;
  - (c) if a motion or an amendment is moved and seconded the *Chair* must ask:

"Does the mover wish to speak to the motion or amendment?"
  - (d) after the mover has addressed the meeting or been provided with an opportunity to address the meeting, the seconder may address the meeting;
  - (e) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the *Chair* must invite debate or contributions by calling

on any Councillor who wishes to speak to the motion (including the seconder if he or she has not already spoken to the motion), providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and

- (f) if, after the mover has addressed the meeting, the *Chair* has invited debate or contributions and no Councillor speaks to the motion, then the *Chair* must put the motion to the vote.
- (2) No discussion on the item being considered may take place until such time as a motion is before the *Chair*. Questions of clarification may be asked of the *Chair* or members of *Council* staff present at the meeting.
- (3) The *Chair* may only debate a motion by speaking immediately after the mover and seconder of the motion have been given opportunity to speak to the motion.
- (4) If the *Chair* wishes to move or second a motion then the *Mayor* (if the *Chair* is not the *Mayor*) or Deputy Mayor (if the *Chair* is the *Mayor*) must take the chair or, if there is no such Councillor in a position to take the chair, a temporary Chairperson must take the chair in accordance with clause 12 whereupon the *Chair* must vacate the chair and not return to it until the motion has been resolved upon.

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**36. Right of reply**

- (1) The mover of a motion which has not been amended has a right of reply to matters raised during debate.
- (2) After the right of reply has been taken but subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

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**37. Moving an amendment**

- (1) Subject to sub-clause (2) a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- (2) A motion to confirm a previous resolution of *Council* cannot be amended.
- (3) An amendment must not be directly opposite to the motion.
- (4) The mover of an amendment cannot exercise any right of reply.

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**38. Who may propose and debate an amendment**

- (1) An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- (2) Any one Councillor cannot, without the leave of the *Chair*, move more than two amendments in succession.
- (3) Any Councillor can debate an amendment irrespective of whether the Councillor has spoken or proposes to speak to the original motion.
- (4) Debate on an amendment must be restricted to the terms of the amendment.

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**39. How many amendments may be proposed**

- (1) No more than three amendments may be proposed to a motion but only one amendment may be accepted by the *Chair* at any one time.
- (2) No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

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**40. An amendment once carried**

- (1) If the amendment is carried, the motion as amended then becomes the motion before the meeting, and the amended motion must then be put.
- (2) The mover of the original motion retains the right of reply to that motion.

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**41. Foreshadowing motions**

- (1) At any time during debate a Councillor may foreshadow a motion so as to inform *Council* of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- (2) A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the *Chair* being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- (3) The *Chief Executive Officer* or person taking the minutes of the meeting is not required to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
- (4) A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a *Council meeting*.

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**42. Withdrawal of motions**

Before any motion is put to the vote, it may be withdrawn by the mover and seconder with leave of *Council*, in which case the *Chair* must call for a substitute mover and seconder and, if no such substitute is forthcoming, the motion will lapse.

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**43. Separation of motions**

- (1) Where a motion contains more than one part:
  - (a) *Council* by resolution; or
  - (b) in the absence of a resolution, the *Chair* may require the motion to be put to the vote in separate parts.
- (2) Debate will not be permitted on any question that a motion in more than one part be put to the vote in separate parts.

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**44. Chair may separate motions or allow motions to be moved in block**

- (1) The *Chair* may decide to put any motion to the vote in several parts.
- (2) The *Chair* may allow or request a Councillor to move items in block.

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**45. Priority of address**

In the case of competition for the right to speak, the *Chair* must decide the order in which the Councillors concerned will be heard.

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**46. Motions in writing**

- (1) The *Chair* may require that a long, complex or detailed motion be in writing.
- (2) *Council* may adjourn the meeting while the motion is being *written* or *Council* may defer the matter until the motion has been *written*, allowing the meeting to proceed uninterrupted.

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**47. Repeating motion and/or amendment**

The *Chair* may request the person taking the minutes of the meeting to read the motion or amendment to the meeting before the vote is taken.

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**48. Debate must be relevant to the motion**

- (1) Debate must always be relevant to the motion before the *Chair*, and, if not, the *Chair* must request the speaker to confine debate to the motion.
- (2) If after being requested to confine debate to the motion before the chair, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker not speak further in respect of the motion then before the *Chair*.
- (3) A speaker to whom a direction has been given under sub-clause (2) must comply with that direction.

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**49. Speaking times**

- (1) A Councillor must not speak longer than the time set out below, unless granted an extension by *Council*:
  - (a) the mover of a motion or an amendment: three minutes;
  - (b) the mover of a motion exercising a right of reply: three minutes; and
  - (c) any other Councillor: three minutes.
- (2) Only one extension is permitted for each speaker.
- (3) A motion to extend the speaking time cannot be moved:
  - (a) until the original speaking time has expired; and
  - (b) if another speaker has already commenced his or her contribution to the debate,and must be seconded.
- (4) Any extended speaking time must not exceed three minutes.

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**50. Addressing the meeting**

- (1) If the *Chair* so determines:
  - (a) any person addressing the *Chair* must refer to the *Chair* as:
    - (i) Madam *Mayor*; or
    - (ii) Mr *Mayor*; or
    - (iii) Madam *Chair*; or

- (iv) Mr *Chair*  
as the case may be;
  - (b) all Councillors, other than the *Mayor*, must be addressed as Cr\_\_\_\_\_ (name).
  - (c) all members of *Council* staff, must be addressed as Mr or Ms\_\_\_\_\_ (name) as appropriate or by their official title.
- (2) Except for the *Chair*, any Councillor who addresses the meeting at an *Ordinary meeting* or *Special meeting* must direct all remarks through the *Chair*.

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**51. If lost**

If a *notice of motion* is lost, a similar *notice of motion* cannot be put before *Council* for at least 90 days from the date it was lost unless *Council* resolves that such a *notice of motion* be listed sooner.

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**52. Right to ask questions**

- (1) A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the *Chair*.
- (2) Any question asked of a member of *Council* staff must not have the effect of:
  - (a) embarrassing the member of staff; or
  - (b) drawing the member of staff into the debate.
- (3) Any question asked in contravention of sub-clause (2) may be disallowed by the *Chair*.
- (4) The *Chair* has the right to limit questions and direct that debate be commenced or resumed.

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**DIVISION 5 – PROCEDURAL MOTIONS**

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**53. Procedural motions**

- (1) Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chair*.
- (2) Procedural motions require a seconder.

- (3) The mover of a procedural motion must not have moved, seconded or spoken to the question before the *Chair* or any amendment of it.
- (4) Notwithstanding any other provision in this Local Law, procedural motions must be dealt with in accordance with the following table:

**PROCEDURAL MOTIONS TABLE**

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Adjournment of debate to later hour and/or date and place	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the <i>Council</i> has been made for that meeting in accordance with section 85 of the <i>Act</i> ; or (d) When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During nominations for <i>Chair</i>	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

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**DIVISION 6 – RESCISSION MOTIONS**

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**54. Notice of rescission**

- (1) A Councillor may propose a *notice of rescission* provided:
- (a) it has been signed and dated by at least four Councillors, including one Councillor who previously supported the resolution proposed to be rescinded;
  - (b) the resolution proposed to be rescinded has not been acted on; and
  - (c) the *notice of rescission* is delivered or sent electronically to the *Chief Executive Officer* within three *business days* of the conclusion of the meeting at which the resolution was carried, setting out:
    - (i) the resolution to be rescinded; and
    - (ii) the meeting and date when the resolution was carried.

*It should be remembered that a notice of rescission is a form of notice of motion. Accordingly, all provisions in the Local Law regulating notices of motion equally apply to notices of rescission.*

- (2) A resolution will be deemed to have been acted on if:
- (a) its contents have or substance has been communicated in writing to a person whose interests are materially affected by it; or
  - (b) a statutory process has been commenced
- so as to vest enforceable rights in or obligations on *Council* or any other person.

*If Council resolves to give Notice of a Decision to Grant a Planning Permit and the Notice is physically issued to the planning permit applicant (or the applicant's agent) or a letter or email is sent to the planning permit applicant (or the applicant's agent) advising of Council's decision, the resolution will have been 'acted on'. Its contents will have been formally communicated to a person whose interests are materially affected so as to vest enforceable rights in the applicant and any objectors wishing to appeal, as well as obligations on Council to comply with its duties under the Planning and Environment Act 1987.*

- (3) The *Chief Executive Officer* or an appropriate member of *Council* staff must defer implementing a resolution which:
- (a) has not been acted on; and
  - (b) is the subject of a notice of rescission which has been delivered or sent electronically to the *Chief Executive Officer* in accordance with sub-clause (1)(c).

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

*By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Monday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the notice of rescission would not be dealt with until the next Monday evening (being the evening of the day on which the planning appeal is to be heard).*

*In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the notice of rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.*

*Clause 54(3) would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.*

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**55. If lost**

If a *notice of rescission* is lost, a similar motion may not be put before *Council* for at least 90 days from the date it was last lost, unless *Council* resolves that the *notice of motion* be re-listed at a future meeting.

---

**56. If not moved**

If a *notice of rescission* is not moved at the meeting at which it is listed, it lapses and a similar motion may not be put before *Council* for at least 90 days from the date on which it lapsed.

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**57. May be moved by any Councillor**

A *notice of rescission* listed on an *agenda* may be moved by any Councillor present but may not be amended.

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**58. When not required**

A *notice of rescission* is not required where *Council* wishes to change policy.

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**DIVISION 7 – POINTS OF ORDER**

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**59. Valid points of order**

A point of order may be raised in relation to anything which:

- (a) is contrary to this Local Law;
- (b) is irrelevant to the matter under consideration;
- (c) is outside the powers of *Council*;
- (d) is an error of fact;
- (e) constitutes improper behaviour;
- (f) is offensive;
- (g) constitutes a tedious repetition of something already said; or
- (h) is an act of disorder.

*Rising to express a difference of opinion or to contradict a speaker is not a point of order.*

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**60. Procedure for point of order**

A Councillor raising a point of order must:

- (a) state the point of order; and
- (b) state any section, clause, paragraph or provision relevant to the point of order.

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**61. Chair to decide**

- (1) The *Chair* must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.
- (2) In the event a point of order is raised against the *Chair* then the *Mayor* (if the *Chair* is not the *Mayor*) or Deputy Mayor (if the *Chair* is the *Mayor*) must take the chair or, if there is no such Councillor in a position to take the chair, a temporary Chairperson must take the chair in accordance with clause 12 whereupon the *Chair* must vacate the chair and not return to it until the point of order has been resolved upon.
- (3) Should repeat points of order be raised during debate by a Councillor, which are ruled against by the *Chair*, the *Chair* may consider the conduct of the Councillor raising unsuccessful points of order disruptive for the purposes of clause 89 and, in accordance with that clause, order the removal of such Councillor from the Chamber for a specified period.

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**62. No debate**

A Councillor must not debate a point of order or the merits of a point of order, however the *Chair* may request the Councillor to explain the point of order.

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**63. Chair may adjourn to consider**

- (1) The *Chair* may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- (2) All other questions before *Council* are suspended until the point of order is decided.

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**64. Effect of ruling**

If the *Chair*:

- (a) rules in favour of the point of order, the speaker may continue and no Councillor must do or say anything which would cause another like point of order to be raised; or
- (b) rules against the point of order, the speaker may continue.

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**65. Dissent from *Chair's* ruling**

- (1) A Councillor may move that the meeting disagree with the *Chair's* ruling on a point of order, by moving:  
  
"That the *Chair's* ruling [setting out that ruling or part of that ruling] be dissented from".
- (2) When a motion in accordance with this clause is moved and seconded:
  - (a) the *Chair* must leave the chair and the *Mayor* (if the *Chair* is not the *Mayor*) or Deputy Mayor must chair the meeting; or
  - (b) if there is no Deputy Mayor the *Chair* must leave the chair and the chair must be assumed by a temporary Chairperson.
- (3) The Deputy Mayor or the temporary Chairperson must invite the mover to state the reasons for his or her dissent and the *Chair* may then reply.
- (4) The Deputy Mayor or the temporary Chairperson must put the motion in the following form:  
  
"That the *Chair's* ruling be dissented from."
- (5) If the vote is in the negative, the *Chair* resumes the chair and the meeting proceeds.
- (6) If the vote is in the affirmative, the *Chair* must then resume the chair, reverse or vary (as the case may be) his or her previous ruling and proceed.
- (7) The defeat of the *Chair's* ruling is in no way a motion of censure or non-confidence in the *Chair*, and should not be so regarded by the meeting.

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**DIVISION 8 – PUBLIC QUESTION TIME**

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**66. Question time**

- (1) There must be a public question time at every *Ordinary meeting* to enable members of the public to submit questions to *Council*. Questions may be asked of *Council*, and may not be directed to individual Councillors.
- (2) Public question time will be conducted in accordance with any policy adopted by *Council* from time to time.

*The policy adopted by Council may distinguish between Questions With Notice (that are to be lodged a number of days before the Ordinary meeting, and which must be*

*the subject of a considered response at the meeting) and Questions Without Notice (that can be lodged shortly prior to the Ordinary meeting, and to which a written answer may need to be given in the days following the meeting).*

- (3) Questions submitted to *Council* must be:
  - (a) in hard copy or be sent electronically, state the name and address of the person submitting the question and generally be in a form approved or permitted by *Council*; and
  - (b) lodged at *Council's* offices (in the case of a question submitted in hard copy) or sent to *Council* (in the case of a question submitted electronically) by the time specified in any policy adopted by *Council* from time to time.
- (4) No person may submit more than three questions at any one meeting. A question may be split into a maximum of two parts only. If more than two parts to a question are received, only the first two parts will be considered. Similarly, if more than three questions are received, only the first three questions will be considered. All parts of the question must be relevant to the same subject of enquiry.
- (5) The *Chair* or *Chief Executive Officer* must read to those present at the meeting a question in its entirety which has been submitted in accordance with this clause.
- (6) Questions that relate to operational matters may be read but answered in writing by the *Chief Executive Officer* outside the meeting.
- (7) Notwithstanding sub-clause (5), the *Chair* or *Chief Executive Officer* may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read.
- (8) A question may be disallowed by the *Chair* or *Chief Executive Officer* without causing it to be read if the *Chair* or *Chief Executive Officer* determines that it:
  - (a) it is the nature of a statement or is so prefaced as to have its emphasis on a statement rather than a genuine enquiry (although, in that event, the *Chair* or *Chief Executive Officer* should, if practicable, read an edited version of the question);
  - (b) relates to a matter outside the duties, functions and powers of *Council*;
  - (c) is defamatory, abusive, offensive or objectionable in language or substance;

- (d) deals with a subject matter already answered; or
  - (e) is aimed at embarrassing a Councillor or a member of *Council* staff.
- (9) If a question is asked and is taken on notice or it is indicated that a written answer to the question will be given, the *Chief Executive Officer* must ensure that:
- (a) the questioner is asked to provide his or her contact details, unless those details are already known by *Council*;
  - (b) a written answer to the question is delivered or sent electronically to the questioner within seven days of the meeting or any contact details being provided (whichever occurs last); and
  - (c) the question be recorded in the minutes of the meeting, together with a copy of the written response.

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## DIVISION 9 – PETITIONS AND JOINT LETTERS

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### 67. Petitions and joint letters

- (1) Unless *Council* determines to consider it as an item of *Urgent Business*, no motion (other than a motion to receive the same) may be made on any petition or joint letter until the next *Ordinary meeting* after that at which it has been presented.
- (2) It is incumbent on every Councillor presenting a petition or joint letter to acquaint himself or herself with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to *Council*.
- (3) Every Councillor presenting a petition or joint letter to *Council* must confine himself or herself to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of any request.
- (4) Every petition or joint letter presented to *Council* must be written (other than pencil in a hard copy form), contain the request of the petitioners or signatories and, in the case of a petition, be signed by at least five people.
- (5) A petition must include a request on every page, consisting of the following words:

*“We the undersigned hereby petition Frankston City Council  
.....”*

- (6) Every petition or joint letter must be signed by the persons whose names are included in or appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else, and the address of every petitioner or signatory must be clearly stated.
- (7) Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.
- (8) A copy of the text of the petition or joint letter must be included on the agenda for the next *Ordinary meeting*.
- (9) Every page of a petition must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition.
- (10) The only motions that may be moved in relation to petitions set out in the *agenda* are:
  - (a) That the petition be received;
  - (b) That the petition be received and a report be submitted to a specific meeting cycle for consideration;
  - (c) That the petition be considered at a specific time or in conjunction with a specific item;
  - (d) That the petition be dealt with in conjunction with another item on the agenda or any other *Council* or *Special Committee agenda*; and
  - (e) That the petition be referred to the *Chief Executive Officer* for consideration and response and the response to the petition be submitted to a specific meeting cycle for finalisation.
- (11) If a petition relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* for consideration.
- (12) No member of the public is permitted to speak to the petition when presented at an *Ordinary meeting*. Individuals may request to speak to the petition when any report on the item is considered by a *Special Committee* at a later meeting.

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**68. Submissions by incorporated associations**

It will be assumed that a submission which is presented on an incorporated association's letterhead, and which purports to be on behalf of the incorporated association, has, in fact, been appropriately authorised.

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**DIVISION 10 – PUBLIC SUBMISSIONS**

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**69. Individual presentations to *Special Committee* meetings and *Ordinary Meetings***

An individual wishing to present to a designated meeting of a *Special Committee* or at an *Ordinary meeting* or *Special meeting* may make a request to the *Chief Executive Officer* or his or her nominee.

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**70. Requests to present**

- (1) A request to present must be received by the *Chief Executive Officer* or any member of *Council* staff nominated by him or her, before a time specified in any policy adopted by *Council* from time to time.
- (2) A person requesting to present must, if asked to do so, specify their name, address and contact telephone number and must, in any event, nominate the item to which he or she wishes to speak.
- (3) Requests received after the time referred to in sub-clause (1) will not be considered by the *Special Committee* or *Council* (as the case may be).

---

**71. When a presentation can be made**

A person may only present to a designated meeting of a *Special Committee* or an *Ordinary meeting* or *Special meeting* if he or she:

- (1) proposes to present to an item on the *agenda*; and
- (2) has been registered to speak following a request made under clause 69.

---

**72. Limitations upon speakers**

If a *Special Committee* or *Council* at an *Ordinary meeting* or *Special meeting* determines to hear from an individual who has been registered to speak the person addressing the *Special Committee* or *Ordinary meeting* or *Special meeting* must comply with any policy relating to presentation adopted by *Council* from time to time.

---

**73. Questions but no discussion permitted**

Following a speaker's presentation, members of the *Special Committee* or Councillors at an *Ordinary meeting* or *Special meeting* or members of *Council* staff at either meeting may only ask the speaker questions or seek clarification of issues

raised by the speaker in his or her presentation which may assist in the deliberations prior to the elected body making a decision but no discussion will be allowed.

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**74. Individual presentation to section 223 *Special Committee***

- (1) Where a request to be heard has been received in accordance with section 223 of the *Act*, the speaker must be afforded a reasonable opportunity to speak up to a maximum period of five minutes. One extension of up to one minute may be granted by the *Chair*.
- (2) Councillors may, through the *Chair*, question or seek clarification of any submitter in relation to his or her submission.
- (3) Where a submitter has been heard in accordance with section 223 of the *Act* at a *Special Committee* established for that purpose, or where there are no submitters at a section 223 hearing, no further opportunity will be afforded to speak again on the subject matter when it is considered at the *Ordinary meeting* or *Special meeting*.

---

**75. Relaxation of requirement**

Nothing in this Division prevents:

- (a) the *Chief Executive Officer* determining which meeting will consider the request for the individual to be heard;
- (b) arranging for a deputation or individual to meet with a group of Councillors;
- (c) *Council* from resolving to hear from a deputation or individual at any time; or
- (d) Council from:
  - (i) terminating the appointment of, or not appointing, any *Special Committee*; or
  - (ii) resolving that a *Special Committee* empowered to hear an individual wishing to be heard, no longer hear from the individual wishing to be heard.

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## DIVISION 11 – VOTING

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### 76. How motion determined

To determine a motion before a meeting, the *Chair* must first call for those in favour of the motion, those opposed to the motion and (if applicable) those abstaining from voting, and must then declare the result to the meeting.

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### 77. Silence

Voting must take place in silence.

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### 78. Recount

The *Chair* may direct that a vote be recounted to satisfy himself or herself of the result.

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### 79. Casting vote

In the event of a tied vote, the *Chair* must exercise the casting vote in accordance with the *Act*.

*There are some circumstances in which the Chair does not have a casting vote and the matter is to be determined by lot. These are to be found in section 90(2) of the Act.*

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### 80. By show of hands

Voting on any matter is by show of hands.

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### 81. Procedure for a division

- (1) Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.
- (2) When a division is called for, the vote already taken must be treated as set aside and the division will decide the question, motion or amendment.
- (3) When a division is called for, the *Chair* must:

- (a) first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of his or her hands. The *Chair* must then state, and the *Chief Executive Officer* or any member of *Council* staff taking the minutes must record, the names of those Councillors voting in the affirmative;
- (b) then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of his or her hands. The *Chair* must then state, and the *Chief Executive Officer* or any member of *Council* staff taking the minutes must record, the names of those Councillors voting in the negative; and
- (c) finally ask each Councillor wishing to abstain from voting to raise a hand and, upon such request being made, each Councillor wishing to abstain from voting must raise one of his or her hands. The *Chair* must then state, and the *Chief Executive Officer* or any member of *Council* staff taking the minutes must record, the names of those Councillors abstaining from voting.

---

**82. No discussion once declared**

Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

- (a) a Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or
- (b) foreshadowing a *notice of rescission* where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

*For example, clause 82 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.*

*Equally, clause 82 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.*

*Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in clause 82(b), to discussion about a positive motion were a resolution has just been rescinded.*

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**DIVISION 12 – MINUTES**

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**83. Confirmation of minutes**

- (1) At every meeting of *Council* the minutes of the preceding meeting(s) must be dealt with as follows:
- (a) a copy of the draft minutes must be delivered to each Councillor no later than 48 hours after the Mayor has signed the minutes;
  - (b) if no Councillor indicates opposition, the minutes must be declared to be confirmed;
  - (c) if a Councillor is dissatisfied with the accuracy of the minutes, he or she must:
    - (i) state the item or items with which he or she is dissatisfied; and
    - (ii) propose a motion clearly indicating the alternative language necessary to amend the minutes;
  - (d) a resolution of *Council* must confirm the minutes and the minutes must, if practicable, be signed by the *Chair* of the meeting at which they have been confirmed;
  - (e) the minutes must be entered in the *minute book* and each item in the *minute book* must be entered consecutively;
  - (f) unless otherwise resolved or required by law, minutes of a *Special Committee* requiring confirmation by *Council* must not be available to the public until confirmed by *Council*; and
  - (g) the *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the meeting and to take the minutes of such meeting) must keep minutes of each *Council meeting*, and those minutes must record:
    - (i) the date, place, time and nature of the meeting;
    - (ii) the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;
    - (iii) the names of the members of Council staff present;
    - (iv) any disclosure of a conflict of interest made by a Councillor;

- (v) arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
  - (vi) each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
  - (vii) the vote cast by each Councillor, and any abstention from voting, when the vote was not unanimous or when the vote was taken upon a division;
  - (viii) the vote cast or any abstention from voting by any Councillor who has requested that his or her vote or abstention from voting be recorded in the minutes;
  - (ix) questions asked in Public Question Time and any answer given;
  - (x) the failure of a quorum;
  - (xi) any adjournment of the meeting and the reasons for that adjournment; and
  - (xii) the time at which standing orders were suspended and resumed.
- (2) Unless *Council* resolves otherwise and subject to any contrary requirements imposed by law, the minutes of any meeting of a committee established by *Council* must not be made public unless those minutes have been confirmed by *Council*.

*It is possible that a Freedom of Information request is made for access to the unconfirmed minutes of a Committee meeting. If so and a decision on access needs to be made before Council can confirm the minutes the exceptions in sub-clause (2) allow access to the unconfirmed minutes to be given. This is an example of a contrary requirement "imposed by law".*

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**84. No debate on confirmation of minutes**

No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.

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**85. Deferral of confirmation of minutes**

*Council* may defer the confirmation of minutes until later in the meeting or until the next meeting if considered appropriate.

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**86. Recording of meetings**

- (1) the *Chief Executive Officer* or his/her delegate must record on suitable recording equipment all proceedings of an *Ordinary meeting* or *Special meeting* except where the meeting is closed to the public in accordance with section 82(2) of the *Act*.
- (2) Recordings of the proceedings will be retained and will be placed on *Council's* website within 24 hours of the end of the meeting.
- (3) Members of the public are to be advised that the meeting is being recorded and the recording will be made available to members of the public via *Council's* website. Members of the public are to be advised by appropriate signage that while care is taken to maintain a person's privacy as an attendee in the gallery, they may be recorded.
- (4) Subject to sub-clause (1) above, members of the public must not operate photographic audio or video recording equipment or any other recording device at any *Ordinary meeting* or *Special meeting* without first obtaining the consent of *Council*. Such consent may at any time during the course of such meeting be revoked by *Council*.

**Penalty:** 5 penalty units

*A member of the public who breaches clause 86(4) may also be breaching other legislation or become civilly liable, such as where the recording unlawfully infringes the privacy, or gives rise to harassment, of another who is present at the meeting.*

- (5) All Councillors must have their microphones switched on when speaking at a *Council meeting*.

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**DIVISION 13 – BEHAVIOUR**

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**87. Display of placards and posters**

A person must not:

- (1) display any offensive, indecent, insulting or objectionable item or words in the Council Chambers; or

- (2) obstruct the entrance to the Council Chambers or a building where a *Council meeting* or a *Special Committee* meeting is being or about to be held.

**Penalty:** 5 penalty units.

---

**88. Public addressing the meeting**

- (1) Members of the public do not have a right to address *Council* and may only do so under Division 10 or with the consent of *Council*.
- (2) Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the *Chair* whenever called on to do so.
- (3) A member of the public present at a *Council meeting* must not interject during the meeting.

