



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON  
ON 28 JANUARY 2020 at 7.00PM**

PRESENT	Cr. Sandra Mayer (Mayor) Cr. Colin Hampton Cr. Michael O'Reilly Cr. Glenn Aitken Cr. Brian Cunial Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam Cr. Lillian O'Connor
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Ms. Kim Jaensch, Acting Director Corporate Development Dr. Gillian Kay, Director Community Development Mr. Cam Arullanantham, Acting Director Community Assets Mr. Stuart Caldwell, Acting Manager Planning & Environment Mr. Oliver Rees, Coordinator Statutory Planning Ms. Anne Sorensen, Acting Coordinator Strategic Planning Mr. Robert Lean, Senior Strategic Planner Mr. Taylor McVean, Coordinator Communications Ms. Vera Roberts, Executive Assistant to Mayor Ms. Tenille Craig, Councillor Support Officer
EXTERNAL REPRESENTATIVES:	

### COUNCILLOR STATEMENT

Councillor Hampton made the following statement:

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

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

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

Chairperson's initials *S. Mayer*

**PRAYER**

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

**ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

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**1. PRESENTATION TO COMMUNITY GROUPS**

Nil

**2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Ordinary Meeting No. OM15 held on 16 December 2019.

**Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor Cunial**

That the minutes of the Ordinary Meeting No. OM15 held on 16 December 2019 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

**Carried Unanimously**

**3. APOLOGIES**

Nil

**4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST**

Nil

**5. PUBLIC QUESTION TIME**

There were no questions With or Without Notice.

**6. HEARING OF PUBLIC SUBMISSIONS**

Ms. Nicci Foster made a submission to Council regarding Item 11.2: Town Planning Application 224/2019/P – 16 Charlotte Court Frankston South – To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO);

*The Mayor acknowledged former Councillor Judy Wachendorfer and Peter Patterson, Citizen of the Year who are present in the Gallery.*

Mr Will Henshaw made a submission to Council regarding Item 11.2: Town Planning Application 224/2019/P – 16 Charlotte Court Frankston South – To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO);

Mr Hans Buettner made a submission to Council regarding Item 11.2: Town Planning Application 224/2019/P – 16 Charlotte Court Frankston South – To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO);

Mr Wayne Hull made a submission to Council regarding Item 11.2: Town Planning Application 224/2019/P – 16 Charlotte Court Frankston South – To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO);

Mr Martin Cavanagh made a submission to Council regarding Item 11.2: Town Planning Application 224/2019/P – 16 Charlotte Court Frankston South – To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO);

*The Mayor acknowledged former Councillor Brad Hill  
who is present in the Gallery.*

Mr Carl Agar made a submission to Council regarding Item 11.2: Town Planning Application 224/2019/P – 16 Charlotte Court Frankston South – To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO);

Ms Loretta Buckley on behalf of Salvation Army made a submission to Council regarding Item 12.5: Frankston City Strategic Homelessness Alliance;

Mr Clive Champion on behalf of SHAC made a submission to Council regarding Item 12.5: Frankston City Strategic Homelessness Alliance;

Ms Amanda Tipping made a submission to Council regarding Item 12.8: Draft Short Stay Rental Accommodation Local Law 2020;

Ms Ginevra Hosking on behalf of Committee for Greater Frankston and as a resident made a submission to Council regarding Item 14.5: 2020/NOM8 – Green Wedge Management Plan;

Ms Robin Clarey on behalf of FEFN made a submission to Council regarding Item 14.5: 2020/NOM8 – Green Wedge Management Plan;

*Councillor Bolam left the chamber at 8.02 pm.*

Ms Jennifer Hattingh on behalf of South East Green Wedge made a submission to Council regarding Item 14.5: 2020/NOM8 – Green Wedge Management Plan;

*Councillor Bolam returned to the chamber at 8:06 pm.*

*Councillor Cunial left the chamber at 8:09 pm.*

Ms Michelle McKinlay made a submission to Council regarding Item 14.5: 2020/NOM8 – Green Wedge Management Plan;