---

**89. 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 (1) 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 threaten his or her authority in chairing the meeting.*

- (3) In the event the *Chair* causes the removal of a Councillor from a meeting, the *Chair* must specify the period of time for which the removal will take effect.

---

**90. Offences**

- (1) It is an offence for:
  - (a) a person to use the *common seal* or any device resembling the *common seal* without the authority of *Council*;

**Penalty:** 10 penalty units

- (b) a person to inscribe upon a petition or joint letter a name or signature purporting to be the name or signature of another person;

**Penalty: 5** penalty units

- (c) any person, including a Councillor, who is guilty of any improper or disorderly conduct, to not leave the Chamber when requested by the *Chair* to do so; or

**Penalty: 2** penalty units

- (d) any person to fail to comply with a direction of the *Chair* in relation to the conduct of the meeting and the maintenance of order

**Penalty: 2** penalty units.

*The penalty units set out in this sub-clause and elsewhere (eg clause 86(4)) represent the maximum amount, which a Court can order a person to pay. Even then, it requires a prosecution to be brought against the person in the Magistrates' Court. An alternative to prosecution is the infringement notice procedure outlined in sub-clause (2).*

- (2) An *authorised officer* may, as an alternative to prosecution, issue an infringement notice in accordance with the *Infringements Act 2006* and associated regulations to any person who has committed an offence against this Local Law.
- (3) The fixed penalty in respect of an on the spot infringement is the amount set out in Schedule 1.
- (4) Any infringement notice issued to a person under this Local Law may be served on or given to the person by:
  - (a) delivering the notice to the person;
  - (b) leaving the notice at his or her usual or last known place of residence or business with a person apparently over the age of 16 years and apparently residing or employed at that place; or
  - (c) sending the document by post addressed to the person at his or her last known place of residence or business.

- (5) The relevant *authorised officer* may withdraw the infringement notice within 28 days after its date by sending a notice to the person on whom the infringement notice was served.
- (6) If the person pays the penalty before the infringement notice is withdrawn, the person is entitled to a refund of the penalty.
- (7) If the person pays the penalty within the time specified in the notice or, if the relevant *authorised officer* allows, before a summons is served on the person in respect of the infringement, the following provisions apply:
  - (a) further proceedings for an offence are not to be taken against the person; and
  - (b) there is to be no conviction recorded against the person for the infringement.
- (8) A penalty paid under this clause must be applied as if the person who paid it was convicted of the infringement in a Magistrates' Court on the information of a person authorised by *Council* to bring proceedings on its behalf.
- (9) If a person served with an infringement notice has not paid the penalty within the time specified in the notice or any extension of that time or if an infringement notice is not withdrawn proceedings may still be taken or continued to prosecute the alleged offence.
- (10) To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- (11) A person issued with an infringement notice is entitled to disregard the infringement notice and defend any prosecution in court.

---

**91. Chair may adjourn disorderly meeting**

If the *Chair* is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the meeting, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks proper. In that event, the provisions of clause 25(1) and 25(2) apply.

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**92. Removal from Chamber**

The *Chair* or *Council* may ask the *Chief Executive Officer* or *authorised officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Local Law and whom the *Chair* has ordered to be removed from the meeting under clause 89 of this Local Law.

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#### DIVISION 14 – ADDITIONAL DUTIES OF CHAIR

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##### 93. The *Chair's* duties and discretions

In addition to the duties and discretions provided in this Local Law, the *Chair*:

- (a) may demand retraction of any inappropriate statement or unsubstantiated allegation;
- (b) must ensure silence is preserved by all other persons while a Councillor or other speaker is addressing the meeting;
- (c) must call to order any member of the public who approaches the *Council* or *Committee* table during the meeting, unless invited by the *Chair* to do so;
- (d) must call to order any person who is disruptive or unruly during any meeting; and
- (e) must be impartial and fair, and must take steps to ensure that no Councillor is demeaned or denigrated during any Council meeting.

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#### DIVISION 15 – SUSPENSION OF STANDING ORDERS

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##### 94. Suspension of standing orders

- (1) To expedite the business of a meeting, *Council* may suspend standing orders.

*The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.*

*Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.*

- (2) The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of *Council*. An appropriate motion would be:  
  
"That standing order be suspended to enable discussion on....."
- (3) No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of standing orders.

- (4) Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

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#### DIVISION 16 – MISCELLANEOUS

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##### 95. Procedure not provided in Local Law

In all cases not specifically provided for by this Local Law, *Council* may determine the matter by resolution.

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##### 96. Policies and guidelines

Council may adopt any policies or guidelines from time to time for the purpose of exercising any discretion conferred by this Local Law.

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#### DIVISION 17 – SPECIAL AND ADVISORY COMMITTEES

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##### 97. Application to *Special Committees* generally

- (1) If *Council* establishes a *Special Committee* composed solely of Councillors, all of the provisions of Divisions 1-16 of this Local Law apply to meetings of the *Special Committee*.
- (2) For the purposes of sub-clause (1), a reference in Division 1-16 of this Local Law to:
- (a) an *Ordinary meeting of Council* is to be read as a reference to a meeting of the *Special Committee*;
  - (b) a Councillor is to be read as a reference to a member of the *Special Committee*; and
  - (c) the *Mayor* is to be read as a reference to the *Chair* of the *Special Committee*.

---

##### 98. Application to *Special Committees* specifically

Notwithstanding clause 97, if *Council* establishes a *Special Committee* composed solely of Councillors:

- (a) *Council* may; or

(b) the *Special Committee* may, with the approval of *Council*

resolve that any provision(s) of Divisions 1-16 is or are (as appropriate) not to apply, whereupon that provision or those provisions will not apply until *Council* resolves, or the *Special Committee* with the approval of *Council* resolves, otherwise.

---

**99. Application to *Advisory Committees* generally**

- (1) If *Council* establishes an *Advisory Committee*, all of the provisions of Divisions 1-16 of this Local Law apply to meetings of the *Advisory Committee*.
- (2) For the purposes of sub-clause (1) a reference in Division 1-16 of this Local Law to:
- (a) a *Council meeting* is to be read as a reference to a meeting of the *Advisory Committee*;
  - (b) a Councillor is to be read as a reference to a member of the *Advisory Committee*; and
  - (c) the *Mayor* is to be read as a reference to the *Chair* of the *Advisory Committee*.

---

**100. Application to *Advisory Committees* specifically**

Notwithstanding clause 99, if *Council* establishes an *Advisory Committee*:

- (a) *Council* may; or
- (b) the *Advisory Committee* may, with the approval of *Council*

resolve that any provision(s) of Divisions 1-16 is or are (as appropriate) not to apply, whereupon that provision or those provisions will not apply until *Council* resolves, or the *Advisory Committee* with the approval of *Council* resolves, otherwise.

---

**101. Adoption of recommendation**

If a recommendation of a *Special Committee* is adopted by *Council*, what has been recommended becomes a resolution of *Council*.

---

The resolution for the making of this Local Law was agreed to by Frankston City Council on 10 September 2018.

**The Common Seal of FRANKSTON CITY** )  
**COUNCIL** was affixed this     day of     )  
2018 in the presence of:     )

..... Mayor/Councillor

..... Chief Executive Officer

---

**Schedule 1****Governance Local Law No. 1****Penalties Fixed for Infringement Notices**

<b>Local Law Provision</b>	<b>Offence</b>	<b>Penalty Units</b>
86(4)	Recording meeting without prior approval	5
87	Displaying certain objects or words or obstructing entrance to Council Chambers or building	5
90(1)(a)	Using the <i>common seal</i> or replica without authority	10
90(1)(b)	Fraudulently signing a petition or joint letter	5
90(1)(c) and (d)	Call to Order – Failing to comply with a direction of the <i>Chair</i>	2



## **COMMUNITY INFORMATION PACK**

### **Proposal to make Governance Local Law No. 1 of 2018**

#### Contents:

1. Public notice (as published in Frankston Leader on 2 July 2018 and on Council's website)
2. Consultation draft Governance Local Law No. 1 of 2018
3. Community Impact Statement (explanatory document).

Note that all of these documents can also be accessed from Council's website.



## Governance Local Law No. 1

Council proposes to make Governance Local Law No. 1 of 2018 to provide for the orderly conduct of Council Meetings, election of the Mayor and Deputy Mayor and use of Council's common seal. If adopted, the new Governance Local Law No. 1 of 2018 will replace the existing Governance Local Law No. 1 of 2015.

The Local Law deals with election of the Mayor and Deputy Mayor, use of Council's common seal, and meetings procedure including notice and agendas, quorums, business of meetings, motions and debate, procedural motions, amendments, rescission motions, points of order, public participation, voting at meetings, keeping of minutes, addressing a meeting and behaviour at meetings. The Local Law also sets penalties for breach of certain provisions.

Copies of the proposed Local Law and the explanatory document (Community Impact Statement) are available from the Civic Centre during office hours, on Council's website at [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au) or by contacting the Manager Administration & Corporate Projects on 1300 322 322.

### Have Your Say

Any person may make a submission to this proposal. All submissions received on or before Monday, 30 July 2018 will be considered by Council in accordance with section 223 of the Act. Any person making a submission is entitled to request (in the submission itself) to be heard at a Council meeting in support of the submission, either in person or by a person acting on his or her behalf. Notice of the meeting date and time will be given to each person who has lodged a submission. Submissions should be addressed to: Governance Team, Frankston City Council, PO Box 490, Frankston, 3199. Submissions may also be hand delivered to the Civic Centre, or emailed to [info@frankston.vic.gov.au](mailto:info@frankston.vic.gov.au)

Submitters should note that Council is required to maintain a public register of submissions received during the previous 12 months. Unless a submitter requests to the contrary, copies of submissions (including the submitters' names and addresses) may also be included in the Council meeting agenda and minutes, which are a permanent public record, and which are published on Council's website.

Dennis Hovenden

**CHIEF EXECUTIVE OFFICER**

CONSULTATION DRAFT



## **Frankston City Council**

### **Local Law No. 1**

### **Governance Local Law**

Draft endorsed by Council at Special Meeting SP2 on 13 June 2018 for public consultation.

Key changes from the existing Governance Local Law No. 1 of 2015 are highlighted using red font.

CONSULTATION DRAFT

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## PART A – INTRODUCTION

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### 1. Title

This Local Law will be known as the "Governance Local Law".

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### 2. Purpose of this Local Law

- (1) The purpose of this Local Law is to **provide for the orderly, efficient and equitable conduct of meetings of Council and Special Committees.**
  - (2) **Specifically, this Local Law is to:**
    - (a) provide a mechanism to facilitate the good government of *Council* through its formal meeting procedure to ensure effective and efficient *Council* decisions are made in a manner which acknowledges the role of local government within the Australian system of government;
    - (b) promote and encourage community participation in the system of local government by providing mechanisms for *Council* to ascertain the community's views and expectations;
    - (c) provide for the election of the *Mayor and Deputy Mayor*;
    - (d) regulate the use of the *common seal*;
    - (e) prohibit unauthorised use of the *common seal* or any device resembling the *common seal*;
    - (f) provide for the procedures governing the conduct of *Council meetings* and *Special Committee* meetings, *Advisory Committee* meetings and Councillor Briefings, **to facilitate their orderly, efficient and equitable operation;**
    - (g) set the rules of behaviour for those participating in or present at *Council meetings* and *Special Committee* meetings, *Advisory Committee* meetings and Councillor Briefings; and
    - (h) provide for the role of the *Mayor Deputy Mayor*.
- 

### 3. Authorising provision

This Local Law is made under section 111(1) of the *Local Government Act 1989*.

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**4. Commencement and end dates**

This Local Law:

- (a) commences on the day following the day on which notice of the making of this Local Law is published in the *Victoria Government Gazette*, and operates throughout the *municipal district*; and
- (b) ends on the 10<sup>th</sup> anniversary of the day on which it commenced operation.

---

**5. Revocation of Local Law No. 1 of 2015**

On the commencement of this Local Law, Council's **Governance Local Law No. 1 of 2015** is revoked.

---

**6. Definitions and notes**

- (1) In this Local Law:

"**Act**" means the Local Government Act 1989;

"**Advisory Committee**" means an advisory committee established by *Council* under section 86(1) of the *Act*;

"**agenda**" means the notice of a meeting setting out the business to be transacted at the meeting;

"**authorised officer**" means a member of Council staff who is authorised by *Council* to carry out specific functions under this Local Law;

"**business day**" means a period between 8.30am and 5.00pm on a day which is not a Saturday, Sunday or public holiday;

"**Chair**" means the Chairperson of a meeting and includes an acting, a temporary and a substitute Chairperson;

"**Chief Executive Officer**" means the Chief Executive Officer of *Council*;

"**common seal**" means the common seal of *Council*;

"**Council**" means Frankston City Council;

"**Council meeting**" includes a meeting at which the *Mayor* is elected, an *Ordinary meeting* and a *Special meeting*;

"**delegate**" means a Councillor or member of *Council* staff who, by virtue of a resolution, is *Council's* delegate, nominee or appointee to an external body, association, group or working party;

"**Mayor**" means the Mayor of *Council*;

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"**minute book**" means the collective record of proceedings of *Council*;

"**municipal district**" means the municipal district of *Council*;

"**notice of motion**" means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting;

"**notice of rescission**" means a *notice of motion* to rescind a resolution made by *Council*;

"**offence**" means an act or default contrary to this Local Law;

"**Ordinary meeting**" means any meeting of *Council* which is not a *Special meeting*;

"**penalty units**" mean penalty units as prescribed in the *Sentencing Act 1992*;

"**senior officer**" has the same meaning as in the *Act*;

"**Special Committee**" means a special committee established by *Council* under section 86(1) of the *Act*;

"**Special meeting**" means a Special meeting of *Council* convened and held in accordance with section 84, 84A or 85 of the *Act*;

"**urgent business**" means business which is raised under clause 30;

"**visitor**" means any person (other than a Councillor, member of a *Special Committee*, or member of *Council* staff) who is in attendance at a *Council meeting* or a *Special Committee* meeting; and

"**written**" includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form.

- (2) Introductions to Parts, headings and notes are explanatory notes and do not form part of this Local Law. They are provided to assist understanding.

---

## 7. Review of Local Law

To ensure the appropriate functioning of *Council meetings* this Local Law will be formally reviewed every four years before the public, or sooner if *Council* determines that a review is required by any particular circumstance.

This Local Law can be amended from time to time in accordance with the statutory procedure for making a local law, to best suit *Council's* circumstances.

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## PART B – ELECTION OF MAYOR

**Introduction:** This Part is concerned with the annual election of the *Mayor*. It describes how the *Mayor* is to be elected.

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### 8. Election of the *Mayor*

- (1) A meeting to elect the *Mayor* must be held:
  - (a) as soon as practicable after the declaration of the results of a general election of Councillors;
  - (b) as soon as practicable after the fourth Saturday in October, in years between general elections of Councillors; and
  - (c) as soon as practicable after the office of *Mayor* otherwise becomes vacant.
- (2) A temporary *Chair* must be elected to facilitate the election of the *Mayor* in accordance with the provisions of this Local Law and the *Act*.

---

### 9. Method of voting

The election of the *Mayor* must be carried out by a show of hands.

---

### 10. Determining the election of the *Mayor*

- (1) The temporary *Chair* must open the meeting at which the *Mayor* is to be elected, and invite nominations for the office of *Mayor*.
- (2) Any nomination for the office of *Mayor* must be seconded.
- (3) Once nominations for the office of *Mayor* have been received and those nominated have accepted their nomination, the following provisions will govern the election of the *Mayor*:
  - (a) if there is only one nomination, the candidate nominated is deemed to be elected;
  - (b) if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates and each of the candidates shall be allowed three minutes to speak to their nomination, which cannot be extended;

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- (c) in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;
- (d) in the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;
- (e) if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;
- (f) in the event of two or more candidates having an equality of votes and one of them having to be declared:
  - (i) a defeated candidate; and
  - (i) duly electedthe declaration will be determined by lot.
- (g) if a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:
  - (i) each candidate will draw one lot;
  - (ii) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
  - (iii) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).

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**11. Election of Deputy Mayor and *Chairs***

- (1) At a meeting to elect the *Mayor*, *Council* will, immediately after the election of the *Mayor*, elect a *Deputy Mayor*.
- (2) Any election for:
  - (a) the office of *Deputy Mayor*; or
  - (b) temporary *Chair*, in cases where a temporary *Chair* needs to be elected under clause 12will be regulated by clauses 8-10 (inclusive) of this Local Law, as if, in the case of any election for *Deputy Mayor*, the reference to the:
  - (c) temporary *Chair* is a reference to the *Mayor*; and
  - (d) *Mayor* is a reference to the *Deputy Mayor*.
- (3) The role of the *Deputy Mayor* is to perform the duties ascribed to the *Mayor* where the *Mayor* is absent, unless the *Deputy Mayor* has a conflict or is unavailable.

---

**12. Identity of temporary *Chairs***

If:

- (1) the *Mayor* and any *Deputy Mayor* are absent from a *Council meeting*;
  - (2) it is a meeting to elect the *Mayor*; or
  - (3) for any other reason a temporary *Chair* is required,
- the Councillor who most recently served as *Mayor* will be the temporary *Chair* or, if no such Councillor is present, a Councillor who is elected by the meeting to be temporary *Chair* will become the temporary *Chair*.

---

**PART C – COUNCIL’S COMMON SEAL**

**Introduction:** The *common seal* is a device which formally and solemnly records the collective will of *Council*. The provisions in this Part are designed to protect the integrity of the *common seal*, and describe when it may be affixed to a document.

---

**13. Council’s common seal**

- (1) The *Chief Executive Officer* must ensure the security of the *common seal* at all times.

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- (2) The affixing of the *common seal* to any document must be attested to by not less than two persons, comprising both:
  - (a) one Councillor and the *Chief Executive Officer*; or
  - (b) in the absence of the *Chief Executive Officer*, one Councillor and a member of Council staff authorised to perform this function by the *Chief Executive Officer*.
- (3) Where *Council* authorises the *common seal* to be affixed to any document, the *Chief Executive Officer* must:
  - (a) cause the sealed document to be allocated a seal register number; and
  - (b) ensure that a description of the document sealed is entered into the seal register.

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## PART D – COUNCILLOR BRIEFING ARRANGEMENTS

**Introduction:** This Part describes the nature and procedure for some informal meetings of Councillors.

Councillors meet on a number of occasions monthly at "Councillor Briefings". These are "Assemblies of Councillors" within the meeting of the *Act*.

This Part provides for these informal meetings, and explains why and how they are held.

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### 14. Councillor briefing arrangements

- (1) As part of *Council's* governance arrangements, Councillors may meet regularly at an informal gathering of Councillors known as a "Councillor Briefing" or such other name as *Council* from time to time adopts.
- (2) The purpose of such gatherings is for the organisation to provide advice to Councillors on items of a complex nature or of significant community impact. The briefing enables open discussion between the organisation and Councillors and assists both *Council* staff and Councillors develop better understanding of the matter for consideration.
- (3) The gatherings are not a decision-making forum.
- (4) The gatherings are not open to the public and will generally be held in the Civic Centre or in such other locations as *Council* nominates from time to time.
- (5) **Clauses 86(5), 89, 90(1)(c) and (d), 92 and 93 apply to any gathering of Councillors at a scheduled briefing as if any reference to:**

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- (a) the *Chair* is a reference to the Councillor chairing the gathering;
  - (b) the meeting is a reference to the gathering; and
  - (c) the Chamber is a reference to the room in which the gathering is being held.
- (6) A Councillor who is unable to attend a scheduled briefing must give notice of their apology to the *Chief Executive Officer* as soon as possible but no later than four hours prior to the scheduled briefing commencement time, unless exceptional circumstances exist, so that reasonable notice can be given to other Councillors and Council staff if a briefing is to be cancelled due to insufficient numbers.
- (7) The operating meeting protocols and arrangements in relation to these gatherings will be reviewed from time to time and be subject to resolution of *Council*.

---

## PART E – MEETINGS PROCEDURE

**Introduction:** This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, when and how business may be transacted at a meeting.

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### DIVISION 1 – NOTICES OF MEETINGS AND DELIVERY OF AGENDAS

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#### 15. Dates and times of meetings

- (1) The dates, times and places of meetings are within the discretion of *Council*.
- (2) *Council* will, by resolution at the meeting at which the *Mayor* is to be elected, determine the day and time upon which any *Ordinary meetings* will be held and may by further resolution alter any such dates, times or places.
- (3) An *Ordinary meeting* may only be rescheduled or cancelled by a resolution of *Council*. *Council* must provide a reason for and reasonable notice of the change to the public.

---

#### 16. Council / Committee meeting location

- (1) *Ordinary meetings* and *Special Committee* meetings will be held in the Council Chambers, or any building within the Civic Centre Precinct as determined by the *Mayor*, or another location outside the Civic Centre

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Precinct by resolution of *Council* or the *Special Committee* (as the case may be).

- (2) *Special meetings* may be held at the Council Chambers or elsewhere in the Civic Centre as determined by the *Mayor*.

---

**17. Special meetings**

- (1) The *Mayor* or at least three Councillors may by a written notice call a *Special meeting*.
- (2) The notice must:
  - (a) specify the date and time of the *Special meeting* and the business to be transacted; and
  - (b) be delivered or sent electronically to the *Chief Executive Officer* in sufficient time to enable reasonable notice of the *Special meeting* to be given to all Councillors.
- (3) The *Chief Executive Officer* must convene the *Special meeting* as specified in the notice.
- (4) Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the notice is to be transacted.
- (5) Subject to any resolution providing otherwise, the order of business of any *Special meeting* must be the order in which such business stands in the *agenda* for the meeting.

*Council is also able to call a Special meeting. This must be done by resolution. The Chief Executive Officer can call a Special meeting to be held within 14 days of the result of the Council election being declared.*

*Apart from this, the only other type of Special meeting that can be convened is a "Call of the Council". This is provided for in section 85 of the Act. It is generally reserved for occasions on which all Councillors are required to attend and remain throughout a Council meeting lest Council be deprived of a quorum and be unable to transact an item of business which has, in the past, not been transacted because of some Councillors absenting themselves from the Chamber and preventing proper consideration of the matter.*

---

**18. Notice of meeting**

- (1) A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically (at the

## CONSULTATION DRAFT

option of the Councillor) to every Councillor for all *Ordinary meetings* after noon on a day which is at least four clear days before the meeting.

*If a Council meeting is scheduled for a Monday evening, the notice of meeting (including the agenda) must be delivered or sent electronically by the immediately preceding Thursday evening.*

- (2) A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically to every Councillor for any *Special meeting* within a reasonable time of the *Special meeting* being called. Generally, this means that a notice of meeting must be delivered to every Councillor at least 48 hours before the meeting. A period less than 48 hours may, however, be justified if exceptional circumstances exist.
- (3) Notwithstanding sub-clauses (1) and (2):
- (a) a draft *agenda* for each *Ordinary meeting* must be delivered or sent electronically (at the option of the Councillor) to every Councillor at least ten clear days before the meeting; and
  - (b) a notice of meeting or draft *agenda* need not be served on or sent to any Councillor who has been granted leave of absence unless the Councillor has requested the *Chief Executive Officer* in writing to continue to give notice of any meeting during the period of his or her absence.
- (4) Reasonable notice of each *Ordinary meeting* and *Special meeting* must be provided to the public. *Council* may do this:
- (a) for *Ordinary meetings* by preparing a schedule of meetings annually, and arranging publication of such schedule on *Council's* website and in a local newspaper either at various times throughout the year, or prior to each *Ordinary meeting*; and
  - (b) for any meeting by giving notice:
    - (i) in at least one local newspaper or daily metropolitan newspaper;
    - (ii) on its website; and
- unless time does not allow this to occur in a newspaper, in which case the posting of a notice setting out the details must be displayed on Council's website and the entrance of the Council Chambers and Civic Centre.

*Section 89(4) of the Local Government Act 1989 requires at least seven*

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*days' notice of a council meeting to be given to the public. Subsection (4A) requires 'urgent or extraordinary circumstances' to exist and be recorded in the minutes where less than seven days' notice of a meeting has been given.*

- (5) Copies of the *agenda* and any related material for *Ordinary meetings* must be made available to members of the public after noon on a day which is at least four clear days before the meeting, by being made available at the Civic Centre and on *Council's* website.

*If a Council meeting is scheduled for a Monday evening, the agenda and any related material must appear on Council's website by the immediately preceding Thursday evening. Hard copies of the agenda and any related material must be available for inspection or collection from the Friday morning immediately preceding the Monday evening meeting.*

- (6) Copies of the *agenda* and any related material for *Special meetings* and *Special Committee* meetings must be made available to members of the public immediately after they are delivered or sent electronically to Councillors, by being made available at the Civic Centre and on *Council's* website.

---

**19. Agenda**

- (1) The *agenda* for an *Ordinary meeting* will be determined by the Mayor and the *Chief Executive Officer* jointly, but the views of Councillors expressed at any relevant Councillor briefing are to be taken into account in finalising the *agenda*.
- (2) Late reports can only be accepted into the *agenda* by a majority vote of Councillors.

---

**DIVISION 2 – QUORUMS**

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**20. Ordinary meetings**

The quorum for *Ordinary meetings* is the presence of a majority of the Councillors.

---

**21. Special meetings**

The quorum for *Special meetings* is the presence of a majority of the Councillors.

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**22. Inability to obtain a quorum**

If, after 30 minutes from the scheduled starting time of any *Ordinary meeting* or *Special meeting*, a quorum cannot be obtained, those Councillors present or, if there are no Councillors present, the *Chief Executive Officer* or, if the *Chief Executive Officer* is absent, any *senior officer* who is present, may adjourn the meeting for a period not exceeding seven days.

---

**23. Inability to maintain a quorum**

If during any *Ordinary meeting* or *Special meeting* or any adjournment of the meeting, a quorum cannot be maintained then clause 22 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.

---

**24. Inability to achieve or maintain a quorum due to conflicts of interest of Councillors**

If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by one or more Councillors, the *Chair* or, if there is no *Chair*, the *Chief Executive Officer* or, if the *Chief Executive Officer* is absent, any *senior officer* who is present, may adjourn the meeting for a length of time sufficient to enable dispensation for the affected Councillors to be obtained from the Minister administering the Act.

---

**25. Adjourned meetings**

- (1) The *Chief Executive Officer* must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- (2) If it is impracticable for the notice given under sub-clause (1) to be in writing, the *Chief Executive Officer* must give notice to each Councillor by telephone, in person, by electronic mail or by SMS message.
- (3) Notice must also be provided to the public of the resumption of the adjourned meeting by either giving public notice (if time reasonably permits) or publishing details on *Council's* website and posting a notice at the entrance to the Council Chambers and Civic Centre.

---

**26. Time limits for meetings**

- (1) An *Ordinary meeting* and *Special meeting* must not continue for more than four hours from its commencement unless a majority of Councillors present vote in favour of its continuance.

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- (2) Notwithstanding sub-clause (1), a motion to continue the meeting need not be moved until after consideration of that item of business which was before the meeting as soon as four hours passed since the commencement of the meeting.
- (3) A continuance must not exceed 30 minutes.
- (4) In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the *Chair* immediately prior to the meeting standing adjourned. In that event, the provisions of clause 25(1) and (2) apply.

---

### DIVISION 3 – BUSINESS OF MEETINGS

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#### 27. The order of business

- (1) The business of an *Ordinary meeting* must be conducted in the following order unless the *Council* otherwise resolves:
  - (a) Councillor statement regarding conflicts of interest, opening prayer and acknowledgement of Traditional Owners;
  - (b) Minutes of last meeting or meetings confirmed and signed;
  - (c) Apologies;
  - (d) Disclosure of interest and declarations of conflict of interest;
  - (e) Public questions and submissions time;
  - (f) **Councillor statements;**
  - (g) Items brought forward;
  - (h) Consideration of reports of committees;
  - (i) Consideration of reports of officers;
  - (j) Presentation of petitions and joint letters;
  - (k) Delegates' reports
  - (l) Notices of motion;
  - (m) **Late reports;**
  - (n) Urgent business;
  - (o) Items to be dealt with in Closed Council:

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- (i) Disclosures of interest and declarations of conflict of interest;
  - (ii) Considerations of reports of officers;
  - (iii) Notices of motion; and
  - (iv) *Urgent business*.
- (2) Notwithstanding the above clause, the *Chief Executive Officer* may vary the order of business to take advantage of opportunities which may arise from time to time.

---

**28. Change to order of business**

Once an *agenda* has been sent to Councillors, the order of business for that meeting may only be altered by resolution of *Council*.

---

**29. Conflicts of interest**

- (1) A Councillor must disclose any conflict of interest which that Councillor has in an item of business at the time specified in the *agenda*.
- (2) Nothing in sub-clause (1) derogates from a Councillor's duty under the *Act* to disclose the existence, nature and class of any conflict of interest which that Councillor has in an item of business immediately before the consideration or discussion of that item of business.

*Section 77A of the Act defines when a Councillor will have a conflict of interest. Any Councillor who has a conflict of interest must comply with the requirements of section 79 of the Act.*

*Among these requirements is the requirement to disclose the existence, nature and class of the conflict of interest. This must be done 'immediately' before the consideration or discussion of the item in which the Councillor has a conflict of interest.*

*So, even if the Councillor has disclosed the conflict of interest earlier in the meeting, the existence and nature of the conflict of interest must again be disclosed immediately before any consideration or discussion of the agenda item occurs.*

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**30. Urgent business**

- (1) Business which has not been listed on the *agenda* must only be raised as *Urgent Business* by resolution of *Council*.

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- (2) Unless exceptional circumstances exist and *Council* approves by resolution, only items:
- (a) of minimal impact; and
  - (b) which have arisen since distribution of the *agenda* and cannot safely and conveniently be deferred until the next *Council meeting* may be raised in *Urgent Business*.
- (3) The following items are deemed not to be items of minimal impact (and, therefore, unless exceptional circumstances exist and *Council* approves by resolution, cannot be raised in *Urgent Business*):
- (a) the creation or abolition of any office;
  - (b) the appointment of any person to any office or termination of that appointment;
  - (c) employment issues;
  - (d) the sale or lease of any assets;
  - (e) the declaration of any rate or charge;
  - (f) the creation, alteration or abolition of any strategy, policy or guideline;
  - (g) any request for an investigation which will unreasonably or substantially divert staff resources;
  - (h) any request for a report which will unreasonably or substantially divert staff resources;
  - (i) the commitment of funds, or in kind contributions, for any purposes which will exceed \$5,000; and
  - (j) the content, and provision, of any media release.

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**31. Reports of delegates**

- (1) 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.
- (2) In presenting, the Councillor may for up to three minutes:
- (a) address *Council* on the contents of any *written* report which the Councillor has submitted for inclusion in the *agenda*; or

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- (b) provide a verbal report on any matters otherwise arising out of the deliberations of the external body, association, group or working party.

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**DIVISION 4 – MOTIONS AND DEBATE**

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**32. Councillors may propose *notices of motion***

Councillors may ensure that an issue is listed on an *agenda* by lodging a *notice of motion*.

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**33. *Notice of motion***

- (1) A *notice of motion* must be in writing signed by a Councillor, and be delivered or sent electronically to the *Chief Executive Officer* by no later than noon at least **11** clear *business days* before the meeting at which it is intended to be considered.

*If a Council meeting is scheduled for a Monday evening this means that any notice of motion must be lodged prior to noon on the Wednesday **two weeks prior to the meeting date.***

- (2) *A notice of motion will not be accepted if it:*
  - (a) *relates to a matter in respect of which Council has no power to act;*

*This does not preclude a notice of motion which calls for Council to advocate or lobby to other levels of government for change.*

- (b) *declares a rate or charge;*
- (c) *is defamatory, indecent, abusive or objectionable in language or substance;*
- (d) *promotes or is likely to facilitate a threat to public order or safety;*  
*or*
- (e) *seeks to substantially affect the level of Council services, commit Council to significant expenditure not included in the adopted Budget or commit Council to any contractual arrangement, without first calling for a formal report to be prepared and presented to Council in response to the notice of motion.*

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- (3) The *Chief Executive Officer* may reject any *notice of motion* which is vague or unclear in intention but must:
- (a) notify the Councillor who lodged the *notice of motion* of the rejection and reasons for the rejection; and
  - (b) provide reasonable assistance to the Councillor to help ensure that a *notice of motion*:
    - (i) of similar intention; but
    - (ii) which is neither vague nor unclearis lodged.
- (4) The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda* and, where practicable, will be accompanied by comments from a *senior officer* with responsibility for the subject matter or the issue to which the *notice of motion* relates.
- (5) The *Chief Executive Officer* must cause all *notices of motion* to be numbered, dated and entered in the *notice of motion* register in the order in which they were received.
- (6) Except by leave of *Council*, *notices of motion* before any meeting must be considered in the order in which they were entered in the *notice of motion* register.
- (7) If a Councillor who has given a *notice of motion* is absent from the meeting or fails to move the motion when called upon by the *Chair*, any other Councillor may move the motion.
- (8) If a *notice of motion* is not moved at the meeting at which it is listed, it lapses.
- (9) If a *notice of motion* is moved but not seconded, it lapses.
- (10) Except where the *notice of motion* is to confirm a previous resolution of *Council*, the *notice of motion* may be amended.
- (11) If the Councillor who has lodged or is moving a *notice of motion* wishes to amend it, he or she may do so by seeking leave of *Council* to amend the *notice of motion* prior to it being seconded. A motion must be put to the meeting to give approval for the Councillor moving the *notice of motion* to amend it, prior to putting forward the suggested amending words.
- (12) Once a *notice of motion* has been moved and seconded, the mover cannot amend it.

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(13) Notwithstanding sub-clause (11) another Councillor may move an amendment to the *notice of motion*, which motion must be dealt with in accordance with clause 35(2) of this Local Law.

(14) *A Councillor cannot foreshadow an alternate motion to amend another Councillor's notice of motion.*

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**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*.

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**35. Introducing a motion or an amendment**

- (1) The procedure for moving any motion or amendment is:
  - (a) the mover must state the motion without speaking to it;
  - (b) the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;
  - (c) if a motion or an amendment is moved and seconded the *Chair* must ask:

“Does the mover wish to speak to the motion or amendment?”
  - (d) after the mover has addressed the meeting or been provided with an opportunity to address the meeting, the seconder may address the meeting;
  - (e) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the *Chair* must invite debate or contributions by calling

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on any Councillor who wishes to speak to the motion (including the seconder if he or she has not already spoken to the motion), providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and

- (f) if, after the mover has addressed the meeting, the *Chair* has invited debate or contributions and no Councillor speaks to the motion, then the *Chair* must put the motion to the vote.
- (2) No discussion on the item being considered may take place until such time as a motion is before the *Chair*. Questions of clarification may be asked of the *Chair* or members of *Council* staff present at the meeting.
- (3) The *Chair* may only debate a motion **by speaking immediately after the mover and seconder of the motion have been given opportunity to speak to the motion.**
- (4) If the *Chair* wishes to move or second a motion then the *Mayor* (if the *Chair* is not the *Mayor*) or Deputy Mayor (if the *Chair* is the *Mayor*) must take the chair or, if there is no such Councillor in a position to take the chair, a temporary Chairperson must take the chair in accordance with clause 12 whereupon the *Chair* must vacate the chair and not return to it until the motion has been resolved upon.

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**36. Right of reply**

- (1) The mover of a motion which has not been amended has a right of reply to matters raised during debate.
- (2) After the right of reply has been taken but subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

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**37. Moving an amendment**

- (1) Subject to sub-clause (2) a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- (2) A motion to confirm a previous resolution of *Council* cannot be amended.
- (3) An amendment must not be directly opposite to the motion.
- (4) The mover of an amendment cannot exercise any right of reply.

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**38. Who may propose and debate an amendment**

- (1) An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- (2) Any one Councillor cannot, without the leave of the *Chair*, move more than two amendments in succession.
- (3) Any Councillor can debate an amendment irrespective of whether the Councillor has spoken or proposes to speak to the original motion.
- (4) Debate on an amendment must be restricted to the terms of the amendment.

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**39. How many amendments may be proposed**

- (1) No more than three amendments may be proposed to a motion but only one amendment may be accepted by the *Chair* at any one time.
- (2) No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

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**40. An amendment once carried**

- (1) If the amendment is carried, the motion as amended then becomes the motion before the meeting, and the amended motion must then be put.
- (2) The mover of the original motion retains the right of reply to that motion.

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**41. Foreshadowing motions**

- (1) At any time during debate a Councillor may foreshadow a motion so as to inform *Council* of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- (2) A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the *Chair* being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- (3) The *Chief Executive Officer* or person taking the minutes of the meeting is not required to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
- (4) A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a *Council meeting*.

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**42. Withdrawal of motions**

Before any motion is put to the vote, it may be withdrawn by the mover and seconder with leave of *Council*, in which case the *Chair* must call for a substitute mover and seconder and, if no such substitute is forthcoming, the motion will lapse.

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**43. Separation of motions**

- (1) Where a motion contains more than one part:
  - (a) *Council* by resolution; or
  - (b) in the absence of a resolution, the *Chair* may require the motion to be put to the vote in separate parts.
- (2) Debate will not be permitted on any question that a motion in more than one part be put to the vote in separate parts.

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**44. Chair may separate motions or allow motions to be moved in block**

- (1) The *Chair* may decide to put any motion to the vote in several parts.
- (2) The *Chair* may allow or request a Councillor to move items in block.

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**45. Priority of address**

In the case of competition for the right to speak, the *Chair* must decide the order in which the Councillors concerned will be heard.

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**46. Motions in writing**

- (1) The *Chair* may require that a long, complex or detailed motion be in writing.
- (2) *Council* may adjourn the meeting while the motion is being *written* or *Council* may defer the matter until the motion has been *written*, allowing the meeting to proceed uninterrupted.

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**47. Repeating motion and/or amendment**

The *Chair* may request the person taking the minutes of the meeting to read the motion or amendment to the meeting before the vote is taken.

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**48. Debate must be relevant to the motion**

- (1) Debate must always be relevant to the motion before the *Chair*, and, if not, the *Chair* must request the speaker to confine debate to the motion.
- (2) If after being requested to confine debate to the motion before the chair, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker not speak further in respect of the motion then before the *Chair*.
- (3) A speaker to whom a direction has been given under sub-clause (2) must comply with that direction.

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**49. Speaking times**

- (1) A Councillor must not speak longer than the time set out below, unless granted an extension by *Council*:
  - (a) the mover of a motion or an amendment: three minutes;
  - (b) the mover of a motion exercising a right of reply: three minutes; and
  - (c) any other Councillor: three minutes.
- (2) Only one extension is permitted for each speaker.
- (3) A motion to extend the speaking time cannot be moved:
  - (a) until the original speaking time has expired; and
  - (b) if another speaker has already commenced his or her contribution to the debate,and must be seconded.
- (4) Any extended speaking time must not exceed three minutes.

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**50. Addressing the meeting**

- (1) If the *Chair* so determines:
  - (a) any person addressing the *Chair* must refer to the *Chair* as:
    - (i) Madam *Mayor*; or
    - (ii) Mr *Mayor*; or
    - (iii) Madam *Chair*; or

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- (iv) Mr *Chair*
- as the case may be;
- (b) all Councillors, other than the *Mayor*, must be addressed as Cr\_\_\_\_\_ (name).
- (c) all members of *Council* staff, must be addressed as Mr or Ms\_\_\_\_\_ (name) as appropriate or by their official title.
- (2) Except for the *Chair*, any Councillor who addresses the meeting at an *Ordinary meeting* or *Special meeting* must direct all remarks through the *Chair*.

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**51. If lost**

If a *notice of motion* is lost, a similar *notice of motion* cannot be put before *Council* for at least 90 days from the date it was lost unless *Council* resolves that such a *notice of motion* be listed sooner.

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**52. Right to ask questions**

- (1) A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the *Chair*.
- (2) Any question asked of a member of *Council* staff must not have the effect of:
- (a) embarrassing the member of staff; or
- (b) drawing the member of staff into the debate.
- (3) Any question asked in contravention of sub-clause (2) may be disallowed by the *Chair*.
- (4) The *Chair* has the right to limit questions and direct that debate be commenced or resumed.

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**DIVISION 5 – PROCEDURAL MOTIONS**

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**53. Procedural motions**

- (1) Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chair*.
- (2) Procedural motions require a seconder.

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- (3) The mover of a procedural motion must not have moved, seconded or spoken to the question before the *Chair* or any amendment of it.
- (4) Notwithstanding any other provision in this Local Law, procedural motions must be dealt with in accordance with the following table:

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PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Adjournment of debate to later hour and/or date and place	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the <i>Council</i> has been made for that meeting in accordance with section 85 of the <i>Act</i> ; or (d) When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes

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Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During nominations for <i>Chair</i>	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

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**DIVISION 6 – RESCISSION MOTIONS**

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**54. Notice of rescission**

- (1) A Councillor may propose a *notice of rescission* provided:
- (a) it has been signed and dated by at least **four Councillors, including one Councillor who previously supported the resolution proposed to be rescinded;**
  - (b) the resolution proposed to be rescinded has not been acted on; and
  - (c) the *notice of rescission* is delivered or sent electronically to the *Chief Executive Officer* **within three business days of the conclusion of the meeting at which the resolution was carried,** setting out:
    - (i) the resolution to be rescinded; and
    - (ii) the meeting and date when the resolution was carried.

*It should be remembered that a notice of rescission is a form of notice of motion. Accordingly, all provisions in the Local Law regulating notices of motion equally apply to notices of rescission.*

- (2) A resolution will be deemed to have been acted on if:
- (a) its contents have or substance has been communicated in writing to a person whose interests are materially affected by it; or
  - (b) a statutory process has been commenced
- so as to vest enforceable rights in or obligations on *Council* or any other person.

*If Council resolves to give Notice of a Decision to Grant a Planning Permit and the Notice is physically issued to the planning permit applicant (or the applicant's agent) or a letter or email is sent to the planning permit applicant (or the applicant's agent) advising of Council's decision, the resolution will have been 'acted on'. Its contents will have been formally communicated to a person whose interests are materially affected so as to vest enforceable rights in the applicant and any objectors wishing to appeal, as well as obligations on Council to comply with its duties under the Planning and Environment Act 1987.*

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- (3) The *Chief Executive Officer* or an appropriate member of *Council* staff must defer implementing a resolution which:
- (a) has not been acted on; and
  - (b) is the subject of a notice of rescission which has been delivered or sent electronically to the *Chief Executive Officer* in accordance with sub-clause (1)(c).

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

*By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Monday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the notice of rescission would not be dealt with until the next Monday evening (being the evening of the day on which the planning appeal is to be heard).*

*In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the notice of rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.*

*Clause 54(3) would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.*

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**55. If lost**

If a *notice of rescission* is lost, a similar motion may not be put before *Council* for at least 90 days from the date it was last lost, unless *Council* resolves that the *notice of motion* be re-listed at a future meeting.

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**56. If not moved**

If a *notice of rescission* is not moved at the meeting at which it is listed, it lapses and a similar motion may not be put before *Council* for at least 90 days from the date on which it lapsed.

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**57. May be moved by any Councillor**

A *notice of rescission* listed on an *agenda* may be moved by any Councillor present but may not be amended.

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**58. When not required**

A *notice of rescission* is not required where *Council* wishes to change policy.

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**DIVISION 7 – POINTS OF ORDER**

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**59. Valid points of order**

A point of order may be raised in relation to anything which:

- (a) is contrary to this Local Law;
- (b) is irrelevant to the matter under consideration;
- (c) is outside the powers of *Council*;
- (d) is an error of fact;
- (e) constitutes improper behaviour;
- (f) is offensive;
- (g) constitutes a tedious repetition of something already said; or
- (h) is an act of disorder.

*Rising to express a difference of opinion or to contradict a speaker is not a point of order.*

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**60. Procedure for point of order**

A Councillor raising a point of order must:

- (a) state the point of order; and
- (b) state any section, clause, paragraph or provision relevant to the point of order.

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**61. Chair to decide**

- (1) The *Chair* must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.
- (2) In the event a point of order is raised against the *Chair* then the *Mayor* (if the *Chair* is not the *Mayor*) or Deputy Mayor (if the *Chair* is the *Mayor*) must take the chair or, if there is no such Councillor in a position to take the chair, a temporary Chairperson must take the chair in accordance with clause 12 whereupon the *Chair* must vacate the chair and not return to it until the point of order has been resolved upon.
- (3) Should repeat points of order be raised during debate by a Councillor, which are ruled against by the *Chair*, the *Chair* may consider the conduct of the Councillor raising unsuccessful points of order disruptive for the purposes of clause 89 and, in accordance with that clause, order the removal of such Councillor from the Chamber for a specified period.

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**62. No debate**

A Councillor must not debate a point of order or the merits of a point of order, however the *Chair* may request the Councillor to explain the point of order.

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**63. Chair may adjourn to consider**

- (1) The *Chair* may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- (2) All other questions before *Council* are suspended until the point of order is decided.

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**64. Effect of ruling**

If the *Chair*:

- (a) rules in favour of the point of order, the speaker may continue and no Councillor must do or say anything which would cause another like point of order to be raised; or
- (b) rules against the point of order, the speaker may continue.

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**65. Dissent from *Chair's* ruling**

- (1) A Councillor may move that the meeting disagree with the *Chair's* ruling on a point of order, by moving:  
  
"That the *Chair's* ruling [setting out that ruling or part of that ruling] be dissented from".
- (2) When a motion in accordance with this clause is moved and seconded:
  - (a) the *Chair* must leave the chair and the *Mayor* (if the *Chair* is not the *Mayor*) or Deputy Mayor must chair the meeting; or
  - (b) if there is no Deputy Mayor the *Chair* must leave the chair and the chair must be assumed by a temporary Chairperson.
- (3) The Deputy Mayor or the temporary Chairperson must invite the mover to state the reasons for his or her dissent and the *Chair* may then reply.
- (4) The Deputy Mayor or the temporary Chairperson must put the motion in the following form:  
  
"That the *Chair's* ruling be dissented from."
- (5) If the vote is in the negative, the *Chair* resumes the chair and the meeting proceeds.
- (6) If the vote is in the affirmative, the *Chair* must then resume the chair, reverse or vary (as the case may be) his or her previous ruling and proceed.
- (7) The defeat of the *Chair's* ruling is in no way a motion of censure or non-confidence in the *Chair*, and should not be so regarded by the meeting.

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**DIVISION 8 – PUBLIC QUESTION TIME**

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**66. Question time**

- (1) There must be a public question time at every *Ordinary meeting* to enable members of the public to submit questions to *Council*. **Questions may be asked of *Council*, and may not be directed to individual Councillors.**
- (2) Public question time will be conducted in accordance with any policy adopted by *Council* from time to time.

*The policy adopted by Council may distinguish between Questions With Notice (that are to be lodged a number of days before the Ordinary meeting, and which must be*

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*the subject of a considered response at the meeting) and Questions Without Notice (that can be lodged shortly prior to the Ordinary meeting, and to which a written answer may need to be given in the days following the meeting).*

- (3) Questions submitted to *Council* must be:
- (a) in hard copy or be sent electronically, state the name and address of the person submitting the question and generally be in a form approved or permitted by *Council*; and
  - (b) lodged at *Council's* offices (in the case of a question submitted in hard copy) or sent to *Council* (in the case of a question submitted electronically) by the time specified in any policy adopted by *Council* from time to time.
- (4) No person may submit more than three questions at any one meeting. A question may be split into a maximum of two parts only. If more than two parts to a question are received, only the first two parts will be considered. Similarly, if more than three questions are received, only the first three questions will be considered. All parts of the question must be relevant to the same subject of enquiry.
- (5) The *Chair or Chief Executive Officer* must read to those present at the meeting a question **in its entirety** which has been submitted in accordance with this clause.
- (6) **Questions that relate to operational matters may be read but answered in writing by the *Chief Executive Officer* outside the meeting.**
- (7) Notwithstanding sub-clause (5), the *Chair or Chief Executive Officer* may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read.
- (8) A question may be disallowed by the *Chair or Chief Executive Officer* without causing it to be read if the *Chair or Chief Executive Officer* determines that it:
- (a) it is the nature of a statement or is so prefaced as to have its emphasis on a statement rather than a genuine enquiry (although, in that event, the *Chair or Chief Executive Officer* should, if practicable, read an edited version of the question);
  - (b) relates to a matter outside the duties, functions and powers of *Council*;
  - (c) is defamatory, abusive, offensive or objectionable in language or substance;

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- (d) deals with a subject matter already answered; or
  - (e) is aimed at embarrassing a Councillor or a member of *Council* staff.
- (9) If a question is asked and is taken on notice or it is indicated that a written answer to the question will be given, the *Chief Executive Officer* must ensure that:
- (a) the questioner is asked to provide his or her contact details, unless those details are already known by *Council*;
  - (b) a written answer to the question is delivered or sent electronically to the questioner within seven days of the meeting or any contact details being provided (whichever occurs last); and
  - (c) **the question be recorded in the minutes of the meeting, together with a copy of the written response.**

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**DIVISION 9 – PETITIONS AND JOINT LETTERS**

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**67. Petitions and joint letters**

- (1) Unless *Council* determines to consider it as an item of *Urgent Business*, no motion (other than a motion to receive the same) may be made on any petition or joint letter until the next *Ordinary meeting* after that at which it has been presented.
- (2) It is incumbent on every Councillor presenting a petition or joint letter to acquaint himself or herself with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to *Council*.
- (3) Every Councillor presenting a petition or joint letter to *Council* must confine himself or herself to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of any request.
- (4) Every petition or joint letter presented to *Council* must be written (other than pencil in a hard copy form), contain the request of the petitioners or signatories and, in the case of a petition, be signed by at least five people.
- (5) A petition must include a request on every page, consisting of the following words:

*“We the undersigned hereby petition Frankston City Council  
.....”*

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- (6) Every petition or joint letter must be signed by the persons whose names are included in or appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else, and the address of every petitioner or signatory must be clearly stated.
- (7) Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.
- (8) A copy of the text of the petition or joint letter must be included on the agenda for the next *Ordinary meeting*.
- (9) Every page of a petition must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition.
- (10) The only motions that may be moved in relation to petitions set out in the *agenda* are:
  - (a) That the petition be received;
  - (b) That the petition be received and a report be submitted to a specific meeting cycle for consideration;
  - (c) That the petition be considered at a specific time or in conjunction with a specific item;
  - (d) That the petition be dealt with in conjunction with another item on the agenda or any other *Council* or *Special Committee agenda*; and
  - (e) That the petition be referred to the *Chief Executive Officer* for consideration and response and the response to the petition be submitted to a specific meeting cycle for finalisation.
- (11) If a petition relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* for consideration.
- (12) No member of the public is permitted to speak to the petition when presented at an *Ordinary meeting*. Individuals may request to speak to the petition when any report on the item is considered by a *Special Committee* at a later meeting.

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**68. Submissions by incorporated associations**

It will be assumed that a submission which is presented on an incorporated association's letterhead, and which purports to be on behalf of the incorporated association, has, in fact, been appropriately authorised.

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**DIVISION 10 – PUBLIC SUBMISSIONS**

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**69. Individual presentations to *Special Committee* meetings and *Ordinary Meetings***

An individual wishing to present to a designated meeting of a *Special Committee* or at an *Ordinary meeting* or *Special meeting* may make a request to the *Chief Executive Officer* or his or her nominee.

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**70. Requests to present**

- (1) A request to present must be received by the *Chief Executive Officer* or any member of *Council* staff nominated by him or her, before a time specified in any policy adopted by *Council* from time to time.
- (2) A person requesting to present must, if asked to do so, specify their name, address and contact telephone number and must, in any event, nominate the item to which he or she wishes to speak.
- (3) Requests received after the time referred to in sub-clause (1) will not be considered by the *Special Committee* or *Council* (as the case may be).