*Councillor Cunial returned to the chamber at 8:11 pm.*

Ms Joan Cavanagh on behalf of the Frankston Beach Association regarding Item 14.5: 2020/NOM8 – Green Wedge Management Plan;

Mr Matthew Baxter on behalf of the Committee for Greater Frankston made a submission to Council regarding Item 14.5: 2020/NOM8 – Green Wedge Management Plan;

Mr Henry Kelsall made a submission to Council regarding Item 14.5: 2020/NOM8 – Green Wedge Management Plan;

Ms Louise Lowe representing 15 land owners in Skye made a submission to Council regarding Item 14.5: 2020/NOM8 – Green Wedge Management Plan;

Mr Michael Crowder made a submission to Council regarding Item 14.5: 2020/NOM8 – Green Wedge Management Plan;

## 7. ITEMS BROUGHT FORWARD

### Items Brought Forward

#### Council Decision

**Moved: Councillor Aitken**

**Seconded: Councillor McCormack**

That Items:

- 11.2: Town Planning Application 224/2019/P – 16 Charlotte Court Frankston South – To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO);
- 12.5: Frankston City Strategic Homelessness Alliance;
- 12.8: Draft Short Stay Rental Accommodation Local Law 2020; and
- 14.5: 2020/NOM8 – Green Wedge Management Plan

be brought forward.

**Carried Unanimously**

## 8. PRESENTATIONS / AWARDS

The Mayor presented a Certificate of Appreciation to the Chamber received from Frankston Life for the generosity and support for their annual Christmas Day Lunch. The Mayor commended Frankston Life for all their work especially on Christmas Day making this day special for members of the community.

*Councillor Hampton left the chamber at 8:45 pm.*

## 9. PRESENTATION OF PETITIONS AND JOINT LETTERS

**Petition and Joint Letters – 73 Warrandyte Road, Langwarrin**

#### Council Decision

**Moved: Councillor McCormack**

**Seconded: Councillor Aitken**

That the petition regarding the animals housed at 73 Warrandyte Road, Langwarrin as well as the current processes and criteria pertaining to the issue, obtainment and continuation of excess animal permits within Frankston City Council containing 165 signatures be adopted.

**Carried Unanimously**

## 10. DELEGATES' REPORTS

Nil

Chairperson's initials *S. Mayer*

**ITEMS BROUGHT FORWARD**

*Councillor Hampton returned to the chamber at 8:48 pm.*

**11.2 Town Planning Application 224/2019/P - 16 Charlotte Court Frankston South - To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO)**

*(SC Community Development)*

**Council Decision**

**Moved: Councillor Cunial**

**Seconded: Councillor O'Reilly**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 224/2019/P to construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO) at 16 Charlotte Street Frankston South, subject to the following conditions:

**Plans**

1. Before 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. The plans must be substantially in accordance with the plans submitted with the application (dated 22/11/2019 - revision 5) but modified to show:
  - (a) Location of the water supply for fire fighting purposes on all relevant plans, including the landscape plan, in accordance with Condition 19.
  - (b) An amended Bushfire Management Plan in accordance with Condition 19.
  - (c) Removal of Tree 13.
  - (d) Pedestrian sight splays illustrated for both access ways in accordance with Design Standard 1 of Clause 52.06-9 of the Frankston Planning Scheme.
  - (e) All trees growing on the site and on the adjoining properties within 3m of the boundaries must be clearly illustrated on all relevant plans and in accordance with the Arborist Report - Development Impact Assessment prepared by Arbor Survey 29 July 2019 to demonstrate canopy width, trunk location and clearly state whether the tree is to be retained or removed.
  - (f) The Tree Protection Zone and Structural Root Zone for all trees to be retained and the tree protection fence locations must be illustrated on all relevant plans.
  - (g) The location of all external plant and equipment illustrated and located to minimise any potential detriment from noise to adjoining properties.
  - (h) Tree Management and Protection Plan for all trees being retained in accordance with Condition 3.
  - (i) A landscaping Plan as required by Condition 6.