---

**71. When a presentation can be made**

A person may only present to a designated meeting of a *Special Committee* or an *Ordinary meeting* or *Special meeting* if he or she:

- (1) proposes to present to an item on the *agenda*; and
- (2) has been registered to speak following a request made under clause 69.

---

**72. Limitations upon speakers**

If a *Special Committee* or *Council* at an *Ordinary meeting* or *Special meeting* determines to hear from an individual who has been registered to speak the person addressing the *Special Committee* or *Ordinary meeting* or *Special meeting* must comply with any policy relating to presentation adopted by *Council* from time to time.

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**73. Questions but no discussion permitted**

Following a speaker's presentation, members of the *Special Committee* or Councillors at an *Ordinary meeting* or *Special meeting* or members of *Council* staff at either meeting may only ask the speaker questions or seek clarification of issues

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raised by the speaker in his or her presentation which may assist in the deliberations prior to the elected body making a decision but no discussion will be allowed.

---

**74. Individual presentation to section 223 *Special Committee***

- (1) Where a request to be heard has been received in accordance with section 223 of the *Act*, the speaker must be afforded a reasonable opportunity to speak up to a maximum period of five minutes. One extension of up to one minute may be granted by the *Chair*.
- (2) Councillors may, through the *Chair*, question or seek clarification of any submitter in relation to his or her submission.
- (3) Where a submitter has been heard in accordance with section 223 of the *Act* at a *Special Committee* established for that purpose, or where there are no submitters at a section 223 hearing, no further opportunity will be afforded to speak again on the subject matter when it is considered at the *Ordinary meeting* or *Special meeting*.

---

**75. Relaxation of requirement**

Nothing in this Division prevents:

- (a) the *Chief Executive Officer* determining which meeting will consider the request for the individual to be heard;
- (b) arranging for a deputation or individual to meet with a group of Councillors;
- (c) *Council* from resolving to hear from a deputation or individual at any time; or
- (d) Council from:
  - (i) terminating the appointment of, or not appointing, any *Special Committee*; or
  - (ii) resolving that a *Special Committee* empowered to hear an individual wishing to be heard, no longer hear from the individual wishing to be heard.

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**DIVISION 11 – VOTING**

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**76. How motion determined**

To determine a motion before a meeting, the *Chair* must first call for those in favour of the motion, those opposed to the motion and (if applicable) those abstaining from voting, and must then declare the result to the meeting.

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**77. Silence**

Voting must take place in silence.

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**78. Recount**

The *Chair* may direct that a vote be recounted to satisfy himself or herself of the result.

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**79. Casting vote**

In the event of a tied vote, the *Chair* must exercise the casting vote in accordance with the *Act*.

*There are some circumstances in which the Chair does not have a casting vote and the matter is to be determined by lot. These are to be found in section 90(2) of the Act.*

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**80. By show of hands**

Voting on any matter is by show of hands.

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**81. Procedure for a division**

- (1) Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.
- (2) When a division is called for, the vote already taken must be treated as set aside and the division will decide the question, motion or amendment.
- (3) When a division is called for, the *Chair* must:

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- (a) first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of his or her hands. The *Chair* must then state, and the *Chief Executive Officer* or any member of *Council* staff taking the minutes must record, the names of those Councillors voting in the affirmative;
- (b) then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of his or her hands. The *Chair* must then state, and the *Chief Executive Officer* or any member of *Council* staff taking the minutes must record, the names of those Councillors voting in the negative; and
- (c) finally ask each Councillor wishing to abstain from voting to raise a hand and, upon such request being made, each Councillor wishing to abstain from voting must raise one of his or her hands. The *Chair* must then state, and the *Chief Executive Officer* or any member of *Council* staff taking the minutes must record, the names of those Councillors abstaining from voting.

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**82. No discussion once declared**

Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

- (a) a Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or
- (b) foreshadowing a *notice of rescission* where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

*For example, clause 82 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.*

*Equally, clause 82 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.*

*Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in clause 82(b), to discussion about a positive motion were a resolution has just been rescinded.*

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**DIVISION 12 – MINUTES**

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**83. Confirmation of minutes**

- (1) At every meeting of *Council* the minutes of the preceding meeting(s) must be dealt with as follows:
- (a) a copy of the draft minutes must be delivered to each Councillor no later than 48 hours after the Mayor has signed the minutes;
  - (b) if no Councillor indicates opposition, the minutes must be declared to be confirmed;
  - (c) if a Councillor is dissatisfied with the accuracy of the minutes, he or she must:
    - (i) state the item or items with which he or she is dissatisfied; and
    - (ii) propose a motion clearly indicating the alternative language necessary to amend the minutes;
  - (d) a resolution of *Council* must confirm the minutes and the minutes must, if practicable, be signed by the *Chair* of the meeting at which they have been confirmed;
  - (e) the minutes must be entered in the *minute book* and each item in the *minute book* must be entered consecutively;
  - (f) unless otherwise resolved or required by law, minutes of a *Special Committee* requiring confirmation by *Council* must not be available to the public until confirmed by *Council*; and
  - (g) the *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the meeting and to take the minutes of such meeting) must keep minutes of each *Council meeting*, and those minutes must record:
    - (i) the date, place, time and nature of the meeting;
    - (ii) the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;
    - (iii) the names of the members of Council staff present;
    - (iv) any disclosure of a conflict of interest made by a Councillor;

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- (v) arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
  - (vi) each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
  - (vii) the vote cast by each Councillor, and any abstention from voting, when the vote was not unanimous or when the vote was taken upon a division;
  - (viii) the vote cast or any abstention from voting by any Councillor who has requested that his or her vote or abstention from voting be recorded in the minutes;
  - (ix) questions asked in Public Question Time and any answer given;
  - (x) the failure of a quorum;
  - (xi) any adjournment of the meeting and the reasons for that adjournment; and
  - (xii) the time at which standing orders were suspended and resumed.
- (2) Unless *Council* resolves otherwise and subject to any contrary requirements imposed by law, the minutes of any meeting of a committee established by *Council* must not be made public unless those minutes have been confirmed by *Council*.

*It is possible that a Freedom of Information request is made for access to the unconfirmed minutes of a Committee meeting. If so and a decision on access needs to be made before Council can confirm the minutes the exceptions in sub-clause (2) allow access to the unconfirmed minutes to be given. This is an example of a contrary requirement "imposed by law".*

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**84. No debate on confirmation of minutes**

No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.

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**85. Deferral of confirmation of minutes**

*Council* may defer the confirmation of minutes until later in the meeting or until the next meeting if considered appropriate.

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**86. Recording of meetings**

- (1) the *Chief Executive Officer* or his/her delegate must record on **suitable recording equipment** all proceedings of an **Ordinary meeting or Special meeting** except where the meeting is closed to the public in accordance with section 82(2) of the Act.
- (2) Recordings of the proceedings will be retained and will be **placed on Council's website within 24 hours of the end of the meeting.**
- (3) Members of the public are to be advised that the meeting is being **recorded and the recording will be made available to members of the public via Council's website.** Members of the public are to be advised by appropriate signage that while care is taken to maintain a person's privacy as an attendee in the gallery, **they may be recorded.**
- (4) Subject to sub-clause (1) above, members of the public must not operate photographic audio or video recording equipment or any other recording device at any **Ordinary meeting or Special meeting** without first obtaining the consent of *Council*. Such consent may at any time during the course of such meeting be revoked by *Council*.

**Penalty: 5** penalty units

*A member of the public who breaches clause 86(4) may also be breaching other legislation or become civilly liable, such as where the recording unlawfully infringes the privacy, or gives rise to harassment, of another who is present at the meeting.*

- (5) **All Councillors must have their microphones switched on when speaking at a Council meeting.**

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**DIVISION 13 – BEHAVIOUR**

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**87. Display of placards and posters**

A person must not:

- (1) display any offensive, indecent, insulting or objectionable item or words in the Council Chambers; or

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- (2) obstruct the entrance to the Council Chambers or a building where a *Council meeting* or a *Special Committee* meeting is being or about to be held.

**Penalty:** 5 penalty units.

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**88. Public addressing the meeting**

- (1) Members of the public do not have a right to address *Council* and may only do so under Division 10 or with the consent of *Council*.
- (2) Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the *Chair* whenever called on to do so.
- (3) A member of the public present at a *Council meeting* must not interject during the meeting.

---

**89. 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 (1) 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 threaten his or her authority in chairing the meeting.*

- (3) **In the event the *Chair* causes the removal of a Councillor from a meeting, the *Chair* must specify the period of time for which the removal will take effect.**

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**90. Offences**

- (1) It is an offence for:
  - (a) a person to use the *common seal* or any device resembling the *common seal* without the authority of *Council*;

**Penalty:** 10 penalty units

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- (b) a person to inscribe upon a petition or joint letter a name or signature purporting to be the name or signature of another person;

**Penalty: 5** penalty units

- (c) any person, including a Councillor, who is guilty of any improper or disorderly conduct, to not leave the Chamber when requested by the *Chair* to do so; or

**Penalty: 2** penalty units

- (d) any person to fail to comply with a direction of the *Chair* in relation to the conduct of the meeting and the maintenance of order

**Penalty: 2** penalty units.

*The penalty units set out in this sub-clause and elsewhere (eg clause 86(4)) represent the maximum amount, which a Court can order a person to pay. Even then, it requires a prosecution to be brought against the person in the Magistrates' Court. An alternative to prosecution is the infringement notice procedure outlined in sub-clause (2).*

- (2) An *authorised officer* may, as an alternative to prosecution, issue an infringement notice in accordance with the *Infringements Act 2006* and associated regulations to any person who has committed an offence against this Local Law.
- (3) The fixed penalty in respect of an on the spot infringement is the amount set out in Schedule 1.
- (4) Any infringement notice issued to a person under this Local Law may be served on or given to the person by:
- (a) delivering the notice to the person;
- (b) leaving the notice at his or her usual or last known place of residence or business with a person apparently over the age of 16 years and apparently residing or employed at that place; or
- (c) sending the document by post addressed to the person at his or her last known place of residence or business.

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- (5) The relevant *authorised officer* may withdraw the infringement notice within 28 days after its date by sending a notice to the person on whom the infringement notice was served.
- (6) If the person pays the penalty before the infringement notice is withdrawn, the person is entitled to a refund of the penalty.
- (7) If the person pays the penalty within the time specified in the notice or, if the relevant *authorised officer* allows, before a summons is served on the person in respect of the infringement, the following provisions apply:
  - (a) further proceedings for an offence are not to be taken against the person; and
  - (b) there is to be no conviction recorded against the person for the infringement.
- (8) A penalty paid under this clause must be applied as if the person who paid it was convicted of the infringement in a Magistrates' Court on the information of a person authorised by *Council* to bring proceedings on its behalf.
- (9) If a person served with an infringement notice has not paid the penalty within the time specified in the notice or any extension of that time or if an infringement notice is not withdrawn proceedings may still be taken or continued to prosecute the alleged offence.
- (10) To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- (11) A person issued with an infringement notice is entitled to disregard the infringement notice and defend any prosecution in court.

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**91. Chair may adjourn disorderly meeting**

If the *Chair* is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the meeting, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks proper. In that event, the provisions of clause 25(1) and 25(2) apply.

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**92. Removal from Chamber**

The *Chair* or *Council* may ask the *Chief Executive Officer* or *authorised officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Local Law and whom the *Chair* has ordered to be removed from the meeting under clause 89 of this Local Law.

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**DIVISION 14 – ADDITIONAL DUTIES OF CHAIR**

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**93. The Chair's duties and discretions**

In addition to the duties and discretions provided in this Local Law, the *Chair*:

- (a) may demand retraction of any inappropriate statement or unsubstantiated allegation;
- (b) must ensure silence is preserved by all other persons while a Councillor or other speaker is addressing the meeting;
- (c) must call to order any member of the public who approaches the *Council* or *Committee* table during the meeting, unless invited by the *Chair* to do so;
- (d) must call to order any person who is disruptive or unruly during any meeting; and
- (e) must be impartial and fair, and must take steps to ensure that no Councillor is demeaned or denigrated during any Council meeting.

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**DIVISION 15 – SUSPENSION OF STANDING ORDERS**

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**94. Suspension of standing orders**

- (1) To expedite the business of a meeting, *Council* may suspend standing orders.

*The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.*

*Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.*

- (2) The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of *Council*. An appropriate motion would be:
- "That standing order be suspended to enable discussion on....."
- (3) No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of standing orders.

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- (4) Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

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**DIVISION 16 – MISCELLANEOUS**

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**95. Procedure not provided in Local Law**

In all cases not specifically provided for by this Local Law, *Council* may determine the matter by resolution.

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**96. Policies and guidelines**

Council may adopt any policies or guidelines from time to time for the purpose of exercising any discretion conferred by this Local Law.

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**DIVISION 17 – SPECIAL AND ADVISORY COMMITTEES**

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**97. Application to *Special Committees* generally**

- (1) If *Council* establishes a *Special Committee* composed solely of Councillors, all of the provisions of Divisions 1-16 of this Local Law apply to meetings of the *Special Committee*.
- (2) For the purposes of sub-clause (1), a reference in Division 1-16 of this Local Law to:
- (a) an *Ordinary meeting of Council* is to be read as a reference to a meeting of the *Special Committee*;
  - (b) a Councillor is to be read as a reference to a member of the *Special Committee*; and
  - (c) the *Mayor* is to be read as a reference to the *Chair of the Special Committee*.

---

**98. Application to *Special Committees* specifically**

Notwithstanding clause 97, if *Council* establishes a *Special Committee* composed solely of Councillors:

- (a) *Council* may; or

## CONSULTATION DRAFT

(b) the *Special Committee* may, with the approval of *Council*

resolve that any provision(s) of Divisions 1-16 is or are (as appropriate) not to apply, whereupon that provision or those provisions will not apply until *Council* resolves, or the *Special Committee* with the approval of *Council* resolves, otherwise.

---

**99. Application to *Advisory Committees* generally**

- (1) If *Council* establishes an *Advisory Committee*, all of the provisions of Divisions 1-16 of this Local Law apply to meetings of the *Advisory Committee*.
- (2) For the purposes of sub-clause (1) a reference in Division 1-16 of this Local Law to:
- (a) a *Council meeting* is to be read as a reference to a meeting of the *Advisory Committee*;
  - (b) a Councillor is to be read as a reference to a member of the *Advisory Committee*; and
  - (c) the *Mayor* is to be read as a reference to the *Chair* of the *Advisory Committee*.

---

**100. Application to *Advisory Committees* specifically**

Notwithstanding clause 99, if *Council* establishes an *Advisory Committee*:

- (a) *Council* may; or
- (b) the *Advisory Committee* may, with the approval of *Council*

resolve that any provision(s) of Divisions 1-16 is or are (as appropriate) not to apply, whereupon that provision or those provisions will not apply until *Council* resolves, or the *Advisory Committee* with the approval of *Council* resolves, otherwise.

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**101. Adoption of recommendation**

If a recommendation of a *Special Committee* is adopted by *Council*, what has been recommended becomes a resolution of *Council*.

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The resolution for the making of this Local Law was agreed to by Frankston City Council on  
xxxxxxxxxxxxxxxxxxxxxxxx 201x.

**The Common Seal** of **FRANKSTON CITY** )  
**COUNCIL** was affixed this    day of    )  
201x in the presence of:    )

..... Mayor/Councillor

..... Chief Executive Officer

## CONSULTATION DRAFT

## Schedule 1

## Governance Local Law No. 1

## Penalties Fixed for Infringement Notices

Local Law Provision	Offence	Penalty Units
86(4)	Recording meeting without prior approval	5
87	Displaying certain objects or words or obstructing entrance to Council Chambers or building	5
90(1)(a)	Using the <i>common seal</i> or replica without authority	10
90(1)(b)	Fraudulently signing a petition or joint letter	5
90(1)(c) and (d)	Call to Order – Failing to comply with a direction of the <i>Chair</i>	2

# Community Impact Statement Governance Local Law No. 1 of 2018



## Explanatory document

*opportunity » growth » lifestyle*

### Introduction

It is good practice for a Council's Governance Local Law to be reviewed by each Council and revised where necessary, to ensure the Councillors are comfortable with the rules which govern the operation of meetings at which Council decisions are made.

Following an extensive review of the provisions in the existing Governance Local Law No. 1 of 2015, Council is proposing to make Governance Local Law No. 1 of 2018 which will supersede the current Governance Local Law No. 1 of 2015.

This Community Impact Statement is intended to provide information to the community about the proposed Local Law, and to assist any member of the public who may wish to make a submission to Council during the public consultation process required under the Local Government Act 1989.

### Background

Section 91(1) of the Act requires a Council to make local laws governing the conduct of meetings of the Council and its special committees. A Council is also required to regulate the election of the Mayor and use of its common seal by way of local law.

### The existing Local Law

Council adopted the existing Governance Local Law No. 1 of 2015 on 13 April 2015. The stated objective of that local law was to provide for the orderly conduct of Council meetings, the election of the Mayor, and the use of Council's common seal. It also deals with agendas, quorums, the keeping of minutes, business of the meeting, voting at meetings, addressing a meeting, motions, speaking times, points of order, formal motions, amendments and rescission motions, public participation, election of the Mayor and Deputy Mayor, use of the common seal, and sets penalties for breach of certain provisions.

The existing Governance Local Law No. 1 of 2015 commenced on 17 April 2015 (being the day after public notice was published in the Government Gazette) and will end on 17 April 2025 unless revoked sooner.

### The review process

It is good practice for a Council's Governance Local Law to be reviewed by each Council and revised where necessary, to ensure that the Councillors are comfortable with the rules which govern the operation of meetings at which Council decisions are made.

At OM303 on 17 July 2017 Council formally indicated its desire to progress the review of the existing Governance Local Law.

Issues and amendments have been discussed during a series of Councillor briefings over the past 12 months. Where a reasonable level of consensus was apparent, input from Councillors was incorporated

into a draft document. This draft was considered by Council at Special Meeting SP2 on 13 June 2018 and endorsed for public consultation.

### **Overview of proposed Governance Local Law No. 1 of 2018**

The Governance Local Law is being proposed to amend the current Local Law, to allow improvements to the operation of Council meetings and briefings.

Some of the more significant changes relate to:

- The Chair's ability to manage disruptive behaviour at Council meetings and briefings;
- The subject matter and time frames for lodging a notice of motion; and
- The requirements for a notice of rescission.

The proposed changes are described in Table 1. Refer to the section entitled 'Amendments to existing Local Law'.

### **Objectives of proposed Governance Local Law No. 1 of 2018**

The purpose of the proposed Governance Local Law No. 1 of 2018 is to provide for the orderly, efficient and equitable conduct of meetings of Council and Special Committees.

Specifically, this Local Law is to:

- (a) provide a mechanism to facilitate the good government of Council through its formal meeting procedure to ensure effective and efficient Council decisions are made in a manner which acknowledges the role of local government within the Australian system of government;
- (b) promote and encourage community participation in the system of local government by providing mechanisms for Council to ascertain the community's views and expectations;
- (c) provide for the election of the Mayor and Deputy Mayor;
- (d) regulate the use of the common seal;
- (e) prohibit unauthorised use of the common seal or any device resembling the common seal;
- (f) provide for the procedures governing the conduct of Council meetings and Special Committee meetings, Advisory Committee meetings and Councillor Briefings, to facilitate their orderly, efficient and equitable operation;
- (g) set the rules of behaviour for those participating in or present at Council meetings and Special Committee meetings, Advisory Committee meetings and Councillor Briefings; and
- (h) provide for the role of the Mayor and Deputy Mayor.

Commencement of this Local Law will also cause Council's Governance Local Law No. 1 of 2015 to be revoked.

### Strategic intent of proposed Governance Local Law No. 1 of 2018

The objectives of the proposed Governance Local Law No. 1 of 2018 are consistent with the Council Plan 2017-2021.

Long-Term Community Outcome 3	A Well Governed City
Theme 3.1	Accountable Governance
Four Year Priority 3.1.1	The elected representatives will provide clear and united direction, transparent decision making and good governance.

### Amendments to existing Local Law

This information is provided to assist the community to understand the implications and impact of the proposed changes.

Table 1 sets out the amendments that will be made to the existing Governance Local Law No. 1 of 2015 by the proposed Governance Local Law No. 1 of 2018, if adopted. It identifies each clause that has been amended and provides a brief explanation of the amendment.

TABLE 1 – PROPOSED AMENDMENTS	
Clause	Description of Change
2	Expanded description of the Local Law's purpose.
2(1)	Clause 2 is titled 'Purpose of this Local Law', but the second sentence in subclause (1) refers to process for amending the Local Law. This content has been moved to clause 7, which is titled 'Review of Local Law'.
7	New requirement for the Local Law to be formally reviewed at least once every four years.
7	Defined terms have been italicised (' <i>Council meetings</i> ' and ' <i>Council</i> ').
10	New provision to allow each mayoral candidate to speak to their nomination.
11	The option to elect a Deputy Mayor has been made a requirement, and the role of the Deputy Mayor has been described.
14(5)	Extended application of the Chair's ability to manage disruptive behaviour at Councillor briefings.
14(5)	Words have been added to narrow the application of the provisions allowing the Chair to manage behaviour to any gathering ' <i>of Councillors at a Councillor briefing</i> ' rather than just to 'any gathering', to avoid unintended application of the provisions.  Following an amendment to narrow the operation of the requirement for Councillors to use microphones, a cross-reference to clause 87(5) has been added to reflect the intention of Councillors that microphones must be used in Council meetings and at formal Councillor briefings.
14(6)	New requirement for Councillors to give at least four hours' notice to the CEO of their inability to attend a scheduled briefing.
14(6)	Reference to 'Council officers' changed to ' <i>Council staff</i> '.

15	Reduced ability to reschedule or cancel an ordinary meeting, and new requirement to provide a reason for and reasonable notice of the change to the public.
18	New explanatory note regarding the requirements for giving notice of a special meeting.
19(1)	Responsibility for determining the agenda for an ordinary meeting has been amended to specifically include the Mayor, and a requirement to take into account the views of Councillors.
19(2)	New requirement for Council to vote on the proposed inclusion into the agenda of any late reports.
27	New Ordinary meeting "Order of Business" items: Councillor statements and Late reports.
34(1)	Changed deadline for lodging a notice of motion.
34(2)	Prohibition of certain types of notices of motion.
34(2)	Defined terms have been italicised (' <i>Notice of motion</i> ' and ' <i>Council</i> ').
34(4)	Minor revision of wording.
34(14)	Prohibition on foreshadowing an alternate motion to amend another Councillor's notice of motion, as this would subvert the normal notice of motion process.
55	Changed requirements for a notice of rescission.
62(2)	New provision for determination of a point of order against the Chair.
62(3)	New provision to enable Chair to remove a Councillor for making repeated unsuccessful points of order.
63	New ability for Chair to request Councillor to explain a point of order.
67	Clarification of question time arrangements.
68(2)	Additional content: Any concerns about the content of a petition or joint letter should be referred to the CEO, to enable an early assessment of any legal or probity issues.
87(1),(2) & (3)	Amendment of provision to suit forthcoming web streaming of audio visual recordings of Council meetings. Application to Special Committee has been removed from sub-clause (1) because the Frankston Arts Board does not have the facilities to enable recordings to be made. Addition of sub-clause (5)
87(5)	New requirement for Councillors to use microphones.
87(5)	Clarify that the requirement to use microphones only applies to Council meetings – this change necessitated the addition of this clause to clause 14(5) so that microphones must also be used in Councillor briefings.
90(3)	New requirement for Chair to specify the period of time for removal of a Councillor.
94(e)	New duty for Chair to be impartial and fair and to ensure no Councillor is demeaned or denigrated during a Council meeting.

## Evaluation of proposed Governance Local Law No. 1 of 2018

Table 2 contains an evaluation of the proposed Governance Local Law No. 1 of 2018 overall.

TABLE 2 – EVALUATION OF PROPOSED LOCAL LAW	
Issue	Evaluation
The success of the Governance Local Law will be best measured by:	<p>The extent to which it:</p> <ol style="list-style-type: none"> <li>1. provides for and facilitates the orderly, efficient and fair conduct of the election of the Mayor and Deputy Mayor.</li> <li>2. provides for and facilitates the orderly, efficient, participative and fair conduct of meetings to which it applies.</li> <li>3. effectively controls and records use of the common seal.</li> </ol>
Existing legislation that might be used instead	<p>Existing legislation cannot be used to achieve the objectives of the Governance Local Law on the basis that:</p> <ol style="list-style-type: none"> <li>1. Section 91 of the Local Government Act 1989 requires a council to make a local law governing the conduct of Council and Special Committee meetings.</li> <li>2. Section 5 of the Local Government Act 1989 provides that Council must have a common seal the use of which must be in accordance with the local laws of the Council.</li> <li>3. Section 71 of the Act, relating to Election of Mayor, is silent on the process to be used to conduct the election. It is therefore appropriate that the process for election of Mayor be articulated in this Local Law.</li> </ol>
State legislation is more appropriate	There is no Victorian legislation that can achieve the objectives of the Governance Local Law.
Overlap of existing legislation	<p>The Act provides for the conduct of Council and Special Committee meetings. There is no overlap between the legislation and the Governance Local Law.</p> <p>To the extent that the Governance Local Law addresses the same subject material as the Act, the Governance Local Law does so in a manner which is consistent with the requirements of the Act.</p>
Overlap of planning scheme	There are no provisions in the Governance Local Law which overlap with the Frankston Planning Scheme.
Risk assessment	There are no significant risks in public advertising and considering adoption of the proposed Governance Local Law.
Legislative approach adopted	The Governance Local Law is necessitated by the provisions of the Local Government Act 1989.
	<p>Conduct of meetings</p> <p>The Governance Local Law adopts a medium impact regulatory approach</p>

	<p>to the conduct of meetings.</p> <p>It prescribes, with a level of detail, the business that can and cannot be transacted and the procedures and protocols of participation. The Local Law is therefore an integral part of Council's governance structure. It provides a foundation for the efficient conduct of the decision making process, and the framework for fair and equitable access and participation of Councillors, Committee members, and (where appropriate) officers and the community.</p> <p>Whilst being largely prescriptive, the Local Law retains a level of discretion that is considered appropriate for the Chair of the meeting to facilitate the orderly conduct of meetings, whilst allowing latitude to deal with particular circumstances of the meeting and business at hand.</p>
	<p><b>Conduct of election of Mayor and Deputy Mayor</b></p> <p>The Governance Local Law adopts a high impact regulatory approach in relation to the election of the Mayor and Deputy Mayor.</p> <p>The Local Law sets out the procedural aspects of mayoral elections in a highly prescriptive manner. There are no discretionary provisions or processes.</p> <p>This approach is considered appropriate as it provides certainty and transparency to participants and the community, and ensures elections are conducted in fair and equitable manner.</p>
	<p><b>Council's Common Seal</b></p> <p>The Governance Local Law adopts a high impact regulatory approach in relation to the use of Council's common seal.</p> <p>This approach is considered appropriate as it provides clear accountability for appropriate use and safekeeping of the Council seal, as well as mandating associated record-keeping.</p>
<b>Restriction of competition</b>	<p>No implications are envisaged with respect to the National Competition Policy.</p>
<b>Penalties</b>	<p>The Governance Local Law creates a minimal number of offences. Penalties for these offences are considered reasonable.</p> <ul style="list-style-type: none"> <li>• Clause 87(4) of the Local Law provides that it is an offence for a person to record a meeting without prior approval. Penalty: 5 penalty units.</li> <li>• Clause 88 provides that it is an offence to display certain objects or words, or to obstruct the entrance to the Council Chambers or building. Penalty: 5 penalty units.</li> <li>• Clause 91(1)(a) provides that it is an offence for a person to use the common seal or any device resembling the common seal without the authority of Council. Penalty: 10 penalty units.</li> </ul>

	<ul style="list-style-type: none"> <li>• Clause 91(1)(b) provides that it is an offence for a person to inscribe upon a petition or joint letter a name or signature purporting to be the name or signature of another person. Penalty: 5 penalty units.</li> <li>• Clause 91(1)(c) provides that it is an offence for any person, including a Councillor, who is guilty of any improper or disorderly conduct, to not leave the Chamber when requested by the Chair to do so. Penalty: 2 penalty units.</li> <li>• Clause 91(1)(d) provides that it is an offence for any person to fail to comply with a direction of the Chair in relation to the conduct of the meeting and the maintenance of order. Penalty: 2 penalty units.</li> </ul> <p>At the time of writing the value of a penalty unit is \$161.19</p>
Permits	The Governance Local Law does not make provision for the issue of permits.
Fees	The Governance Local Law does not prescribe any fees.
Performance or prescriptive standards	<p>It is considered appropriate that the Governance Local Law contains prescriptive standards, to the extent that it sets out the procedures to be followed in the conduct of the election of the Mayor and Deputy Mayor, and the conduct of Council and Special Committee Meetings.</p> <p>The prescriptive nature of the Local Law provides procedural certainty for Councillors, staff and the community. With regard to the mayoral election and the conduct of meetings, the prescriptive nature of the Local Law also contributes to the fair and equitable application of the Local Law.</p> <p>The Governance Local Law does take a performance based approach to many of the behavioural aspects of Governance; refer for example to Clause 35 Chair's Duty, Division 13 Behaviour and Division 14 Additional Duties of Chair.</p>
Comparison with neighbouring and like Councils	<p>A detailed comparison has not been undertaken with the equivalent local laws of neighbouring municipalities.</p> <p>However sampling against other municipalities indicates that the Governance Local Law is generally consistent with neighbouring and like Councils taken as a whole. Within that context each Council develops processes for Governance which address their particular needs.</p>
Consultation	The amendments proposed to the Governance Local Law have been developed in consultation with Councillors. Council's Audit and Risk Management Committee, Municipal Monitor and external legal advisors have also provided feedback during development of the draft.
Submissions	Public consultation will be undertaken as part of the process of making the Governance Local Law. Anyone interested in making a submission may do so, in accordance with section 223 of the Local Government Act 1989.

### Assessment of human rights compatibility

The proposed Governance Local Law No. 1 of 2018 has been reviewed for compatibility with the Charter of Human Rights (the Charter).

The key points of engagement between the Charter and the Governance Local Law are in context of the right to take part in public life and the right to freedom of expression.

The Governance Local Law is considered to be fully compatible with the Human Rights Charter. Table 3 contains a description of changes to existing Local Law provisions and key aspects of the Local Law which are considered relevant to any limitations the Local Law imposes upon rights protected by the Charter.

TABLE 3 – ASSESSMENT OF HUMAN RIGHTS COMPATIBILITY	
Issue	Evaluation
Election of Mayor	<p>Part B</p> <p>This Part of the Local Law sets out clear processes for the election of Mayor, as well as election of Deputy Mayor and Chairs as required. The prescriptive nature of these provisions is proportionate and necessary to ensure that elections are conducted in a transparent and fair manner.</p>
Council Common Seal	<p>Part C</p> <p>This Part of the Local Law sets out arrangements to protect the integrity of the Council’s common seal.</p> <p>There are no human rights implications.</p>
Councillor Briefing Arrangements	<p>Part D</p> <p>This Part of the Local Law has been amended to extend the Chair’s ability to manage disruptive behaviour to Council meetings, and to require a Councillor to give reasonable notice if they are unable to attend a scheduled briefing.</p> <p>Whilst these provisions could be viewed as limiting freedom of expression and the right to participate in public affairs, they are considered proportionate to the purpose and objectives of the Local Law, taking into account the need to establish structure and clarity around the purpose and conduct of Councillor Briefings.</p>
Notices of Meetings and Delivery of Agendas	<p>Part E, Division 1</p> <p>Division 1 contains a number of provisions regarding notice of meetings being given to Councillors and the community, which is intended to facilitate participation in public affairs.</p> <p>The Division includes prescriptive and performance based approaches, for example</p> <ul style="list-style-type: none"> <li>• including minimum notice periods for Councillors</li> <li>• requiring "reasonable" notice for the community</li> </ul>

	<ul style="list-style-type: none"> <li>acknowledging that notice may be given in different forms.</li> </ul> <p>The prescriptive nature of these provisions is proportionate and necessary to ensure that the business of the council and its committees is conducted in a transparent and fair manner.</p>
Quorums	<p>Part E, Division 2</p> <p>Clause 25 provides for notice of adjourned meetings to be given by the CEO to Councillors by various means including electronic or SMS and to require public notice where possible of the resumption of such meeting.</p> <p>Whilst the lack of absolute certainty over giving public notice in respect of adjourned meetings could be viewed as limiting the right to participate in public affairs, this is considered reasonable given the clear intent to give notice of adjournment where possible; the myriad of circumstances that might give rise to adjournment of a Council meeting; and awareness of the obligations of the Council to afford procedural fairness to those affected by the conduct of its meetings.</p>
Business of Meetings	<p>Part E, Division 3</p> <p>There are no human rights implications.</p>
Motions and Debate	<p>Part E, Division 4</p> <p>This Division places some limitations over the transaction of business conducted at Council meetings, including and the manner in which Councillors or committee members may participate.</p> <p>Although some of these provisions could be viewed as limiting freedom of expression and the right to participate in public affairs, they are considered proportionate to the purpose and objectives of the Local Law, taking into account the need to provide notice of business proposed to be conducted at a meeting, and the efficient and orderly conduct of meetings.</p> <p>The procedural limitations contained in this Division are determined variously by Council, the Chair or the Chief Executive Officer. Whilst the procedural limitations may impact on freedom of expression and the right to participate in public affairs, the provisions either:</p> <ul style="list-style-type: none"> <li>vest power in a discretionary rather than mandatory form, providing some latitude to apply the provisions of the Local Law in a manner which is not disproportionate to the Charter rights; or</li> <li>where powers relate to defects against prescribed performance standards, reasonable provision is made for those defects to be overcome or rectified.</li> </ul>
Procedural Motions	<p>Part D, Division 5</p> <p>This Division contains a number of procedural motions, the outcome of which may restrict the business which may be conducted at Council</p>

	<p>meetings, and how that business is conducted.</p> <p>These could be viewed as limiting freedom of expression and the right to participate in public affairs, insofar as they, for example, may curtail debate or decision making on some items. These powers are however, vested in Council, ensuring they are exercised not by an individual but by a majority of Councillors.</p> <p>Where appropriate, provision is also made for debate upon procedural motions, before being determined by a majority of Councillors present. This provides an opportunity for Councillors to raise and consider human rights matters before a decision is made.</p>
Rescission Motions	<p>Part C, Division 6</p> <p>This Division provides an appropriate balance to the powers of the Council to rule on matters which may result in limitations upon the freedom of expression and the right to participate in public affairs, by prescribing a mechanism for Councillors, in some instances, to seek to reverse a decision of Council.</p> <p>It is proposed to change the requirements for a notice of rescission so that the notice must be signed by at least 4 Councillors, including one Councillor who previously supported the resolution proposed to be rescinded, and to require the notice to be given to the Chief Executive Officer within 3 business days of the conclusion of the meeting at which the resolution was carried.</p>
Points of Order	<p>Part C, Division 7</p> <p>This Division provides for the Chair to decide on points of order raised during a Council meeting.</p> <p>There is provision for a Councillor to dissent from the Chair's ruling. This provides an appropriate balance to the powers of the Chair to rule on matters which may result in limitations upon the freedom of expression and the right to participate in public affairs, by prescribing a formal mechanism for Councillors and Committee members to challenge rulings of the Chair in a respectful manner.</p>
Public Question Time; Petitions and Joint Letters; and Public Submissions	<p>Part C, Divisions 8, 9 and 10</p> <p>These Divisions expressly provide for participation by the community in the conduct of Council meetings through Public Question Time, petitions and joint letters, and submission processes.</p> <p>The Local Law regulates that participation with procedural limitations regarding the form, content and processes to be followed and these limitations engage the freedom of expression and the right to participate in public affairs. The provisions are considered to do so however, in a manner which is proportionate to the purpose and objectives of the Local Law, including the efficient and orderly conduct</p>

	<p>of meetings.</p> <p>Most provisions vest power to rule on the application of these procedural limitations in the Chair in a discretionary rather than mandatory form. This provides the Chair with some latitude to apply the provisions of the Local Law in a manner which is not disproportionate to the Charter rights.</p> <p>Some limitations are however, expressed in absolute terms:</p> <p>The limitations relating to submission of questions are considered justifiable. Given the importance of the efficient and orderly conduct of meetings, it would not be reasonable to allow unfettered access to Council. The limitations prescribed in the Local Law are considered a reasonable response, balancing the opportunity for public question time against other matters which compete for Council’s attention on the agenda of a Council meeting, and are therefore not disproportionate to the Charter rights.</p>
<p>Behaviour and Additional Duties of Chair</p>	<p>Part E, Divisions 13 and 14</p> <p>These Divisions regulate the conduct and behaviour of Councillors, officers and members of the community when participating in Council meetings. The provisions prescribe a standard of behaviour that is considered acceptable in the context of Council or committee meetings, and therefore engage both the right to freedom of expression and right to participate in public affairs. Again, the provisions are considered to do so in a manner which is proportionate to the objectives of the Local Law to provide for the efficient and orderly conduct of meetings.</p> <p>To an extent, the limitations on expression and participation in this section when applied to an individual in context, may also serve to protect the very same rights of another individual.</p> <p>For example, the Local Law provides for the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction. Such a provision may be applied to protect the rights of other Councillors or members of the community to participate in the meeting. This or other provisions may be utilised to protect peoples’ right to privacy and reputation, or to liberty and security (by for example, protecting them from harassment or threats).</p> <p>The provisions vest power in a discretionary rather than mandatory form. This provides the Chair some latitude to apply the provisions of the Local Law in a manner which is not disproportionate to the Charter rights. It is also noted with respect to sanctions involving removal from the Chambers, that there is a provision for the Chair to issue a warning before exercising the power.</p>
<p>Special and Advisory Committees</p>	<p>Part E, Division 17</p> <p>This Division contains a number of provisions facilitating community</p>

participation in special and advisory committee meetings.

A number of the provisions restrict the manner of that participation, which could be viewed as limiting freedom of expression and the right to participate in public affairs. However, the procedural limitations are imposed in a manner which is considered proportionate to the purpose and objectives of the Local Law, including the efficient and orderly conduct of meetings.

The procedural limitations in this Division are determined by the Chair, and whilst some of these provisions engage the right to freedom of expression and the right to participate in public affairs, the power to rule on their application is vested in the Chair in a discretionary rather than mandatory form. This provides the Chair some latitude to apply the provisions in a manner which is not disproportionate to the Charter rights.

### Summary

The proposed Governance Local Law No. 1 of 2018 has been developed in consultation with Councillors, and has been formally endorsed for public consultation.

The objective of the proposed Local Law is to provide for the orderly conduct of Council Meetings, election of the Mayor and Deputy Mayor and use of Council's common seal. If adopted, the new Governance Local Law No. 1 of 2018 will replace the existing Governance Local Law No. 1 of 2015.

### Submissions

Any person may make a submission to the proposed Governance Local Law No. 1 of 2018.

All submissions received on or before Monday, 30 July 2018 will be considered by Council in accordance with section 223 of the Local Government Act 1989.

Any person making a submission is entitled to request (in the submission itself) to be heard at a Council meeting in support of the submission, either in person or by a person acting on his or her behalf. Notice of the meeting date and time will be given to each person who has lodged a submission.

Submissions should be addressed to: Governance Team  
Frankston City Council  
PO Box 490  
Frankston VIC 3199

Or may be emailed to: [info@frankston.vic.gov.au](mailto:info@frankston.vic.gov.au)

Or hand delivered to: Civic Centre, 30 Davey Street, Frankston

Submitters should note that Council is required to maintain a public register of submissions received during the previous 12 months. Unless a submitter requests to the contrary, copies of submissions (including the submitters' names and addresses) may also be included in the Council meeting agenda and minutes, which are a permanent public record, and which are published on Council's website.

## Executive Summary

### 12.3 Appointment and Authorisation of Council Staff

*Enquiries: (Brianna Alcock: Corporate Development)*

#### Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

#### Purpose

To make the appointment of a Council Officer for the purpose of enforcing the *Planning and Environment Act 1987* and the *Local Government Act 1989*.

#### Recommendation (Director Corporate Development)

That:

1. Pursuant to the provisions of Section 147 (4) of the *Planning and Environment Act 1987* (Act) and Section 232 of the *Local Government Act 1989* (The Act), Council appoints the officer listed in the Instrument of Appointment and Authorisations. This is attached under separate cover for the purpose and regulation of the Acts.
2. The Instrument of Appointment and Authorisation be signed and sealed.

#### Key Points / Issues

- Under the provisions of the *Planning and Environment Act 1987* (Act) the building officers must be formally appointed as *authorised officers* for the purposes of enforcing the Act.
- The provisions of the Act have been reviewed by lawyers in regards to delegation of powers and have advised that authorisation of officers under the Act cannot be delegated by the Chief Executive Officer. Thus, Building officers must be authorised by resolution of Council.

#### Financial Impact

The State Government has introduced the "Fair Go Rates" system, placing a cap on Council rates which has restricted the level of increases that Council can apply to its rate revenue. Rate revenue constitutes 63 per cent of all Council revenue.

The rate cap over the past two financial years has been 2.5 per cent and 2.0 per cent respectively and is 2.25 per cent in 2018-2019.

The rate cap percentages are based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services. The cost of providing Council services has been increasing well in advance of the rate cap applied by State Government.

Over time this trend may lead to a reduction in the levels of service provided to the community and in Councils ability to fund both new facilities and the ongoing renewal of existing facilities.

Council will continue to evaluate the impacts of rate capping annually and needs to be mindful of these outcomes in all Council decisions.

The authorisation of officers has no financial implications.

**12.3 Appointment and Authorisation of Council Staff****Executive Summary****Consultation****1. External Stakeholders**

Nil

**2. Other Stakeholders**

The authorisation of the officer listed for consideration has been discussed with the Coordinator Building Services and the Manager Community Safety.

**Analysis (Environmental / Economic / Social Implications)**

Nil.

**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

Officers are required to be appointed as authorised officers under Section 147(4) the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*.

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.

**Risk Mitigation**

Without authorisations, there would be a failure for officers' ability to enforce the law.

A suite of authorisations have been developed by Maddocks and are used by most councils across Victoria. Authorisations for other officers in the same or similar roles have existed for many years without any undue issues.

There are a range of checks and balances to ensure these powers are exercised appropriately. When no longer required these powers are revoked to ensure good governance practices are being maintained and the risks associated with inappropriate use are reduced.

**Conclusion**

Appointment of the officer listed in the Instrument of Appointment and Authorisation is required to ensure the provision of the *Planning and Environment Act 1987* and the *Local Government Act 1989* are enforced.

12.3 Appointment and Authorisation of Council Staff

**Executive Summary**

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**ATTACHMENTS**

Attachment A: [⇒](#) Instrument of Appointment and Authorisation for Building Surveyor as at October 2018 (*Under Separate Cover*)

**Executive Summary****12.4 Proposed discontinuance of unused government road - corner North and Aldershot Roads, Langwarrin**

*Enquiries: (Brianna Alcock: 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 consider the submissions made in response to the proposed discontinuance of an unused government road at the corner of North and Aldershot Roads, Langwarrin and to decide whether the proposal will proceed.

**Recommendation (Director Corporate Development)**

That:

1. Council, in accordance with Clause 3, Schedule 10 of the Local Government Act 1989, having considered the written and verbal submissions made in response to the proposed discontinuance, and being of the opinion that the section of unused government road at the corner of North and Aldershot Roads in Langwarrin, shown hatched on the plans attached to this report, is not reasonably required as a road for public use, hereby resolves that the road be discontinued.
2. Melbourne Water continues to have rights over the section of the discontinued road shown as E1 (water supply) on survey plan OP124292.
3. South East Water continues to have rights over the section of the discontinued road shown as E2 (drainage and sewerage) on survey plan OP124292.
4. NBN Co Ltd continues to have rights over the in-service cable/duct/trench and the pit/manhole in the section of discontinued road.
5. Existing rights of TPG Telecom Ltd over pipe networks in the section of discontinued road be preserved.
6. Existing rights of Telstra over any assets that may exist in the section of discontinued road be preserved.
7. In accordance with Clause 3(a), Schedule 10 of the Local Government Act 1989, notice of the discontinuance be published in the Victoria Government Gazette.
8. The submitters be notified in writing of Council's decision to discontinue the road, and of the reasons for that decision.
9. The Department of Treasury and Finance be advised of the completion of the discontinuance.

**Key Points / Issues**

- At Ordinary Meeting 2018/OM1 on 29 January 2018 in response to a request from the Department of Treasury and Finance ('DTF'), Council resolved to commence the statutory procedures to discontinue an unused government road at the corner of North and Aldershot Roads in Langwarrin.

**12.4 Proposed discontinuance of unused government road - corner North and Aldershot Roads, Langwarrin****Executive Summary**

- A survey plan showing the section of road proposed to be discontinued was supplied by the DTF - see Attachment A. The advertised plan with the relevant section of road shown hatched is included as Attachment B.
- The proposal was advertised in the Frankston Leader on 26 February 2018 and on Council's website, and letters were sent to the owners of adjoining properties to notify them of the proposal.
- Two submissions were received from adjoining property owners, both of whom objected to the proposal. De-identified copies of the submissions are included as Attachment C and Attachment D.
- Both of the submitters addressed Council in support of their submissions at meeting OM7 on 4 June 2018. The points raised in opposition to the proposal related to their lack of awareness of the proposal, traffic safety concerns, access rights, planning controls, fairness and past dealings with DELWP in relation to a similar proposal.
- A more detailed description of the key points raised in the submissions, and corresponding officer's comments, is included as Attachment E to this report.
- The proposed discontinuance and sale was also referred to service authorities for comment. No objections were received from service authorities, subject to the preservation of existing easements and rights to utility assets and infrastructure in the land.
- None of the matters raised in the submissions would constitute sufficient reason to abandon the discontinuance process.
- Having considered all matters raised through the consultation processes, it is recommended that Council now resolves to discontinue the road, subject to the preservation of existing water supply and sewerage easements.

**Financial Impact**

The State Government has introduced the "Fair Go Rates" system, placing a cap on Council rates which has restricted the level of increases that Council can apply to its rate revenue. Rate revenue constitutes 63 per cent of all Council revenue.

The rate cap over the past two financial years has been 2.5 per cent and 2.0 per cent respectively and is 2.25 per cent in 2018-2019.

The rate cap percentages are based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services. The cost of providing Council services has been increasing well in advance of the rate cap applied by State Government.

Over time this trend may lead to a reduction in the levels of service provided to the community and in Councils ability to fund both new facilities and the ongoing renewal of existing facilities.

Council will continue to evaluate the impacts of rate capping annually and needs to be mindful of these outcomes in all Council decisions.

There are no financial implications associated with this report.

**12.4 Proposed discontinuance of unused government road - corner North and Aldershot Roads, Langwarrin****Executive Summary**

The outcome of the discontinuance proposal will have a negligible financial impact on Council. The section of government road that is proposed to be discontinued is on Crown land – it is neither owned nor managed by Council. The DTF has paid Council's costs of undertaking the statutory discontinuance procedure, so that Council is not out of pocket for the required work.

**Consultation****1. External Stakeholders**

Public notice of the intention to discontinue the road was given in the Frankston Standard Leader and on Council's website, and individual notifications were sent by post to each of the adjoining land owners.

If the discontinuance proceeds, public notice of the discontinuance will be published in the Victoria Government Gazette, and the DTF will then manage all matters associated with the anticipated subsequent sale of the land.

**2. Other Stakeholders**

Officers in Council's Town Planning, Biodiversity, Traffic, Governance and Commercial Services teams have been consulted in respect of the proposal.

**Analysis (Environmental / Economic / Social Implications)**

DELWP has advised that following consultation with the then Shire of Cranbourne in 1969, it was agreed that this section of Crown land would not be required for road purposes. The road was fenced off, and has been licensed by DELWP to the adjoining land owner since that time, for grazing purposes.

The road has never been constructed as a road, nor been included on Council's road register.

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

The rights protected under the Charter of Human Rights and Responsibilities have been considered in the preparation of this report.

Legal

The statutory procedures for the discontinuance of a road are set out in Schedule 10, clause 3 of the Act.

The requirements for public consultation are set out in sections 207A and 223 of the Act. Council must hear and consider the submissions in accordance with these provisions.

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.

**Risk Mitigation**

It is important that Council's decision is fully informed and made with the benefit of complete and correct information.

**12.4 Proposed discontinuance of unused government road - corner North and Aldershot Roads, Langwarrin****Executive Summary**

Council must consider the matters raised during the consultation process prior to making its decision in relation to this proposal.

**Conclusion**

The DTF asked Council to undertake a statutory discontinuance process in relation to a section of government road on Crown land, which has been fenced off and used for grazing since 1969. The proposal was advertised and two submissions were received from adjoining property owners who oppose the discontinuance proposal. Both submitters spoke to Council regarding their submissions at Ordinary Meeting OM7 on 4 June 2018. The objections relate to their lack of awareness of the proposal, traffic safety concerns, access rights, planning controls, fairness and past dealings with DELWP in relation to a similar proposal.

It is not considered that any of these grounds constitute a sufficient reason to abandon the discontinuance process. It is recommended that now Council resolves that the road be discontinued.