**No Alterations**

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

**Tree Protection**

3. A Tree Management and Protection Plan prepared in accordance with Frankston City Council's 'Arboricultural Report Writing Guide' must be submitted by a suitably qualified and experienced Arborist in relation to the management and protection of all trees to be retained must be approved by the Responsible Authority prior to the commencement of any works (including any demolition, levelling of the site, excavations, tree removal, delivery of building/construction materials and/or temporary buildings). The Tree Management Plan must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following where relevant but not limited to ensuring that the trees remain healthy and viable during and following construction:
  - a) A site plan showing tree protection zones (TPZ) and structural root zones (SRZ), tree protection fence locations and any relocations required and any areas where ground protection systems will be used.
  - b) A clear photograph of each tree.
  - c) Any specific damage/faults evident within each tree prior to demolition or construction of trees to be retained. These photographs must be supplied within the TPMP as a preliminary dilapidation report.
  - d) Restricted activities in the TPZ.
  - e) Key supervision and monitoring stages of the development including pre-demolition, pre-construction, and post construction stages.
  - f) Details of any TPZ encroachments including:
    - i. Details of exploratory root investigation.
    - ii. Alternative construction techniques.
    - iii. Supervision.
  - g) Methods for installation of services e.g.; sewerage, storm water, telecommunications, electricity etc.
  - h) Remedial works for trees to be retained as required including a detailed photographic diagram specifying what pruning will occur.
  - i) Final Certification of Tree protection template.
4. The Final Certification Report Template as required in the Tree Protection Management Plan must be completed and submitted to the satisfaction of the Responsible Authority before the occupation of the development and/or commencement of the use or at such later date as is approved by the Responsible Authority in writing.
5. Prior to the commencement of the development (including vegetation removal), Tree Protection Fencing and any other measures as identified in the Tree Management and Protection Plan must be undertaken to the satisfaction of the Responsible Authority.

The tree protection fence must remain in place for the duration of building and works to the satisfaction of the Responsible Authority

### Landscape Plans

6. Before the commencement of buildings and works, a landscape plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
- a. A survey (including botanical names) of all existing vegetation on the site and those located within three (3) metres of the boundary of the site on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is proposed to be retained and/or removed.
  - b. The tree number, T.P.Z., S.R.Z. and notations regarding protection methods during construction of retained trees.
  - c. Buildings on neighbouring properties within three metres of the boundary.
  - d. The delineation and details of surface finishes of all garden beds, grassed areas, pathways, driveways, retaining walls and other landscape works including areas of cut and fill throughout the development site.
  - e. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant.
  - f. A range of plant types from ground covers to large shrubs and trees.
  - g. Landscaping and planting within all open areas of the site.
  - h. Adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals).
  - i. Vegetation management requirements in accordance with the approved Bushfire Management Plan.
  - j. The provision of screen planting (minimum mature height of 1.5m) within a landscape strip of 60cm at the interface of the property boundary and driveway to the western dwelling.
  - k. A planting theme of a minimum 20% indigenous and 40% native within each plant group.
  - l. All existing environmental weed species are to be removed from the site and environmental and noxious weeds found in the 'Sustainable Gardening in Frankston City' (2015) booklet are not to be planted.
  - m. The provision of suitable canopy trees (minimum two metres tall when planted) in the areas specified below (trees are not to be sited over easements) with species chosen to be approved by the Responsible Authority:
    - One (1) within the front setback to Dwelling 1 with a minimum mature heights of 10m.
    - Two (2) within the front setback to Dwelling 2 with minimum mature heights of 6m.
    - One (1) within the private open space of Dwelling 2 with a minimum mature height of 6m.
    - Two (2) within the private open space Dwelling 1 of each dwelling with minimum mature heights of 6m.

- n. The provision of notes on the landscape plan regarding site preparation, including in-ground irrigation system to be provided to all landscaped areas, removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- o. All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use.