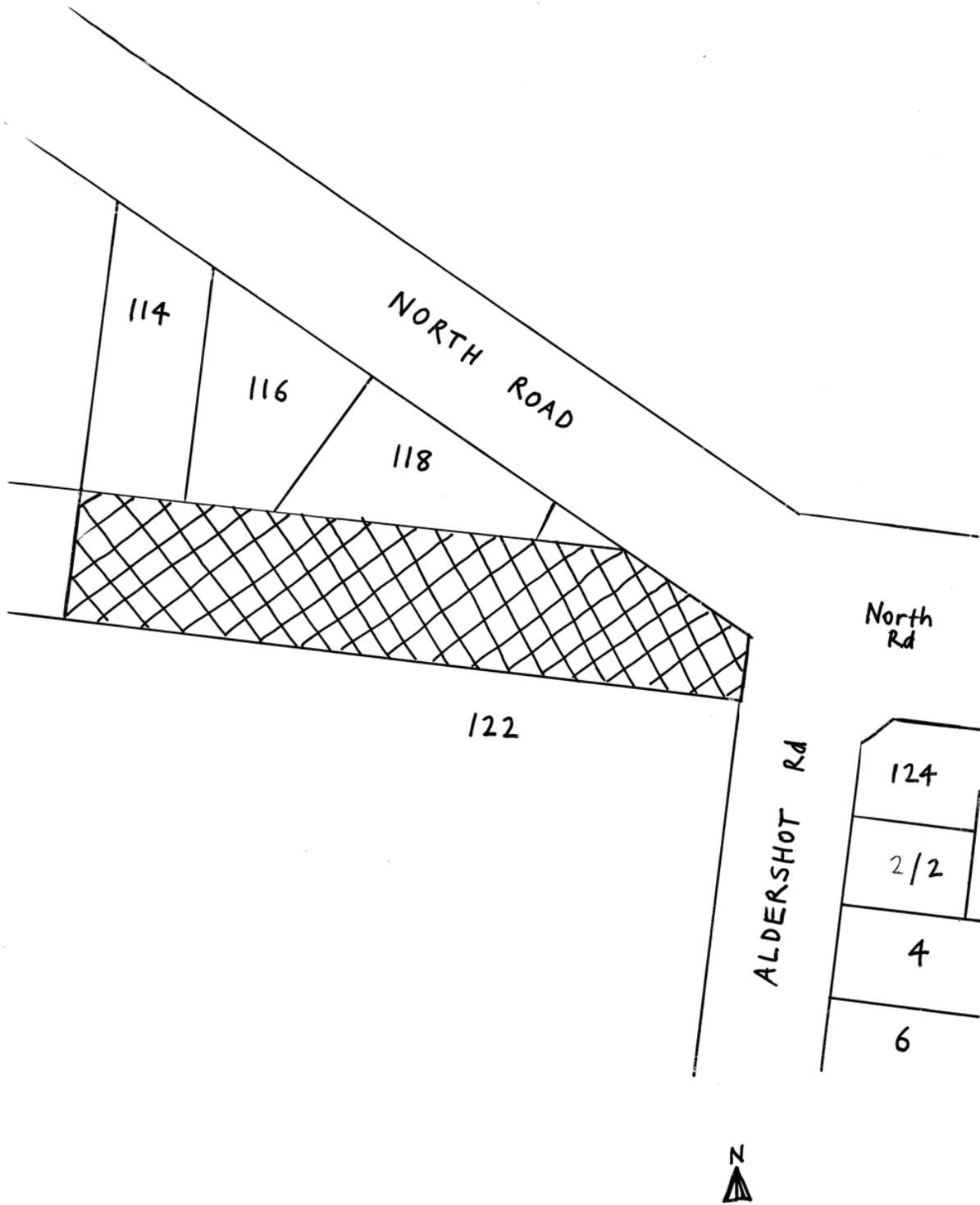
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**ATTACHMENTS**

- Attachment A: [↓](#) DTF survey plan
- Attachment B: [↓](#) Plan with road shown hatched
- Attachment C: [↓](#) Submission 1
- Attachment D: [↓](#) Submission 2
- Attachment E: [↓](#) Submissions - summary of key points and responses

<b>PLAN OF CROWN ALLOTMENT</b>		<b>OP124292</b>
<b>LOCATION OF LAND</b> COUNTY : MORNINGTON PARISH : LANGWARRIN CROWN ALLOTMENT : 2014	<b>NOTATIONS:</b> E-1 : WATER SUPPLY E-2: DRAINAGE AND SEWERAGE	
<p style="text-align: left; margin-left: 100px;">MGA 94 ZONE 55</p>		
ORIGINAL SHEET SIZE: A3	CERTIFICATION BY SURVEYOR	SHEET 1 OF 1
SCALE 1:500 	I, John Peter Kenter of 55 Marine Parade, Hastings, VIC, 3915 certify that this plan has been prepared from a survey made under my direction and supervision in accordance with the Surveying Act 2004 and completed on 05/04/2017, that this plan is accurate and correctly represents the adopted boundaries and that the survey accuracy accords with that required by regulation 7(1) of the Surveying (Cadastral Surveys) Regulations 2015.  Signed by John Peter Kenter 26/06/2017 Licensed Surveyor, Surveying Act 2004	
FILE REF: F16/69 SURVEYORS REF: 11662CA V2 DRAWN: A.D. 26/06/2017 EXAMINED: T.H. 3/11/2017	Digitally signed by: John Peter Kenter (Speedie Development Consultants Pty Ltd), Surveyor's Plan Version (02), 26/06/2017, SPEAR Ref: S102874V	Certified by Craig Leslie Sandy Surveyor-General 04:46 PM 23/11/2017
OFFICE OF SURVEYOR-GENERAL VICTORIA DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING		

Amended by: John Peter Kenter, 14/11/2017.



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**From:** [REDACTED]  
**Sent:** Sunday, 25 March 2018 9:00 PM  
**To:** Frankston City Council  
**Subject:** Proposed road discontinuance of government rd Langwarrin (submission)

I write to you in with reference to your proposal to discontinue government rd Langwarrin . I am shocked and concerned with council having a meeting on 29 January 2018 and resolved" That statutory procedures be commenced pursuant to schedule 10,clause 3 of the local Government act 1989" without prior contacting myself and the other 3 adjoining property owners, possibly your wording in your letter sent after your meeting may have been different as the use of unused road ,never been used road and not being required to be used in the future has no truth to it at all. I have been the property owner of [REDACTED] for the last 19 years adjoining this road and have used it as an access when required for all of those years a gate to enter my property has also been there for 19 years . This is not the first time a proposal like this had been made, back in 20 August 2015 the Department of environment,land,water and planning sent a letter with a similar request, a [REDACTED] I believe he is the son of the property 122 on your plans requesting the road be closed and offered for sale, the letter stated that should I agree complete the attached form. The letter also asked for a response to the letter , a phone number and the person to speak to. I did contact a [REDACTED] the senior property officer of the DELWP and was advised that the letter sent was for consent only and by not completing the form it was considered that I don't agree to its closure in any way or form. I was also advised that this road could not be closed without my consent . I do find it troubling that the DELWP would have informed council that this land was considered surplus crown land after me previously stating that I do indeed use this road for access.

In this submission I request to be heard at council and would like you to respond to me in regards to your wording. Any person making a submission is entitled to request (in the submission itself) to be heard at a council meeting in support of the submission, either in person or by a person acting on his or her behalf. As I want to be heard in regards to this matter but I am by no way in support of it. Why is it that only people who support this submission the only ones who can be heard, please explain.

I have also spoken to my neighbours [REDACTED] who informed me that he also had spoken to the DELWP and stated that he did not want the road to be discontinued,and a very new neighbour only today of [REDACTED] who has only owned the property for 2 weeks now and has no knowledge at all of this proposal.As there are only 4 property owners adjoining this road and 3 are not wanting it to be closed that council needs to reevaluate there proposal and look after the interest first of the people that the closure would affect .I look forward to a response and would like to be notified about anything regarding this matter.

Yours sincerely

[REDACTED]  
Property owner of [REDACTED]

Sent from my iPad

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**Subject:** FW: Notification ref A3541167

**From:** [redacted]@ [redacted].com [mailto:[redacted]@ [redacted].com] **On Behalf Of** [redacted]  
**Sent:** Tuesday, 27 March 2018 7:57 AM  
**To:** Michael Craighead  
**Subject:** Fwd: Notification ref A3541167

[redacted]  
[redacted]  
**Ph: 03** [redacted] **or** [redacted] : [redacted]  
Mon - Fri **8:00am - 5:30pm**  
Open Most Sat: **8:30am - 2:30pm**

----- Forwarded message -----  
From: [redacted] <[redacted]@[redacted].com>  
Date: 26 March 2018 at 20:01  
Subject: Notification ref A3541167  
To: [michaelcraighead@frankston.vic.gov.au](mailto:michaelcraighead@frankston.vic.gov.au)

Hi Michael

Thank you for taking my phone call today.

As discussed, we have just taken possession of [redacted] as of 26th February this year. We were unaware of the proposal to discontinue use of road immediately behind our property.

I am hereby submitting my disagreement with the proposal as follows

- We based our purchase of this property on the fact that the Section 32 clearly shows this as a road and not a block of land.....without any impeding overlay abutting this property. I also contacted all the asset owners (including Melbourne Water) to ensure I was aware of all the situations affecting our block and the land abutting the rear boundary. In all correspondence and plans we were sent, it is shown clearly as a road.....not a proposed road.....not an overlay with allowance for a road.....but a road. Furthermore, on enquiry with the asset owners, we were led to believe that this had been left to access the rear of properties [redacted] due to the nature of the large easement on the front of these blocks (10.06m) .
- Our block being [redacted] is an awkward block at best due to the setback (easement).....but we accepted this believing that this being a government road, we should be able to negotiate some sort of access to the rear (even temporary for building purposes).
- I am concerned at how we create a safe entry and exit from the block considering the volume of traffic coming from Langwarrin end.
- I am unsure of how we could have made ourselves aware of this proposal prior to taking possession of the land. We did our due diligence in contacting the asset owners along with a thorough check of Section 32. If we had been aware of the proposal then we would have possibly chosen to buy elsewhere.

My contact details are listed below if you require anything further.

Thanks

[Redacted]

[Redacted]

[Redacted]

**Ph:** [Redacted] **or** [Redacted] **:** [Redacted]  
Mon - Fri **8:00am - 5:30pm**  
Open Most Sat: **8:30am - 2:30pm**

**SUBMISSIONS TO THE PROPOSED DISCONTINUANCE OF UNUSED GOVERNMENT ROAD – CORNER NORTH AND ALDERSHOT ROADS, LANGWARRIN**

SUBMITTER 1	
Key points made in written and verbal submissions	Responses
<p><u>Lack of awareness of possible change to status of the land</u></p> <ul style="list-style-type: none"> <li>• Purchased an adjoining residential property in February 2018 and was unaware of the proposed discontinuance.</li> <li>• He may not have purchased the property if he had known of the discontinuance proposal.</li> <li>• The area appears on all mapping as a roadway. The section 32 vendor’s statement clearly shows the area as road, and due diligence conducted prior to purchase did not indicate the possibility of a change to the status of the land.</li> </ul>	<ul style="list-style-type: none"> <li>• The statutory discontinuance proposal was first considered by Council on 29 January 2018. Public notice of the proposed discontinuance was given on 26 February 2018, and also sent by post to all adjoining landowners.</li> <li>• The road proposed for discontinuance is a legal road abuttal shown to the title of 114, 116 and 118 North Road, Langwarrin. However, any access rights of adjoining landowners are subject to restrictions.</li> <li>• DELWP has advised that following consultation with the then Shire of Cranbourne in 1969, it was agreed that this section of Crown land would not be required for road purposes. The road was fenced off, and has been licensed by DELWP to the adjoining land owner since that time, for grazing purposes.</li> <li>• The current grazing licence, which commenced in 1997, provides the licensee with personal permission to enter and use the land for the specified purpose. There is a closed gate (albeit unlocked) at the entry point to the road which suggests a denial of public use. The road is covered with vegetation and there is evidence that the land is being used for sheep grazing.</li> <li>• The road has not been formed or constructed to facilitate public use, and has never been included on Council’s register of public roads. There are no visible tyre tracks to suggest that the land is being used as a road.</li> </ul>

**SUBMISSIONS TO THE PROPOSED DISCONTINUANCE OF UNUSED GOVERNMENT ROAD – CORNER NORTH AND ALDRESHOT ROADS, LANGWARRIN**

SUBMITTER 1	
Key points made in written and verbal submissions	Responses
<p><u>Traffic safety</u></p> <ul style="list-style-type: none"> <li>• His property has a setback and is awkward in terms of its dimensions and location.</li> <li>• Being located on a busy road which is close to a corner and a roundabout, he is concerned about how to create a safe entry and exit from his property.</li> </ul>	<ul style="list-style-type: none"> <li>• Traffic safety considerations would likely also prevent access to North Road from the eastern end of the section of road that is proposed to be discontinued.</li> </ul>
<p><u>Access rights</u></p> <ul style="list-style-type: none"> <li>• Assumed the purpose of the roadway was to allow rear access for the adjoining properties, and anticipated being able to negotiate access from the rear of his property, at least temporarily for building purposes.</li> </ul>	<ul style="list-style-type: none"> <li>• The Road Management Act 2004 provides adjoining land owners with an “as of right” access to the road, but this right is subject to restrictions.</li> </ul>
<p><u>Fairness</u></p> <ul style="list-style-type: none"> <li>• The proposal is based on the land being put up for public tender and so the 99 year grazing lease would need to be ended. The person who holds the lease would receive some recompense for this which will possibly be buying the property. This raises questions about the fairness of the tender process.</li> </ul>	<ul style="list-style-type: none"> <li>• The grazing licence can be terminated by the Licensor (DELWP) giving the Licensee at least 30 days written notice to that effect, notwithstanding that there has been no breach by the Licensee of any terms and conditions of the Licence.</li> <li>• If the discontinuance proceeds, any subsequent sale of the land would be subject to the Victorian Government Landholding Policy and Guidelines, which can be accessed on the website of the Department of Treasury and Finance <a href="http://www.dtf.vic.gov.au">www.dtf.vic.gov.au</a> (Government land sales).</li> <li>• The proposed discontinuance of the unused road and sale by public process is a fair and reasonable way for any interested party, including adjoining landowners, to purchase the land.</li> </ul>

**SUBMISSIONS TO THE PROPOSED DISCONTINUANCE OF UNUSED GOVERNMENT ROAD – CORNER NORTH AND ALDRSHOT ROADS, LANGWARRIN**

SUBMITTER 2	
Key points made in written and verbal submissions	Response
<p><u>Planning controls</u></p> <ul style="list-style-type: none"> <li>• Purchased adjoining property 19 years ago, for its semirural outlook and due to its dual access, with the intention to build a second dwelling at the rear of the property as a kind of superannuation fund and retirement plan.</li> <li>• The Design and Development Overlay was an important factor in the decision to purchase the property – he viewed this as a guarantee against development.</li> </ul>	<ul style="list-style-type: none"> <li>• Each of the titles to 114, 116 and 118 North Road is subject to a 10 metre wide easement in favour of the State Rivers and Water Supply Commission. The resulting setbacks restrict any available building / development area and would constrain any ability to build a second dwelling. Any future development of these sites would require Town Planning approval, which would include consideration of any vehicle access restrictions deemed necessary for traffic safety.</li> <li>• Land use and development is regulated by the Frankston City Council Planning Scheme under the State Planning Policy Framework. This framework is dynamic – it is developed and refined in response to changing community needs.</li> <li>• On 5 July 2018 Council was notified that the Minister for Planning has approved Amendment GC90 to the Frankston Planning Scheme, which:             <ul style="list-style-type: none"> <li>○ rezones the land from part “Low Density Residential Zone”, part “General Residential Zone – Schedule 1” and part “Road Zone Category 2” to “General Residential Zone – Schedule 1”; and</li> <li>○ deletes “Design and Development Overlay – Schedule 4” from the site and applies “Significant Landscape Overlay – Schedule 1”.</li> </ul> </li> </ul>

**SUBMISSIONS TO THE PROPOSED DISCONTINUANCE OF UNUSED GOVERNMENT ROAD – CORNER NORTH AND ALDRSHOT ROADS, LANGWARRIN**

SUBMITTER 2	
Key points made in written and verbal submissions	Response
<p><u>Access rights</u></p> <ul style="list-style-type: none"> <li>• The road has no other purpose than to access his property.</li> <li>• Originally used the roadway as it was intended, but due to ongoing arguments with the owner of the adjoining farm the frequent use became infrequent.</li> <li>• There has been a 19 year feud with the adjoining farm owner along the lines of “get off my land” and “it’s not your land”.</li> </ul>	<ul style="list-style-type: none"> <li>• North Road was set aside as a government road on the original Parish Plan PP2972.</li> <li>• Prior to the subdivision that created 114, 116 and 118 North Road, this government road was a throughway to Black Sheoak Place.</li> <li>• The westernmost section of the road (which is now 13 Black Sheoak Place) was closed in 1976 - see attached notice published in Victoria Government Gazette, 24 November 1976. This left the eastern section of the land (ie the section of road which is proposed to be discontinued) with a single entry point.</li> <li>• There is a closed gate (unlocked) at the entry point to the road which suggests a denial of public use.</li> <li>• The road has not been formed or constructed to facilitate public use, and is covered with vegetation.</li> <li>• There is evidence that the land is being used for sheep grazing.</li> <li>• There are no visible tyre tracks to suggest that the land is being used as a road.</li> </ul>

**SUBMISSIONS TO THE PROPOSED DISCONTINUANCE OF UNUSED GOVERNMENT ROAD – CORNER NORTH AND ALDRSHOT ROADS, LANGWARRIN**

SUBMITTER 2	
Key points made in written and verbal submissions	Response
<p><u>Past dealings with DELWP</u></p> <ul style="list-style-type: none"> <li>• In 2015 he received a letter from DELWP seeking agreement to close the road, on the basis that the road was not being used.</li> <li>• In response to this letter, he advised DELWP that the road was not unused, and that he would never consent to the road being closed.</li> <li>• DELWP reassured him that the road could never be closed without his consent.</li> <li>• With the issue having re-emerged, he feels bullied by Council.</li> </ul>	<ul style="list-style-type: none"> <li>• There are various statutory processes that can be used to remove the “road” status from land, including:                             <ul style="list-style-type: none"> <li>○ A road “closure” under the Land Act 1958 (being the process generally used by the State Government and its agencies) – this process requires the consent of all adjoining owners.</li> <li>○ A road “discontinuance” under the Local Government Act 1989 (being the process generally used by municipal councils) – this process requires a council to consult with adjoining land owners, but does not require their consent.</li> </ul> </li> <li>• Council officers had no knowledge of past dealings by State Government agencies in relation to this land, and were unaware of any reassurance having previously been given by a DELWP officer. However, it seems likely that the reassurance was given in good faith, perhaps without knowledge of the alternative processes that could be used to achieve an equivalent outcome.</li> <li>• As stated in the initial report considered by Council at OM311 on 29 January 2018, Council commenced this statutory discontinuance process at the request of the Department of Treasury and Finance.</li> </ul>

**Executive Summary****12.5 Permanent Home for Scouts Victoria**

*Enquiries: (Gillian Kay: Community Development)*

**Council Plan**

Community Outcome:	2. Liveable City
Strategy:	2.3 Health and Well-being
Priority Action	2.3.3 Enhance equitable access to sport and leisure opportunities

**Purpose**

To brief Council and make recommendations regarding a request from Scouts Victoria for funding towards a permanent home for the Carrum Downs Scouts Group.

**Recommendation (Director Community Development)**

That Council:

1. Notes that Council issued a Notice to Vacate in 2016 to the Scouts Victoria (Carrum Downs Scout Group) to enable the redevelopment of the recreation reserve;
2. Notes the proposal from Scouts Victoria, which seeks a \$250K contribution towards the purchase of a warehouse in Carrum Downs to relocate the Carrum Downs Scout Group;
3.
  - a. Awaits the recommendations of the external Property Review, which includes the scouts and guides facilities on Council land; and
  - b. Subject to the recommendation of the Property Review, considers an interim Licence agreement to the Carrum Downs Scout Group for a facility to be erected at Banyan Reserve at Scouts Victoria's cost.
4. Monitors the current lease agreement and the Carrum Downs Recreation Reserve and provides an extension to enable relocation within a reasonable timeframe.
5. Advises Scouts Victoria of Council's decision.

**Key Points / Issues**

- The Carrum Downs Scout group has occupied a transported ex- army building in the Carrum Downs Recreation Reserve, Wedge Road since the mid-1980s. In October 2016, Council issued a Notice to Vacate to relinquish its Scout hall due to the redevelopment of the facilities at the reserve. Initially, the group was given to 30 June 2017 to relocate but this as extended until December 2018.  
Scouts Victoria have explored a number of options including relocation with a secondary college or a primary school in the area to no avail.
- In August 2018, Mr Rob Charlesworth, Government and Community Engagement Manager, Scouts Victoria met with the CEO and Director Community Development to discuss a proposal for the purchase of a warehouse in Carrum Downs for the Carrum Downs Scouts Group. (Refer to Attachment A – proposal).

The facility cost is \$1M comprising \$750K and fit out \$250K. Scouts Victoria have proposed the following contributions: Scouts Victoria - \$500K, State Government - \$250K and Frankston City Council - \$250K.

**12.5 Permanent Home for Scouts Victoria****Executive Summary**

Notwithstanding the request, it should be noted that:

- the relocation of the Carrum Downs Scout Group is a state wide priority for Scouts Victoria and represents a significant cost overall. As such, it has been strongly recommended that the priority is escalated to State Government for its financial support.
- Rate payers' funds towards the purchase of a new facility for the Carrum Downs Scouts would set a precedent.
- Council has engaged SN Property and Legal Consulting to undertake a property review of Council owned facilities. This will include all scout and guide facilities/leases. The overarching aim of the Property Review is to establish recommendations for improvement in the existing management regime ensuring alignment with best practice and benchmarking with other municipalities is taken into account to achieve an enhanced strategic direction. It is understood a number of other Councils are also undertaking a similar review.
- There are three options Council may consider:
  - Option 1 – Resolve to approve the funding request and commit the funds in the mid-year budget review – this is not recommended.
  - Option 2 – Resolve to not provide funding for the purchase of a warehouse in Carrum Downs and write to Scouts Victoria advising them of Council's decision.
  - Option 3 – Complete the Property Review and, subject to the recommendations, consider entering into a discussion with Scouts Victoria about a lease of land within the Banyan Reserve (refer Attachment B) for the purpose of erecting a suitable building suitable for the Carrum Downs Scouts Group. The results and recommendations of the review will be reported to Council. This option is recommended

**Financial Impact**

The State Government has introduced the "Fair Go Rates" system, placing a cap on Council rates which has restricted the level of increases that Council can apply to its rate revenue. Rate revenue constitutes 63 per cent of all Council revenue.

The rate cap over the past two financial years has been 2.5 per cent and 2.0 per cent respectively and is 2.25 per cent in 2018-2019.

The rate cap percentages are based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services. The cost of providing Council services has been increasing well in advance of the rate cap applied by State Government.

Over time this trend may lead to a reduction in the levels of service provided to the community and in Councils ability to fund both new facilities and the ongoing renewal of existing facilities.

Council will continue to evaluate the impacts of rate capping annually and needs to be mindful of these outcomes in all Council decisions.

The recommendation to await the results of the Property Review incurs no cost.

**12.5 Permanent Home for Scouts Victoria****Executive Summary****Consultation****1. External Stakeholders**

Meetings and consultation has taken place with Scouts Victoria.

**2. Other Stakeholders**

Commercial Services and Community Strengthening have been consulted.

**Analysis (Environmental / Economic / Social Implications)**

Scouts provide an opportunity for young people to be engaged in structured activities that assist them to explore their potential; developing resilience and positive mental health as well as their relationship to the environment and the community. There are currently 8 Scout facilities within the Frankston Municipality, 7 of which are located on land owned or managed by Council.

The facilities are in different states of repair, and usage of the facilities varies greatly. In conjunction with the Property Review, any determination on funding is recommended to be cognisant of Scouts facilities in a wider context.

**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

Scouts Victoria (Carrum Downs Scouts Group) have been issued with a Notice to Vacate with effect December 2018. Arrangements with Scouts Victoria are typically limited to lease and license agreements for facilities. A number of lease agreements are in place and will be subject to an external property and legal review.

Policy Impacts

There are no policy impacts.

Officer's Declaration of Interests

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

**Risk Mitigation**

Scouts Victoria have been issued with a Notice to Vacate with effect December 2018. Should Council support the recommendation to 'consider an interim Licence agreement to the Carrum Downs Scout Group for a facility to be erected at Banyan Reserve at Scouts Victoria's cost'. An interim Licence agreement can be entered into manage the occupancy.

**12.5 Permanent Home for Scouts Victoria****Executive Summary****Conclusion**

The Carrum Downs Scout Group have been resident on the Carrum Downs Recreation Reserve, Wedge Road since the mid-1980s. Council issued a Notice to Vacate in 2016 to enable the redevelopment of the reserve and have now submitted a funding request for \$250K to support their proposal to purchase a warehouse in Carrum Downs. As this would set a precedent, it is recommended to await the completion of the Property Review of facilities and, subject to the recommendations, consider a lease of the Banyan Reserve to accommodate a facility at Scouts Victoria's cost. Councillors will be briefed on the recommendations of the Property Review.

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**ATTACHMENTS**

- Attachment A:[↓](#) Brief Permanent Home Carrum Downs Scouts Aug 2018  
Attachment B:[↓](#) Proposed Scout Hall Location at Banyan Reserve



August 2018

## Project Brief: Permanent Home for Carrum Downs Scout Group

### Background

Frankston City Council have insisted that 1st Carrum Downs Scout Group must vacate their existing hall at 45R Wedge Rd, Carrum Downs, in order to redevelop the park. Frankston City Council issued an eviction notice in 2016 but after representations have extended tenancy till December 2018. Council is not in favor of providing further extensions.

Many options have been explored over the past few years, including Scouts utilising alternative Council land or Council facilities. These have proven to be not suitable for the Scout program. Joint developments with schools and other developments such as warehouses have been pursued to no avail.

The establishment of a permanent home for Carrum Downs Scout Group is one of the three priority New Group Facilities Projects planned for delivery by Scouts Victoria over 2018-2019.

The Carrum Downs Scout Group, although restricted by the property issues, currently comprises 95 youth members representing all ages and 16 Scout Leaders. The Group supports a significant number of young people from multicultural backgrounds including youth from Indian, African, European and Asian communities.

### Proposal

The proposal is to purchase Warehouse 1, Lot 7, No 31 Clifton Grove, Carrum Downs, a factory currently under construction, as a permanent home for the Carrum Downs Scout Group. Floor space is 495m<sup>2</sup> with roller-door storage access.

Indicative total price is \$1,000,000 including fit-out and refurbishment, branding/marketing, administration, relocation and legal fees, and contingency.

### Funding Strategy

Facility Cost \$750,000  
 Fit out, etc. \$250,000

#### Proposed Co-contributions:

Scouts Victoria	\$500,000
State Government	\$250,000
Frankston City Council	\$250,000

### Potential Growth

The Carrum Downs Scout Group has been growing at 20% per annum over the past 3 years, and whilst still growing, the Group's growth has been restricted due to the poor condition of the current hall and limited capacity.

With a larger facility space it is estimated that the Group will continue to increase annually with youth membership projected to reach 190 in 2021.

### Stronger Communities through Scouting

For 110 years Scouts Victoria has helped more than one million young Victorians explore their potential. And Scouting in Victoria is growing by 30% in the past 10 years, with 12 consecutive years of growth.

The Scout program is active outdoor learning in small teams developing resilience and positive mental health. Uniquely the Scout program is structured so every child has an opportunity to develop leadership at age 7 or 10 or 13 or 16 or older as they progress through the five Sections spanning ages 5-25.

Scouts Victoria's growing membership demonstrates the value that is being placed on programs aimed at providing young members of the community with diverse educational opportunities. A significant network of facilities is required for this year's 26,000 Victorian members to benefit from delivery of the Scout program.

### Our Challenges

The network of facilities currently includes 590 halls and 63 camps and this network is facing a number of challenges in meeting growing demand. These challenges are being magnified due to the ongoing growth being achieved by the organization. Critical factors include:

- Having access to modern and welcoming facilities, which provide a contemporary learning environment is critical for Scouts Victoria to attract and retain members, and
- In addition, quality facilities help to ensure its programs have the greatest impact on both youth members and leaders.

### The Solution

Scouts Victoria has identified the important role facilities plays in supporting and enabling the delivery of its programs and has determined that the provision of suitable facilities is a key priority for the organisation.

Scouts Victoria has determined that to address the challenges in a meaningful way requires a new facility model which delivers a modern learning environment as well as providing facilities to enable broader community use.

To establish this new model and a blueprint for future projects, a number of high priority projects in growth areas on the edge of Melbourne have been identified.

### Carrum Downs High Priority Project

The establishment of a Permanent Home for the 1<sup>st</sup> Carrum Downs Scout Group is one of four new high priority Scout hall Projects for Scouts Victoria to deliver in the 2018-2019 period.



### **History re Establishing a Permanent Home for Carrum Downs Scout Group**

In the mid 1980's (estimated), the Carrum Downs community and local Scout members paid for an ex-army hut to be transported to the Wedge Road Recreation Reserve as a new home for the Scout program. The Group entered into a lease arrangement for the land with Frankston CC.

#### **Frankston City Council Eviction Notice 2016**

October 2016 Frankston CC issued an eviction notice to Scouts Victoria for the Carrum Downs Scouts Group to relinquish its Scout hall at the Wedge Road Recreation Reserve due to a modernisation and development of a new master plan for the Reserve that would not incorporate the Scout hall. Compounding the pending eviction was that there was limited local Council and non-Council venues readily available as an alternative home for the Group. Initially the Group were given to 30<sup>th</sup> June 2017 to relocate although the Frankston CC now have extended this deadline until December 2018 on the provision that a new home be found within this time frame.

#### **Warehouse: Yazaki Way Option January 2017**

Pursued the purchase of warehouse, currently under construction, at Yazaki Way Carrum Downs for the purposes of establishing a Carrum Downs Scout and Community Activities Centre. Developer withdrew from Contract of Sale at the last minute siting planning permit issues.

#### **Partnership with Carrum Downs Secondary College October 2017**

Scouts Victoria had the opportunity to partner Carrum Downs Secondary College in the construction of a \$3M multipurpose gymnasium, funded through the State Government, to be located at the College. It would be co-sharing opportunity with the College and Frankston CC. Unfortunately Scouts could not meet planning timeline for a response and therefore the College undertook the sole responsibility to design and fund the project.

#### **Partnership with Rowellyn Park Primary School May 2018**

Explored a partnership with Rowellyn Park PS regarding a Scouts co-contribution towards a multipurpose Gymnasium to be constructed at the Primary School as part of a State Government modernisation grant. The School requested that they would contact Scouts once they had worked through their current challenges including facility design and location issues and the transition to the appointment of a new Principal. Rowellyn Park PS has avoided contact with Scouts despite our multiple attempts to follow-up. Opportunity has now passed.

#### **Warehouse: Gateway Drive Option June 2018**

Explored the option of purchasing a Warehouse in Gateway Drive Carrum Downs. Lease arrangements with builder/owner before Scouts could enter into a contract of sale proved unsatisfactory. Scouts ceased negotiations.



#### **Why is this project a priority?**

- Frankston City Council issued an eviction notice to Scouts Victoria for the Carrum Downs Scouts Group to relinquish its Scout hall base at the Council facility located at Carrum Downs Reserve by December 2018
- A separate facility to cater for the Scout program is not part of the future master planning of the Carrum Downs Reserve and other Frankston CC community infrastructure developments within Carrum Downs,
- Scout hall currently in very poor condition and is not capable of refurbishment,
- Growth of the Scout Group has slowed due to the limited size and presentation of the current facility; -this indirectly impacts capacity to generate income through sub-hiring the facility to community groups, and
- Limited existing, non-Council, alternative venues readily available within the Carrum Downs environs that would cater for the Scout program.

#### **Opportunities**

The new Scout facility in Clifton Grove will provide the Scout Group with the capacity and resources to more effectively use the Scout program to:

- Increase capacity to cater for up to 190 Scout youth membership by 2021 across all sections,
- Strategically located Scout Hub to support the development of Scouting and promote the brand across the Carrum Downs, Frankston North and Skye growth areas,
- Engage young people and partner organisations from diverse backgrounds including Multicultural, CALD and Indigenous communities and special needs groups,
- Promote to families and children within existing and planned new communities within walking distance and thereby value-add Frankston's CC youth development programs in an area not necessarily flush with community infrastructure

The new Scout facility will be operational by Christmas.

#### **Current situation**

The Carrum Downs Scout Group currently comprises 95 youth members representing all Sections and 16 Scout Leaders. The Group supports a significant number of young people from multicultural backgrounds including youth from Indian, African, European and Asian communities.

#### **Local Scout-aged population**

The ABS 2016 data indicated that the Scout-aged population (5 to 25 years) of Carrum Downs was 5,300. In 2018 that figure now would be close to 5,800 youth.



### Project detail

The warehouse will deliver a multipurpose facility, floor area of 495m<sup>2</sup>, with four areas of operation including:

- **Scout activity space** to cater for Scout programs, recreation activities and adventure education programs,
- **Roll in/out store** to cater for Scout program equipment and trailer storage,
- **Communal amenities** including kitchen, toilets, meeting rooms, office and foyer, and
- **Off-street parking** for Leaders and parents at drop-off and pick-up.

Flexible internal spaces have been designed to allow for large and small group meetings, office spaces to support the Scouts, a kitchen facility and amenities that are accessible to all.

### Facility Management

The management model will include establishing Facility Management Committee to oversee the venue hiring and the financial, administration and maintenance operations of the facility. The Committee will comprise representatives from the Carrum Downs Scout Group and for an interim period, Scouts Victoria.

### Location

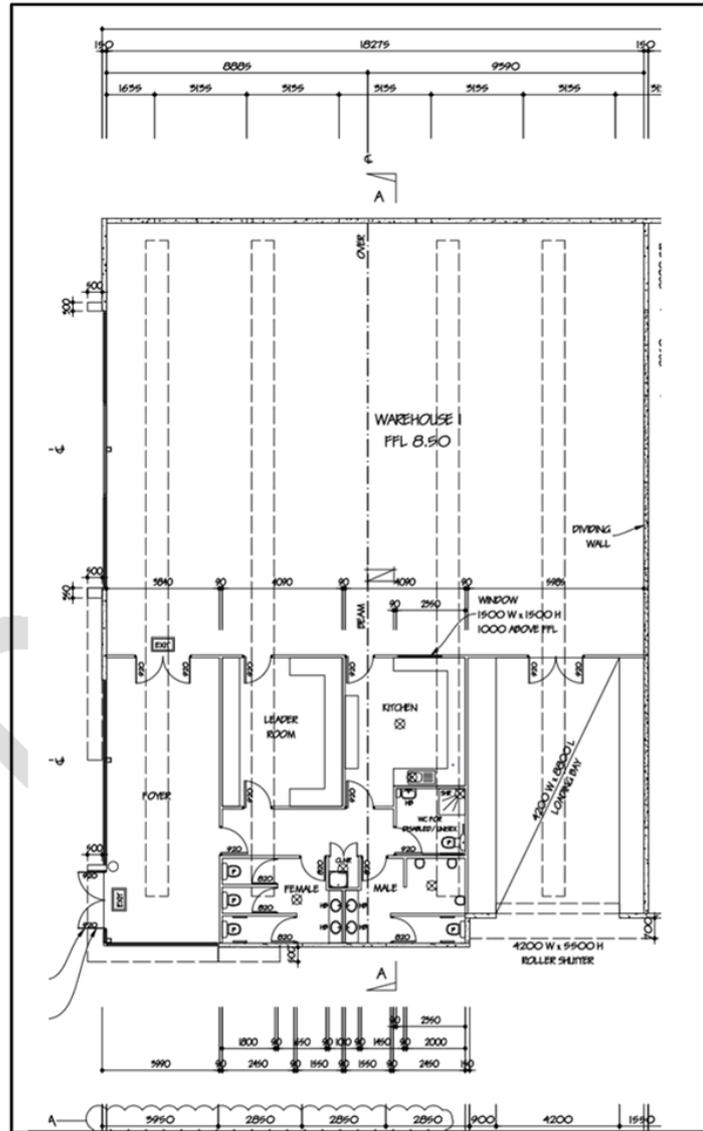


The proposed location is 1.1km by road from the existing Carrum Downs Scout facility. The location is good for external signage on the warehouse possibly on both the rear and side facing Clifton Grove. There is plenty of parking on site at the times Scouts will be there and a full security fence proposed for the property.



Local housing, both existing and yet to be built, is walking distance from the warehouse/Scout hall. A small parkland area suitable for outdoor activities is approximately a 400m walk from the warehouse along made footpath.

**Proposed Warehouse Floor Plan**



**Proposed Scout Hall Location: Banyan Reserve, Carrum Downs**



## Executive Summary

### 12.6 Election Signs and Events Policy

*Enquiries: (Brianna Alcock: 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 present a new Election Signs and Events Policy for consideration by Council.

#### **Recommendation (Director Corporate Development)**

That:

1. The Election Signs and Events Policy at Attachment A be adopted; and
2. Council authorises the Mayor to sign and send the letter at Attachment B to all applicable elected representatives and candidates.

#### **Key Points / Issues**

- It is important that Council is seen to be apolitical, particularly in the lead up to an election.
- In the past there have been issues with State and Federal election candidates overtly electioneering at Council events. There have also been instances where signs referencing an election candidate have been displayed on Council land during the election period, particularly on various sports reserves across the municipality. These occurrences have the potential to compromise public perceptions of Council's impartiality.
- A new Election Signs and Events Policy (Attachment A) has been prepared for consideration by Council. The policy is intended to provide clarity regarding permissible election signage and campaign activities at Council events, so that the principles can be applied in a consistent and equitable manner to all candidates and political parties. If adopted, the policy will assist in ensuring that public land is not dominated by election signage, and that election campaign activities do not usurp the objective of Council events.
- It stipulates that events that are organised and run by Council must not be used for election campaign purposes; activities such as handing out election material are not permitted.
- The policy also sets out the restrictions that will apply to election signs on private and public land and deals with permitted conduct at Council events.

#### **Financial Impact**

The State Government has introduced the "Fair Go Rates" system, placing a cap on Council rates which has restricted the level of increases that Council can apply to its rate revenue. Rate revenue constitutes 63 per cent of all Council revenue.

The rate cap over the past two financial years has been 2.5 per cent and 2.0 per cent respectively and is 2.25 per cent in 2018-2019.

**12.6 Election Signs and Events Policy****Executive Summary**

The rate cap percentages are based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services. The cost of providing Council services has been increasing well in advance of the rate cap applied by State Government.

Over time this trend may lead to a reduction in the levels of service provided to the community and in Councils ability to fund both new facilities and the ongoing renewal of existing facilities.

Council will continue to evaluate the impacts of rate capping annually and needs to be mindful of these outcomes in all Council decisions.

There are no financial implications associated with this report.

**Consultation****1. External Stakeholders**

Nil

**2. Other Stakeholders**

Nil

**Analysis (Environmental / Economic / Social Implications)**

Having a formal policy will provide clarity for candidates and enable Council officers to respond more efficiently to any issues as they arise.

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

The implications of this policy have been assessed against the rights protected in the Victorian Charter of Human Rights and Responsibilities Act 2006, and in particular the rights to freedom of expression, assembly and association.

All candidates are entitled to a fair opportunity to conduct their election campaign within the Frankston municipality. However, these rights must be balanced against the need for Council to ensure that election signs do not unduly compromise public amenity or safety, and that the focus of Council events is not shifted from community objectives to political purposes.

It is considered that the limitations imposed by this policy on the rights to freedom of expression, assembly and association are justified and proportionate.

Legal

The requirements set out in the policy should be read in conjunction with Council local laws, policies and guidelines, and relevant State and Federal legislation, including the Frankston City Council General Local Law No. 8 of 2016; the Frankston Planning Scheme; the Frankston City Council Major Events Terms and Conditions; the Frankston City Council Election Period Policy; the Electoral Act 2002 (Vic); the Local Government Act 1989 (Vic); the Road Safety Act 1986 and Road Safety Road Rules 2017 (Vic); the Charter of Human Rights and Responsibilities Act 2006 (Vic); and the Commonwealth Electoral Act 1918 (Cth).

Policy Impacts

The policy is consistent with other Council policies.

**12.6 Election Signs and Events Policy****Executive Summary**Officer's Declaration of Interests

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

**Risk Mitigation**

If adopted, the policy will reduce any doubt regarding permissible election signage and campaign activities at Council events. The policy will also assist in ensuring that public land is not dominated by election signage, and that election campaign activities do not usurp the objective of Council events.

**Conclusion**

A new Election Signs and Events Policy has been prepared to provide clarity regarding permissible election signage and campaign activities at Council events. If adopted, the policy will assist in ensuring that public land is not dominated by election signage in the lead up to State, Federal or Council elections, and that election campaign activities do not usurp the objective of Council events.

The policy balances the right of candidates to conduct their election campaign within the Frankston municipality against the need for Council to ensure that election signs do not unduly compromise public amenity or safety, and the need to ensure that the focus of Council events is not shifted from community objectives to political purposes.

It is considered that the limitations imposed by this policy on the rights to freedom of expression, assembly and association are justified and proportionate.

It is recommended that the policy be adopted, so that it can be used in the lead up to the imminent State election.

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**ATTACHMENTS**

Attachment A: [↓](#) Draft Election Signs and Events Policy

Attachment B: [↓](#) Draft letter to State representatives and election candidates

# DRAFT Election Signs and Events Policy

Adopted (date)

(A3694107)



*opportunity » growth » lifestyle*

## 1. Policy statement

Whilst acknowledging the importance of freedom of political expression, Council is committed to ensuring that public land is not dominated by election signs, and that election campaign activities do not override the objective of Council events.

## 2. Reason for Policy

The purpose of this policy is to provide clarity regarding permissible election signs and election campaign activities at Council events, so that the principles can be applied in a consistent and equitable manner to all candidates and political parties.

## 3. Scope

This policy applies at all times throughout the Frankston municipal district, but will be particularly relevant in the lead up to a State, Federal or Council election.

## 4. Principles

Council acknowledges the rights to freedom of expression, peaceful assembly and freedom of association. All candidates are entitled to a fair opportunity to conduct their election campaign within the Frankston municipal district. However, these rights must be balanced against the need for Council to ensure that election signs do not unduly compromise public amenity or safety, and that the focus of Council events is not shifted from community objectives to political purposes. Accordingly, the following restrictions apply:

### 4.1 Election signs on private land

Election signs are allowed to be displayed on private land with permission from the owner and without the need for a planning permit, provided that the following requirements of clause 52.05-10 of the Frankston Planning Scheme are complied with:

- The advertisement area of the sign must not exceed 5 square metres;
- Only one sign may be displayed on the land;
- The sign must not be animated or internally illuminated; and
- The sign must not be displayed longer than 14 days after the event is held or 3 months (whichever is sooner).

### 4.2 Election signs on public land

Council's General Local Law provides that a permit is required to place any advertising sign

(including an election sign) on any road or public land. This provision will not be interpreted as requiring a permit or consent to park any vehicle on any road or public land, legally and in accordance with relevant parking restrictions.

Due to amenity considerations and Council's desire to avoid perceived partisanship, generally permission will not be given to place an election sign on public land.

Existing election signs on public land should be removed or covered over during the election period (ie from the close of nominations until the close of voting/polling).

#### **4.3 Conduct at Council events**

Council events must not be used for election campaign activities. Whilst candidates are encouraged to attend and participate in Council events, the focus of these community events must not be diverted to politics.

### **5. Roles and responsibilities**

Authorised officers of Frankston City Council will respond to breaches of this policy as appropriate in the circumstances.

Where there is uncertainty, the Chief Executive Officer will determine what constitutes an "election sign", an "election campaign activity", and any other relevant matter.

The Victorian Electoral Commission manages compliance with the Victorian Electoral Act 2002, and the Australian Electoral Commission manages compliance with the Commonwealth Electoral Act 1918.

Alleged offences in relation to interference with election signs will be referred to Victoria Police for investigation.

### **6. Policy non-compliance**

In response to a failure to comply with this policy, an authorised Council officer may:

- remove and dispose of any election sign placed contrary to this policy;
- issue infringements as appropriate, in accordance with applicable laws;
- direct a person who is conducting election campaign activities at a Council event to cease those activities or to leave the event.

### **7. Related documents**

The requirements set out in this policy should be read in conjunction with Council local laws, policies and guidelines, and relevant State and Federal legislation, including the Frankston City Council General Local Law No. 8 of 2016; the Frankston Planning Scheme; the Frankston City Council Major Events Terms and Conditions; the Frankston City Council Election Period Policy; the Electoral Act 2002 (Vic); the Local Government Act 1989 (Vic); the Road Safety Act 1986 and Road Safety Road Rules 2017 (Vic); the Charter of Human Rights and Responsibilities Act 2006 (Vic); and the Commonwealth Electoral Act 1918 (Cth).

### **8. Implementation of the Policy**

This policy will be published on Council's website and election candidates will be responsible for their own compliance with the policy.

## 9. Definitions

In this policy:

<b><i>Candidate</i></b>	includes an endorsed candidate of a registered political party, a person who has publically expressed an intention to run as a candidate, and a person who has nominated with the relevant electoral commission as a candidate for a State, Federal or Council election.
<b><i>Council event</i></b>	means a function or event that is organised, hosted and/or funded by Council. It includes a gathering of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community.
<b><i>Election</i></b>	includes any election, by-election, referendum or poll in relation to Federal or Victorian State Government, or to Frankston City Council.
<b><i>Election campaign activities</i></b>	includes activities which seek to influence voters in an election, such as distributing leaflets or information and making speeches.
<b><i>Election sign</i></b>	means an advertising sign that is intended or likely to affect voting in an election. It includes a poster, billboard, corflute, placard, flag, banner, A-frame structure or similar, being of a fixed or transient nature (including being affixed to a vehicle, trailer, bicycle, tricycle, trolley or other object), but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election. Matter is taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on the election; or a candidate in the election; or an issue submitted to, or otherwise before, the voters in connection with the election.
<b><i>Public land</i></b>	means land that is owned, vested in, occupied, managed or controlled by Council, including but not limited to recreation reserves, halls, facilities, nature strips, median strips, roads, road reserves and Crown land.

## 10. Authorisation

This policy is managed by the Administration and Corporate Projects Department, and is authorised by a resolution made by Council at its ordinary meeting on (date).

## 11. Revision date

This policy will be reviewed and presented to Council as deemed necessary by the CEO.

**DRAFT LETTER TO ELECTED REPRESENTATIVES AND CANDIDATES**

Dear \_\_\_\_\_

At Ordinary Meeting OM12 on 1 October 2018 Council adopted an Election Signs and Events Policy. The policy is intended to provide clarity regarding permissible election signs and election campaign activities at Council events.

In the lead up to the 2018 State elections I would like to draw your attention to the following restrictions which apply throughout the Frankston municipal district:

***Election signs on private land***

*Election signs are allowed to be displayed on private land with permission from the owner and without the need for a planning permit, provided that the following requirements of clause 52.05-10 of the Frankston Planning Scheme are complied with:*

- *The advertisement area of the sign must not exceed 5 square metres;*
- *Only one sign may be displayed on the land;*
- *The sign must not be animated or internally illuminated; and*
- *The sign must not be displayed longer than 14 days after the event is held or 3 months (whichever is sooner).*

***Election signs on public land***

*Council's General Local Law provides that a permit is required to place any advertising sign (including an election sign) on any road or public land. This provision will not be interpreted as requiring a permit or consent to park any vehicle on any road or public land, legally and in accordance with relevant parking restrictions.*

*Permission will not be provided for any election sign to be placed on public land.*

*Existing election signs on public land must be removed or covered over during the election period (ie from the close of nominations until the close of voting/polling).*

***Conduct at Council events***

*Council events must not be used for election campaign activities. Whilst candidates are encouraged to attend and participate in Council events, the focus of these community events must not be diverted to politics.*

I take this opportunity to wish you well in your campaign, and look forward to working with the successful candidates during the next term.

Yours sincerely,

Mayor

Frankston City Council

**Executive Summary****13.1 Response to 2018/NOM4 - Emergency Grants - Additional Community Grants**

*Enquiries: (Liz Daley: 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 brief Council on the creation of two new community grant funds as included in the resolution endorsed by OM 23 July 2018 in relation to Emergency Grants. At that time Council resolved for a report at OM September on the inclusion of community building and environment and sustainability grants as part of the Community Grants Program.

**Recommendation (Director Community Development)**

That Council:

1. Notes research undertaken into grants programs offered by Wyndham; Melville; Casey and Logan City Councils;
2. Notes that whilst new grants programs can be delivered at no additional net cost to Council increased grants administration requires an additional resource;
3. Commits \$17,000 to the mid-year budget review for an additional 0.2EFT to administer grants programs; and
4. Approves Option 1, subject to additional administrative resource, to deliver two new grants programs as part of the Miscellaneous Grants Program offset by \$5,000 program reduction in both Youth Action and Community Sponsorship Drive Grants programs as follows:
  - a. Neighbourhood Grants total pool \$5,000; maximum grant \$100
  - b. Environmental Sustainability Grants program pool \$5,000; maximum grant \$1,000.

**Key Points / Issues**

- As part of endorsing 2018/NOM4 Emergency Grants, OM 23 July 2018 Council endorsed the following points 5 a) and b):

*"5. That a report is to be provided at the September Ordinary Meeting on the following proposal (with appropriate alterations/variations):*

*The creation of two new community grant funds per the below:*

- a) *Community Building (similar to Wyndham City Council's 'Neighbourhood Grants' and Melville City Council's 'Friendly Neighbourhood Grants'). The proposed allocation, if Council is to authorise the creation of this new grant, is to be \$5,000 on an annual basis. To allow for this to be budgeted without any budgetary impost, \$2,500 is to be deducted from the Youth Action Grants (leaving \$7,500 for this particular grant fund) and Community Sponsorship Drive Grants (leaving \$7,500 for this particular grant fund); and*

**13.1 Response to 2018/NOM4 - Emergency Grants - Additional Community Grants****Executive Summary**

b) *Environment and Sustainability (ie. similar to City of Casey's 'Environmental Sustainability Grants')*. The proposed allocation, if Council is to authorise the creation of this new grant, is to be \$5,000 on an annual basis. To allow for this to be budgeted without any budgetary impost, \$2,500 is to be deducted from the Youth Action Grants (leaving \$7,500 for this particular grant fund) and Community Sponsorship Drive Grants (leaving \$7,500 for this particular grant fund).

- Highlighted programs have been researched to understand criteria, level of funding and proposed outcomes (see Attachment A for further detail). Noting Wyndham and Melville's neighbourhood grants are available to individuals a challenge and will be to fund small scale neighbourhood activation to groups of people who are unlikely to be incorporated to meet transparency requirements in Council's current community grants programs. Melville neighbourhood grants provided funding on a 'per head' basis which would be difficult to gauge accuracy without an officer checking on the day requiring further resources most likely after hours.
- An alternate approach is proposed in which a set amount is paid to a supplier for "goods to be used on the day" which is proposed to navigate incorporation issues. An example exists in Council's current Neighbour Day events whereby items are pre-purchased for community members to pick up. Typically these are sausages for street gathering BBQs purchased at a pre-determined amount (\$100 per pack including meat tray and vegetarian options) for community members to pick up on the day of their event. This has worked well in connecting at the neighbourhood level and can translate into an effective capacity building program incorporating funding for small scale events, activities and local initiatives that improve community life and connections. A small range of suppliers could be built up to pay for "typical activities" that will become known over time and any outside of that range considered as part of the approval process. Whilst an advantage in this approach is transparency of rate payer funds (a purchasing audit trail is readily available) a disadvantage is extra labour in administering the grant through identifying relevant suppliers.
- Prior to May 2017 Council employed a dedicated 0.6EFT Community Grants Officer that has since been integrated into a full-time role with additional administrative responsibilities. At that time there was the annual community grants program (July – September workload) and the cyclical 11 month miscellaneous grants with 4 categories valued at \$15,000.
- Pending Council approval of the two additional programs indicated in this report, the cyclical 11 month miscellaneous grants program will have increased from 4 to 10 categories valued at \$45,000. For this reason, an additional 0.2EFT is required to assist Department administration.

**Financial Impact**

The State Government has introduced the "Fair Go Rates" system, placing a cap on Council rates which has restricted the level of increases that Council can apply to its rate revenue. Rate revenue constitutes 63 per cent of all Council revenue.

The rate cap over the past two financial years has been 2.5 per cent and 2.0 per cent respectively and is 2.25 per cent in 2018-2019.

**13.1 Response to 2018/NOM4 - Emergency Grants - Additional Community Grants****Executive Summary**

The rate cap percentages are based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services. The cost of providing Council services has been increasing well in advance of the rate cap applied by State Government.

Over time this trend may lead to a reduction in the levels of service provided to the community and in Councils ability to fund both new facilities and the ongoing renewal of existing facilities.

Council will continue to evaluate the impacts of rate capping annually and needs to be mindful of these outcomes in all Council decisions.

That Council commits the funding of \$17,000 towards 0.2EFT administration to administer new grant programs and authorises the Chief Executive to make the necessary adjustments to the Mid-Year Budget Review.

There is no additional cost to Council in the two new grant programs which are each proposed to hold a total pool of \$5,000 in funds paid for by reducing existing *Community Membership Drive* (reduced from \$10,000 to \$5,000) and *Youth Action Grants* (reduced from \$10,000 to \$5,000).

**Consultation****1. External Stakeholders**

Research into programs at Wyndham City Council, Casey City Council, Logan City Council and City of Melville.

**2. Other Stakeholders**

Council's Sustainable Assets and Administration and Corporate Projects Departments have provided input into this report.

**Analysis (Environmental / Economic / Social Implications)**

Council's community grants program seek to support positive community contribution to environmental, economic and social outcomes.