#### **Prior to Occupation**

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

#### **Drainage**

8. Provision of a Stormwater Detention System with a volume capable of retarding the 10 year ARI flow from the development site back to a 5 year ARI pre-development value to the satisfaction of the Responsible Authority.
9. Prior to commencement of development construction detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority.
10. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
  - On-site stormwater detention and rainwater tanks.
  - Soil percolation.
  - Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc.
  - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
11. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
12. Prior to occupation of the dwellings hereby permitted by this permit starts, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be:-
  - Constructed to the satisfaction of the Responsible Authority;
  - Properly formed to such levels that they can be used in accordance with the plans;
  - Surfaced with an all-weather sealcoat; and
  - Drained and maintained to the satisfaction of the Responsible Authority.Car spaces, access lanes and driveways must be kept available for these purposes at all times.
13. Where the development involves work on or access to Council controlled land including roads, reserves and right of way, the owner, operator and their agents under this permit must at all times take adequate precautions to maintain works to the highest public safety standards, to the satisfaction of the Responsible Authority.

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

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

### Urban Design

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

### CFA Requirements

18. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

### Bushfire Management Plan

19. Before the development starts, an amended bushfire management plan (BMP), which is generally in accordance with the BMP produced by Madden Building Group dated 14 August 2019, must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

#### a) Defendable space

Show an area of defendable space to the property boundary where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within three metres of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed five square metres in area and must be separated by at least five metres.

- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least five metres.
- There must be a clearance of at least two metres between the lowest tree branches and ground level.

b) Construction standards

A minimum Bushfire Attack Level of BAL – 12.5 that the building will be designed and constructed.

c) Water supply

A minimum 2,500 litres of effective water supply for each unit, solely for fire fighting purposes, which meets the following requirements:

- Is stored in an above ground water tank constructed of concrete or metal.
- All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
- Include an outlet for use by the occupants.

### Satisfactorily Completed

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

### Permit Expiry

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

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

### Notes

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

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

**Carried**

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

Against the Motion: Crs Aitken and McCormack

**12.5 Frankston City Strategic Homelessness Alliance**

*(TB Community Development)*

**Recommendation (Director Community Development)**

That Council:

1. Notes the revised structure of the Frankston City Strategic Housing and Homelessness Alliance (Alliance) to include involvement of volunteer groups supporting people experiencing homelessness (Attachment A);
2. Notes that the Alliance's 5-Year Strategic Plan (Attachment B) will be included as an addendum to the MOU and does not require stand-alone endorsement; and
3. Endorses Council as a signatory to the Alliance Memorandum of Understanding (MOU) (Attachment A).

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Aitken**

That Council:

1. Notes the revised structure of the Frankston City Strategic Housing and Homelessness Alliance (Alliance) to include involvement of volunteer groups supporting people experiencing homelessness (Attachment A);
2. Notes that the Alliance's 5-Year Strategic Plan (Attachment B) will be included as an addendum to the MOU and does not require stand-alone endorsement; and
3. Endorses Council as a signatory to the Alliance Memorandum of Understanding (MOU) (Attachment A).
4. Provides to Council annually a report on the activities and outcomes of the Alliance.

**Carried Unanimously**

**12.8 Draft Short Stay Rental Accommodation Local Law 2020**

(LR Community Development)

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

That Council:

1. Council notes the report and feedback provided from the Community including officer responses and comments;
2. Council having complied with the requirement of the *Local Government Act 1989*, resolves to make the Short Stay Rental Accommodation Local Law 2020 (as attached) for the following reasons:
  - a. To regulate and control the use of Short Stay Rental Accommodation (SSRA) properties within the Municipality;
  - b. To ensure an appropriate standard of management and presentation
  - c. To minimise the risk of such accommodation affecting the peace of neighbours;
  - d. Enforce compulsory registration of these properties.
3. Council sets an annual registration fee of \$150 per annum and that this fee be increased annually by no more than CPI;
4. The Short Stay Rental Accommodation Local Law 2020 be signed and sealed;
5. Public notice be given to the making of Short Stay Rental Accommodation Local Law 2020;
6. Notice be given to the Victorian Government Gazette to the making of Short Stay Rental Accommodation Local Law 2020;
7. The Short Stay Rental Accommodation Local Law 2020 comes into effect on the day following publication of the notice in the Victoria Government Gazette; and
8. A copy of the Short Stay Rental Accommodation Local Law 2020 be sent to the Minister for Local Government.

**Carried Unanimously**

**14.5 2020/NOM8 - Green Wedge Management Plan**

(RL Community Development)

**Recommendation****Moved: Councillor Hampton****Seconded: Councillor Cunial**

1. The authority to write to the Minister for Planning about amending the Frankston Planning Scheme to include the Frankston Green Wedge Management Plan is withdrawn.
2. Council does not proceed with implementing its Resolution of 14 October 2019 concerning the Frankston Green Wedge Management Plan.
3. Instead, Council adopts the following position:

**PART A****(Investigation of industrial land expansion in Carrum Downs)**

That Council:

Adopts the draft Green Wedge Management Plan (GWMP) with the recommendations arising from the public consultation based on majority support from submissions, incorporating investigation of modest industrial land expansion abutting the existing Carrum Downs Industrial Estate, with additional provisions relating to protection of significant vegetation (including River Red Gums), provision of large numbers of canopy trees, and Environmentally Sustainable Design, Renewable Energy, Water Sensitive Design, and Six Star Green Star initiatives. To achieve this the following specific wording modifications to the draft Green Wedge Management Plan are to be made:

- a. Remove third dot point on Page 86 of the draft GWMP 'Poultry Farm (name unknown) – located off Ballarto Road, Skye'.
- b. That the reference to the draft Westernport Green Wedge Management Plan prepared by City of Casey be amended to note that the Plan has been adopted on Page 24.
- c. Amend the timeframe for Action 19 from Short to Immediate
- d. Include an additional action in the draft Plan for Council to work with VicRoads to apply the appropriate land use zones to areas affected by the Peninsula Link Freeway. The timeframe for this action will be immediate as an Amendment is currently being prepared by VicRoads.
- e. That further clarification is provided to the statement on Page 86 that 'areas of land suitable only for grazing agricultural activities in Precinct 2 may be better utilised for purposes other than agriculture – e.g. for employment or residential uses'. If the intent of this statement is that it applies to large land holdings within Precinct 2 then it is not supported by Council officers and must be removed from the document.
- f. That the Legends of the Zoning Maps for all the precincts are amended so that colours shown in the legend reflect the colours shown on the maps. In particular, the Urban Floodway Zone should be shown as light blue in the legends and the Special Use Zone should be shown as a light green (Pages 31, 78, 88, 101, 111, 119 and 128).
- g. That the Skye Golf Driving Range & Golf Course not be nominated as a 'public course' and that this use is not nominated as a 'non-economic activity'.

- h. That the RCZ1 be noted as having a minimum lot size of 4ha in section 7.2.4 – Housing and Settlement on Page 101.
- i. That the final sentence of Page 100 be re-worded to acknowledge that the listed uses are innominate uses (not specifically defined in the Frankston planning scheme) and as such can be considered for approval under the current planning regime.

and

- j. That investigation proposed under Action 19 includes:
  - i. Provision for any significant vegetation, including River Red Gums, to be protected and/or retained under an appropriate planning mechanism.
  - ii. Provisions which require large numbers of canopy trees to be planted in any future industrial development or future subdivision.
  - iii. A new Action to incorporate Environmentally Sustainable Design initiatives, Renewable Energy initiatives and Water Sensitive Urban Design initiatives. This would also provide the scope/provision for any investigation to include the Six Star Green Star initiative specified in Attachment B.
  - iv. That investigation proposed under Action 19 be in conjunction with Action 4, 12, 13, 15, 20, 23, 26 and 36.
  - v. That Action 12 to be re-worded to the following: *Assess the potential for additional native vegetation planting along roadsides and in any future development or future subdivision to bolster habitat linkages and enhance canopy cover.*

and

Authorises officers to write to the Minister for Planning to request authorisation to prepare and exhibit a Planning Scheme Amendment to include the Frankston Green Wedge Management Plan into the Frankston Planning Scheme

and

Endorses the Action Plan noting that implementation will be subject to the annual budget process.