**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

In adopting modifications to the existing grants processes, Council needs to be mindful of the strict prohibition of Councillor discretionary funds as set out in section 195A of the Local Government Act 1989 as follows:

A Council must not adopt or implement a policy under which a Councillor is allocated a fixed or other amount of funds for the purpose of enabling the Councillor to nominate –

- a) A particular person, body or organisation to whom the funds are to be paid; or
- b) A particular fund in respect of which the funds can be applied.

**13.1 Response to 2018/NOM4 - Emergency Grants - Additional Community Grants****Executive Summary**Policy Impacts

The following Council documents are relevant to this report: Community Grants Policy 2017-2021; Community Grants Program Guidelines (May 2017) and Miscellaneous Grants Program Guidelines (October 2017)

Officer's Declaration of Interests

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

**Risk Mitigation**

Allocation of rate payer funds through any grants program must adhere strictly to an established process that can withstand scrutiny and be fully transparent. An existing framework in the Community Grants Policy and Miscellaneous Guidelines guides the assessment of all applications by a delegated sub-committee who report funding decisions to Council quarterly. Incorporation of a new categories as part of this program and adherence to an adopted process will reduce the risk of inappropriate funding contributions.

**Conclusion**

Grants have been researched and modified to meet Frankston City Council established programs, align with existing policy frameworks and deliver identified community needs.

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**ATTACHMENTS**

Attachment A: [↓](#) Neighbourhood Grants; Environmental Sustainability Grants - Research into other Programs

**13.1 Response to 2018/NOM4 - Emergency Grants - Additional Community Grants  
Officers' Assessment****Background**

As part of endorsing 2018/NOM4 Emergency Grants, OM 23 July 2018 Council endorsed the following points 5 a) and b):

*"5. That a report is to be provided at the September Ordinary Meeting on the following proposal (with appropriate alterations/variations):*

*The creation of two new community grant funds per the below:*

- c) Community Building (similar to Wyndham City Council's 'Neighbourhood Grants' and Melville City Council's 'Friendly Neighbourhood Grants'. The proposed allocation, if Council is to authorise the creation of this new grant, is to be \$5,000 on an annual basis. To allow for this to be budgeted without any budgetary impost, \$2,500 is to be deducted from the Youth Action Grants (leaving \$7,500 for this particular grant fund) and Community Sponsorship Drive Grants (leaving \$7,500 for this particular grant fund); and*
- d) Environment and Sustainability (ie. similar to City of Casey's 'Environmental Sustainability Grants'). The proposed allocation, if Council is to authorise the creation of this new grant, is to be \$5,000 on an annual basis. To allow for this to be budgeted without any budgetary impost, \$2,500 is to be deducted from the Youth Action Grants (leaving \$7,500 for this particular grant fund) and Community Sponsorship Drive Grants (leaving \$7,500 for this particular grant fund).*

**Issues and Discussion**

Council's resolution requires investigation into two potential grant categories; one being community capacity building opportunities and the other environmental opportunities.

For ease and clarity of reading, this report examines each of these grant opportunities separately; the first covering community capacity building grants.

Community capacity building grants have been reviewed in Wyndham City Council (Neighbourhood Grants) and Melville City Council (Friendly Neighbourhood Grants). Whilst similarly named there are some differences between each of these grant offerings most notably Melville City Council funds small neighbourhood type events (at a similar budget of \$4K to that proposed in Council's July resolution) whilst Wyndham City Council fund these and other community led and initiated programs and projects (at a much larger budget amount circa \$50K).

A summary of each grant program is included at Attachment A.

**Proposed Neighbourhood Grants:**

The highlighted Neighbourhood Grant programs have been researched to contribute to formation of criteria, level of funding and proposed outcomes (see officer's assessment for further detail). Noting Wyndham and Melville's neighbourhood grants are available to individuals and will fund small scale neighbourhood activation to groups of people who are unlikely to be incorporated to meet transparency requirements in Council's current community grants programs. Melville neighbourhood grants provided funding on a 'per head' basis which would be difficult to gauge accuracy without an officer checking on the day requiring further resources most likely after hours.

An alternate approach to administering grant monies to individuals and groups is to provide a selection of appropriately procured suppliers providing "goods to be used on the day". This arrangement is proposed to navigate incorporation issues.

**13.1 Response to 2018/NOM4 - Emergency Grants - Additional Community Grants  
Officers' Assessment**

Each year, on the last Sunday in March, Council celebrates “Neighbour Day”. Neighbour Day is Australia’s annual celebration of community, encouraging people to connect with those who live in their neighbourhood. Forming new and strengthening existing community connections at the neighbourhood level is one driver of Council’s neighbour day and community planning approaches that can be drawn upon to create a new neighbourhood grant category.

In previous years Council has celebrated Neighbour Day through small scale events predominantly coordinated by staff with input from communities. In 2017, FCC adjusted its approach and offered pre-purchased party-pack to the value of \$100 to accommodate for a community barbecue for community members to pick up on the day of their event. This has worked well in connecting at the neighbourhood level and can translate into an effective capacity building program incorporating funding for small scale events, activities and local initiatives that improve community life and neighbourhood connections, relationships, amenity and so forth. A small range of suppliers could be built up to pay for “typical activities” that will become known overtime and any outside of that range considered as part of the approval process. Whilst an advantage in this approach is transparency of rate payer funds (a purchasing audit trail is readily available) a disadvantage is extra labour in administering the grant through identifying relevant suppliers. For this reason a limited range of suppliers will be available.

This approach, of paying a provider rather than an individual, ensures funds are appropriately expended and purchases tracked however it does not avoid the risk of an event not being held (i.e. a fraudulent application which would take additional resources to track particularly given events are more likely to be held out of hours).

It is proposed the current neighbour day celebratory events are formalised through the “Neighbourhood Grants” program and extended to occur throughout the year as part of the Miscellaneous Grants program.

**Environmental Sustainability Grants:**

Casey City Council’s Environmental Sustainability Grants are available annually with businesses, schools, kindergartens, childcare centres, universities and community groups eligible to apply with a project proposal that will improve Casey’s natural, built and cultural environment and benefit the community. The maximum grant available is \$2,000 and proposals may address water efficiency, habitat conservation, improved land use, reducing greenhouse gas emissions, reducing the use of raw materials and minimising energy use or similar. Research into Logan City Council’s environmental grants was also undertaken (refer Attachment A for further information).

**Proposed “Environmental Sustainability” Grants Program:**

Council has an adopted Greening our Future Environment Strategy (2014-2024) and it is proposed the Environmental Sustainability Grants category supports this strategic vision for Frankston’s future. The key themes are:

- Theme 1: Protecting and enhancing natural assets
- Theme 2: Wise use of natural resources
- Theme 3: Minimising environmental impacts
- Theme 4: Educating and engaging the community.

**13.1 Response to 2018/NOM4 - Emergency Grants - Additional Community Grants  
Officers' Assessment**

Applicants will need to demonstrate how their project will achieve **Theme 4 (mandatory – and to ensure benefits for the broader community)**, plus one of more of the remaining themes (**Themes 1 to 3**). Aligning the program with these key themes will provide the flexibility for innovation and support the implementation of Council's Strategy.

The program will be included as a category in Council's existing Miscellaneous Grants Program enabling applications to be received 11 months of the year for assessment by the delegated Miscellaneous Grants Sub-committee.

Grants Administration:

- Prior to May 2017 Council employed a dedicated .6EFT Community Grants Officer that has since been integrated into a full-time role with additional administrative responsibilities. At that time there was the annual community grants program (July – September workload) and the cyclical 11 month miscellaneous grants with 4 categories valued at \$15,000.
- Pending Council approval of the two additional programs indicated in this report, the cyclical 11 month miscellaneous grants program will have increased from 4 to 10 categories valued at \$45,000. For this reason, an additional .2eft is required to assist Department administration.

**Options Available including Financial Implications**

Option 1: Provide an additional 0.2EFT resource for grants administration. Decrease total fund pool of funds in Miscellaneous Grants Program categories "Community Membership Drive" and "Youth Action" grants from \$10,000 to \$5,000 to create new categories "Neighbourhood" and "Environmental Sustainability" grants each with a funding pool of \$5,000 and with the following criterion.

"Neighbourhood Grants" Criteria:

- Maximum grant \$100 from a total pool of \$5000
- Applications must contain name and five signatures and address details of residents participating in the event, initiative or activity
- Project must be carried out in Frankston municipality at a "neighbourhood" level (ie. local street; local community area)
- Applicants must detail the type of event, activity or initiative and how this will contribute to building relationships, neighbourhood capacity and local amenity
- Applicants must include how the relationships will be sustained after the event, activity or initiative
- Applicants must be individuals or community organisations
- Businesses and schools are ineligible
- Successful applicants must provide evidence of their event (eg. photos) and complete a small evaluation (using a provided template) at the completion of the activity
- Neighbourhood Grants will form a new category in the Miscellaneous Grants program
- Relevant permission from land owner for events, activities or initiatives on public land

**13.1 Response to 2018/NOM4 - Emergency Grants - Additional Community Grants  
Officers' Assessment**“Environmental Sustainability” Grants criteria:

- Maximum grant \$1000 from a total pool of \$5000 per annum.
- Project must be carried out in Frankston municipality
- Applicants must be incorporated community organisations (or be auspiced under a relevant organisation)
- Individuals, businesses and schools are not eligible
- Applicants must demonstrate how their project will “Educate and engage the community” as well as how it will achieve one or more of the following:
  - Protect and enhance natural assets
  - Wise use of natural resources
  - Minimise environmental impacts
- Applicants must show they have proven skills and experience to deliver the project outcomes within the specified timeframe
- Applicants must demonstrate in-kind contribution (e.g. labour, cash contribution, equipment etc.)
- On-ground environmental projects or research projects on public land must include a letter of approval from the relevant authority
- Successful applicants must complete an acquittal and small evaluation (using a provided template) on completion of their project
- Environmental Sustainability Grants will form a new category in the Miscellaneous Grants program.

The resource requirements associated with this report are \$27,000 compared to the annual budget allocation of \$10,000 for this purpose (achieved through reduction in Youth Grants and Community Membership Grants from \$10,000 to \$5,000 each). The additional \$17,000 is to cover an additional 0.2EFT for administration of grants given the increase in categories from 4 to 10 since May 2017.

Option 2: Do not create new categories in the Miscellaneous Grants Program.

In this option the existing Miscellaneous Grants Project categories remain unchanged and no additional categories (ie. Neighbourhood grants; Environmental Sustainability grants) are created.

There are no financial implications in this option.

## **Emergency Grants Additional Grant Program Research** **(2018/NOM4)**

### **Wyndham City Council – Neighbourhood Grants:**

Wyndham City Council Neighbourhood Grants category has up to \$500 available for individuals and unincorporated groups, and \$1,000 for non-profit entities.

The Neighbourhood Grants is not capped, and the grants program is managed to ensure there is always funding available for Neighbourhood Grants throughout the year. In previous years, 60–70 Neighbourhood Grants were allocated per year which works out to be approximately \$50K. Individuals and unincorporated groups can only apply for Neighbourhood Grants (and Community Pathways Scholarships). Other grants offered by Wyndham City Council require applicants to be non-profit community groups or organisations.

Applications for Neighbourhood Grants are also exempt from supplying a copy of insurance.

Examples of projects that may be funded:

- Presentations from a local group of visual or Performing artists
- Street parties or other neighbourhood events
- Neighbourhood Watch campaigns
- Active living or healthy eating programs
- Establishment of new community associations
- Neighbourhood beautification or litter mitigation projects.

Projects are expected to deliver one or more of the following outcomes:

- The project achieves an aspiration of local community members.
- The project improves a shared use space.
- People feel that they have a sense of belonging.
- People have increased networks and feel supported by family, friends and neighbours.

Assessment criteria:

- Extent to which the project activities are likely to contribute toward one or more expected outcome(s) – 50%
- Demonstrated applicant intent, capacity and readiness to deliver the project. Budget is realistic and reasonable for the amount of funding requested - 30%
- An effective and appropriate approach to attracting participants and project partners – 20%

### **City of Melville – Friendly Neighbourhood Grants:**

City of Melville Friendly Neighbourhoods Grants offer up to \$250 per application. Funding amounts will be determined by the number of attendees expected at the event. As a guide:

- 20-30 people \$100

- 40-60 people \$200
- 60+ maximum of \$250

The Friendly Neighbourhoods Grants is not capped, and awards approximately 20 applications per year which works out to be approximately \$4K. The grants are specifically for individuals and community groups to host events that help connect local communities.

Assessment Criteria:

- A resident and/or business within the City of Melville,
- The event must take place within the City of Melville and
- Events must take place at least four weeks after the grant application is submitted.
- Applicant must have completed acquittal from any previous funding
- Existing community groups such as school and sporting groups are not encouraged to apply.

Examples of projects that may be funded:

- sausages, buns, condiments etc. for sausage sizzles, catering for street parties,
- cost to print Friendly Neighbour cards to promote events,
- coffee van for a street event.

Examples of projects that cannot be funded:

- Events at the rear of properties (backyards)
- Events taking place outside the prescribed timeline (4 weeks)
- Alcohol and permits to consume alcohol
- Private or invitation only events.

### **Casey City Council – Environmental Sustainability Grant:**

City of Casey has \$21K available per year in funding for the Environmental Sustainability Grants.

Over the past four years there have been approximately 14 applications in total for the funding round who have received \$2K each.

To be eligible, applicants must be a business, education institute, community group or individual based in the City of Casey or primarily provide services to people within the City of Casey relating to the natural, built or cultural environment.

Applications from both commercial and private sectors are encouraged.

Each project must clearly explain the expected benefit to the community of Casey and align to the six themes and priority actions in the Sustainability Plan.

- Water - Actions to minimise potable water use and improve waterway health
- Flora and Fauna - Actions to improve habitat for plants and animals to achieve a gain in indigenous biodiversity
- Air and Atmosphere - Actions to reduce greenhouse gas emissions through good design and use of alternatives

- Materials and Waste - Actions to minimise use of raw materials
- Energy - Actions to minimise energy use through good design, retrofitting and behaviour change
- Land Use - Actions to optimise the use of land and pursue its best use

Assessment Criteria:

- Outline of purpose
- Relevance to the Sustainability Plan
- Innovation
- Community benefit
- Value for money

Applicants must demonstrate to Council:

- Relevance of the proposed project to the City of Casey Sustainability Plan
- Well thought out planning and delivery
- Financial or in-kind commitment to the proposed project.
- Availability of Public Liability (and other) Insurance for the project.
- Projects must be carried out in the City of Casey.
- Applicants may be businesses, community groups, individuals and educational institutes
- Community organisations must be of incorporated status (or able to pursue incorporation)
- Projects must involve works which will protect or improve community sites, facilities or resources
- Ensure access to and safe usage of parks, reserves or facilities for all sections of the community.
- Produce a high level of community benefit and diversity of community involvement.
- Demonstrate that the projects are based on a clear proposal, management plan or strategy
- Demonstrate where appropriate that the design, techniques and materials used will not impact adversely on environmental values and conform to approved standards.

Examples of projects that may be funded:

- Revegetation and habitat restoration, use of indigenous native plants
- Interpretive educational material and community arts
- Environmental Training
- Materials and waste minimisation
- Energy efficiency programs and alternative energy
- Water efficiency program or waterway restoration
- Sustainable Building Design

- Environmental plans
- Academic projects will also be eligible for funding consideration.
- Innovation and Creativity not working.
- Covers Council owned premises as other capital works could potentially cover in the future.

### **Logan City Council - Envirogrants:**

Logan City Council has \$100,000 available each year in EnviroGrants with two categories:

- Environmental Projects/Research/Education: Up to \$5,000 per project
- Wildlife Carer Grant: Up to \$2,000 per project

The Logan City Council EnviroGrants program aims to enhance and protect the natural environment and foster environmentally sustainable practices across the City of Logan through community awareness and participation.

In 2017, a total of 33 EnviroGrants applications were successful which included 21 environmental project grants and 12 wildlife carer grants.

Assessment Criteria:

Assessment focus is on how the project will engage and be promoted to the broader community as well as demonstrating benefit to our local environment. The criteria is as follows:

- Demonstrated capacity for the project to be promoted to, and benefited by the broader community (e.g. open property, Land for Wildlife or newspaper article, factsheet, improved water quality)
- Proven skills and experience to deliver the project outcomes within the specified timeframe
- In-kind contribution (e.g. labour, cash contribution, equipment etc.)
- Defined project outcomes, supported by a detailed project plan demonstrating an environmental benefit
- Commitment to maintenance of the work following the EnviroGrant project completion
- On-ground environmental projects must show ecological significance – based on the site containing waterways and wetlands, ecological corridors, vegetation communities, flora and fauna presence etc.
- On-ground environmental projects or research projects on Council land must include a letter of approval from the relevant Council branch (e.g. Parks Branch for wildlife survey in a Council Park)
- Education facilities must include a letter of support from the Principal/Director AND evidence of commitment to long-term support for the project
- Wildlife carer projects must have the ability to provide Council with data regarding wildlife rescue and release locations.

\* If the applicant is an individual wildlife carer, they will need to supply a letter of endorsement from an endorsed wildlife rehabilitation organisation. The letter needs to state that the applicant is covered under the endorsed wildlife rehabilitation organisation's rehabilitation permit.

### Category one: Environmental projects

To be eligible for the Environmental Projects category, applicants must be either an individual, a team of individuals, an educational institution, a P&C association, a not-for-profit community group or an organisation.

Examples of projects that may be funded:

- Materials that will be used directly in the project, are effectively 'disposable' and include but are not limited to: local native plants, tree guards, weed mats, mulch, water crystals or other materials designed to protect and assist plant growth; products for weed control such as herbicide; materials for other bushland rehabilitation assistance such as nest boxes and wildlife friendly fencing.
- Council will consider funding tools and equipment that are bought specifically for the delivery of the project, up to the value of \$1000. For example: rakes, shovels, mulch forks, herbicide spray equipment, etc. If the project is not fully acquitted, any purchased items must be returned to Council.
- Operating or administration expenses will be considered where funding helps community group with limited funds and access to other funding sources to meet daily expenses. These could include postage, photocopying, stationery, etc. Council will consider funding items up to \$250.
- Travel and transport expenses will be considered where funding increases the efficiency of a project. These expenses could include pre-purchased fuel cards or charge for kilometres travelled (kilometres will be paid between 0.58c/km and 0.69c/km depending on vehicle size). Council will consider funding items up to \$300. A vehicle log book must be kept.
- The development, printing and promotion of environmental educational resource material.
- Costs associated with public relations and media launches, including catering. Council will consider funding items up to \$250.
- Equipment hire where the equipment is essential for the delivery of the project.
- Labour and contractor services provided by an external company that will assist in the efficiency and environmental outcomes of the project. Council will consider funding no more than 50% of the total funding provided (however allowances can be made at Council's discretion).

Examples of projects that cannot be funded:

- No application will be considered retrospectively i.e. projects must not commence prior to the anticipated notification dates for that funding period.
- The purchasing of land.
- Covering of general running costs, including insurance.
- Loan repayments.
- Rental costs.
- Portable electronic devices such as GPS units, mobile phones, etc.
- Reimbursement of projects that have already commenced or are completed.
- Covering costs of mandatory conditions administered by Council (e.g. rehabilitation orders, development conditions etc.).

### Category Two: Wildlife Carer Grants

To be eligible for a Wildlife Carer Grant, applicants must reside within the municipality, be an individual who is endorsed by a legislated wildlife rehabilitation organisation and/or hold an individual wildlife rehabilitation permit issue by the Department of Environment and Heritage Program (EHP), or a not-for-profit incorporated association whose primary role is wildlife rehabilitation.

Examples of projects that may be funded:

- Vet expenses, feeding utensils, reasonable animal food related expenses, rehabilitation enclosures including pre-release cages and aviaries. These costs can be recovered up to 6 months previous with the provision of receipts.
- Training opportunities to improve wildlife carer skills.
- A mileage allowance will be considered for travel related to the rehabilitation and release of native wildlife up to a maximum of \$300 per annum. Kilometres will be paid between 0.58c/ km and 0.69c/km depending on vehicle size. A vehicle log book must be kept.

Examples of projects that cannot be funded:

- Costs or equipment associated with the rescue of native animals.
- Purchase of land.
- Delivery and shipping costs.
- Postage.
- Books.
- Loan repayments.
- Rental costs.

**14.1 2018/NOM56 - Notice of Rescission - Tree Removal Matter**

On Thursday 13 September 2018 Councillor Colin Hampton gave notice of his intention to move the following rescission motion:

I, Councillor Hampton, hereby give notice that at the next appropriate meeting of Council, I will move that the following decision of Council made at Ordinary Meeting 2018/OM11 held on Monday 10 September 2018 regarding Parts 1 and 4 of Notice of Motion 2018/NOM54 – Tree Removal be rescinded:

1. That Council immediately cease all tree and vegetation removal and planning for tree and vegetation removal across the municipality, including for proposed boulevard plantings.
4. That any future intention for the removal of native trees and vegetation be specifically brought before Council with full information for endorsement prior to any works being undertaken.

Should this be carried, we intend to move the following motion:

That Council requires a report outlining the community consultation, options, risks, costs and recommendations for all planned future projects or works that require substantial removal or bulk planting of trees and /or native vegetation.

**COMMENTS BY ACTING CHIEF EXECUTIVE OFFICER**

Should the rescission motion be lost the probability increases for a breach of legislative obligation, risk and legal liability as well as costs for same.

A delay in taking immediate steps to remove a hazardous tree may have an impact on Council's insurer's being able to fully cover any loss due to the delay being a contributing factor. In addition, reputational damage may also be incurred in the event of damage or loss of life.

Examples of legislative obligations include, but are not limited to:

- Duties and powers in relation to fire and emergencies where Council / officers are required to take all practicable steps (including burning) to prevent fires and minimise danger
- Responding to essential services legislation
- Implementing the Road Management Act / Plan
- Where a tree/s is reported as unsafe and found to be structurally unsound or presenting a safety risk to workers or residents. This is particularly the case following a wind storm.

<b>Signed:</b>			
	<b>Cr Colin Hampton</b>	<b>Cr Brian Cunial</b>	<b>Cr Michael O'Reilly</b>
<b>Date:</b>	13/09/2018	13/09/2018	13/09/2018

**ATTACHMENTS**

Nil

**14.2 2018/NOM59 - Discretionary provision of commercial rate-payer parking permits**

On Monday 24 September 2018 Councillor Quinn McCormack gave notice of her intention to move the following motion:

That a report be prepared for the November 2018 meeting of Council in relation to the potential for discretionary provision of commercial rate-payer parking permits.

**COMMENTS BY ACTING DIRECTOR COMMUNITY DEVELOPMENT/CORPORATE DEVELOPMENT**

After further consultation with Cr McCormack she has clarified that she is referring to Commercial Foreshore Parking Permits being issued at the officer's discretion.

A report was provided to Council 29 January 2018 that was originally carried, however a successful rescission motion was tabled 19 February 2018.

Issuing discretionary permits exposes council to a variety of issues eg discrimination or favouritism.

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	<b>YES</b>
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?	<b>NO</b> This was debated at Council on 29/1/18 and was rescinded by Council on 19/2/18. This is to be reviewed July/August 2019.
3. Is the NoM clear and well worded?	<b>NO</b> Officers have contacted Cr McCormack for further clarification.
4. Is the NoM capable of being implemented?	<b>YES</b> As per the original recommendations however there would be substantial financial, traffic and reputational impacts.
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?	<b>YES</b>
6. Is the NoM within the powers of a municipal Council?	<b>YES</b>
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	<b>YES</b>
8. Is the NoM consistent with all relevant legislation?	<b>YES</b>

**14.2 2018/NOM59 - Discretionary provision of commercial rate-payer parking permits**

Question for Consideration	
9. Is the NoM consistent with existing Council or State policy or position?	<b>YES</b>
10. Is the NoM consistent with Council's adopted strategic plan?	<b>NO</b> Council Plan references traffic flow and parking which would be compromised by this NOM. Council has also adopted an Integrated Transport Plan which is also comprised by this NOM.
11. Can the NoM be implemented without diversion of existing resources?	<b>NO</b>
12. Can the NoM be implemented without diversion of allocated Council funds?	<b>NO</b>
13. Are funds available in the adopted budget to implement the NoM?	<b>NO</b>
14. What is the estimated cost of implementing the NoM?	Costs calculated for the last report to Council in early 2018 was based on issuing 2 permits, and estimated to be \$85,000 per annum (comprising \$70,000 loss of revenue and \$15,000 for printing and postage).

**ATTACHMENTS**

Nil

**14.3 2018/NOM60 - Artwork for Frankston Train Station**

On Tuesday 25 September 2018 Councillor Steve Toms gave notice of his intention to move the following motion:

That Council writes to the State Member for Frankston, Mr Paul Edbrooke MP and the Chief Executive Officer for the Level Crossing Removal Authority, Mr Kevin Devlin advocating for artwork or a sculpture as part of the new Frankston Train Station precinct and that the Frankston Arts Board be consulted on this matter. A report is to come back to the 10 December 2018 Council meeting on any findings.

**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
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?	YES
6. Is the NoM within the powers of a municipal Council?	YES Council Is writing a letter to advocate for artwork.
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	NO This is a State Government Project.
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
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

**14.3 2018/NOM60 - Artwork for Frankston Train Station**

Question for Consideration	
14. What is the estimated cost of implementing the NoM?	N/A Year 1: \$ Recurring: \$ Comments: if applicable

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**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 Award of Contract - Tractor Based Mowing Services**

Agenda Item C.1 Award of Contract - Tractor Based Mowing Services is designated confidential as it relates to contractual matters (s89 2d)

**C.2 PLOS Musical Productions Rebate Request**

Agenda Item C.2 PLOS Musical Productions Rebate Request is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

**C.3 2018/NOM61 - Proposal for laneway from Stiebel Place to Frankston Train Station**

Agenda Item C.3 2018/NOM61 - Proposal for laneway from Stiebel Place to Frankston Train Station is designated confidential as it relates to proposed developments (s89 2e):



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Signed by the Acting CEO