## **PART B**

### **(Investigation of residential land use potential in Carrum Downs, Skye, Langwarrin and Frankston South)**

That Council:

Adopts the draft Green Wedge Management Plan (GWMP) with the recommendations arising from the public consultation based on majority support from submissions, incorporating investigation of some increased residential land use potential with additional provisions relating to protection of significant vegetation (including River Red Gums), provision of large numbers of canopy trees, and Environmentally Sustainable Design, Renewable Energy, Water Sensitive Design, and Six Star Green Star initiatives. To achieve this the following specific wording modifications to the draft Green Wedge Management Plan are to be made being:

- a. Remove third dot point on Page 86 of the draft GWMP 'Poultry Farm (name unknown) – located off Ballarto Road, Skye'.

- b. That the reference to the draft Westernport Green Wedge Management Plan prepared by City of Casey be amended to note that the Plan has been adopted on Page 24.
- c. That more rationale is provided in the section relating to Precinct 3 to justify Actions 42 & 43 for this area (please see note below RE Action 42 & 43).
- d. Amend the timeframe for Action 19 from Short to Immediate.
- e. Include an additional action in the draft Plan for Council to work with VicRoads to apply the appropriate land use zones to areas affected by the Peninsula Link Freeway. The timeframe for this action will be immediate as an Amendment is currently being prepared by VicRoads.
- f. That further clarification is provided to the statement on Page 86 that 'areas of land suitable only for grazing agricultural activities in Precinct 2 may be better utilised for purposes other than agriculture – e.g. for employment or residential uses'. If the intent of this statement is that it applies to large land holdings within Precinct 2 then it is not supported by Council officers and must be removed from the document.
- g. Remove the reference to Melbourne Water in Figure 30 on Page 118. Additionally, the land to the west of Stotts Lane and east of Frankston-Flinders Road be identified as part of the Precinct 5 logical inclusions in the draft GWMP document (as Action 42 describes).
- h. That the Legends of the Zoning Maps for all the precincts are amended so that colours shown in the legend reflect the colours shown on the maps. In particular, the Urban Floodway Zone should be shown as light blue in the legends and the Special Use Zone should be shown as a light green (Pages 31, 78, 88, 101, 111, 119 and 128).
- i. That the Skye Golf Driving Range & Golf Course not be nominated as a 'public course' and that this use is not nominated as a 'non-economic activity'.
- j. That the RCZ1 be noted as having a minimum lot size of 4ha in section 7.2.4 – Housing and Settlement on Page 101.
- k. That the final sentence of Page 100 be re-worded to acknowledge that the listed uses are innominate uses (not specifically defined in the Frankston planning scheme) and as such can be considered for approval under the current planning regime.

and

- l. That investigation proposed under Action 42 and 43 includes:
  - i. Provision for any significant vegetation, including River Red Gums, to be protected and/or retained under an appropriate planning mechanism.
  - ii. Provisions which require large numbers of canopy trees to be planted in any future industrial development or future subdivision.
  - iii. A new Action to incorporate Environmentally Sustainable Design initiatives, Renewable Energy initiatives and Water Sensitive Urban Design initiatives. This would also provide the scope/provision for any investigation to include the Six Star Green Star initiative specified in Attachment B.
  - iv. That investigation proposed under Action 42 & 43 be in conjunction with Action 4, 12, 13, 15, 20, 23, 26 and 36.

- v. That Action 12 to be re-worded to the following: *Assess the potential for additional native vegetation planting along roadsides and in any future development or future subdivision to bolster habitat linkages and enhance canopy cover.*

and

Authorises officers to write to the Minister for Planning to request authorisation to prepare and exhibit a Planning Scheme Amendment to include the Frankston Green Wedge Management Plan into the Frankston Planning Scheme

and

Endorses the Action Plan noting that implementation will be subject to the annual budget process.

**Extension of Time**

**Moved: Councillor Cunial**

**Seconded: Councillor O'Reilly**

That Cr Hampton be granted an extension of time.

**Carried Unanimously**

**Extension of Time**

**Moved: Councillor Aitken**

**Seconded: Councillor McCormack**

That Cr Toms be granted an extension of time.

**Carried Unanimously**

**Extension of Time**

**Moved: Councillor Bolam**

**Seconded: Councillor Aitken**

That Cr McCormack be granted an extension of time.

**Carried Unanimously**

*Councillor Bolam left the chamber at 9:28 pm.*

*Councillor Bolam returned to the chamber at 9:32 pm.*

**Extension of Time**

**Moved: Councillor Toms**

**Seconded: Councillor McCormack**

That Cr Aitken be granted an extension of time.

**Carried Unanimously**

**Extension of Time**

**Moved: Councillor Cunial**

**Seconded: Councillor Hampton**

That Cr O'Reilly be granted an extension of time.

**Carried Unanimously**

**Extension of Time**

**Moved: Councillor McCormack**

**Seconded: Councillor Aitken**

That Cr Bolam be granted an extension of time.

**Carried Unanimously**

*In accordance with Section 44 of Council's Governance Local Law No 1,  
this motion was moved in parts*

### **Council Decision**

**Moved: Councillor Hampton**

**Seconded: Councillor Cunial**

1. The authority to write to the Minister for Planning about amending the Frankston Planning Scheme to include the Frankston Green Wedge Management Plan is withdrawn.
2. Council does not proceed with implementing its Resolution of 14 October 2019 concerning the Frankston Green Wedge Management Plan.
3. Instead, Council adopts the following position:

#### **PART A**

#### **(Investigation of industrial land expansion in Carrum Downs)**

That Council:

Adopts the draft Green Wedge Management Plan (GWMP) with the recommendations arising from the public consultation based on majority support from submissions, incorporating investigation of modest industrial land expansion abutting the existing Carrum Downs Industrial Estate, with additional provisions relating to protection of significant vegetation (including River Red Gums), provision of large numbers of canopy trees, and Environmentally Sustainable Design, Renewable Energy, Water Sensitive Design, and Six Star Green Star initiatives. To achieve this the following specific wording modifications to the draft Green Wedge Management Plan are to be made:

- a. Remove third dot point on Page 86 of the draft GWMP 'Poultry Farm (name unknown) – located off Ballarto Road, Skye'.
- b. That the reference to the draft Westernport Green Wedge Management Plan prepared by City of Casey be amended to note that the Plan has been adopted on Page 24.
- c. Amend the timeframe for Action 19 from Short to Immediate
- d. Include an additional action in the draft Plan for Council to work with VicRoads to apply the appropriate land use zones to areas affected by the Peninsula Link Freeway. The timeframe for this action will be immediate as an Amendment is currently being prepared by VicRoads.
- e. That further clarification is provided to the statement on Page 86 that 'areas of land suitable only for grazing agricultural activities in Precinct 2 may be better utilised for purposes other than agriculture – e.g. for employment or residential uses'. If the intent of this statement is that it applies to large land holdings within Precinct 2 then it is not supported by Council officers and must be removed from the document.
- f. That the Legends of the Zoning Maps for all the precincts are amended so that colours shown in the legend reflect the colours shown on the maps. In particular, the Urban Floodway Zone should be shown as light blue in the legends and the Special Use Zone should be shown as a light green (Pages 31, 78, 88, 101, 111, 119 and 128).
- g. That the Skye Golf Driving Range & Golf Course not be nominated as a 'public course' and that this use is not nominated as a 'non-economic activity'.
- h. That the RCZ1 be noted as having a minimum lot size of 4ha in section 7.2.4 – Housing and Settlement on Page 101.

Chairperson's initials *S. Mayer*

- i. That the final sentence of Page 100 be re-worded to acknowledge that the listed uses are innominate uses (not specifically defined in the Frankston planning scheme) and as such can be considered for approval under the current planning regime.

and

- j. That investigation proposed under Action 19 includes:
- i. Provision for any significant vegetation, including River Red Gums, to be protected and/or retained under an appropriate planning mechanism.
  - ii. Provisions which require large numbers of canopy trees to be planted in any future industrial development or future subdivision.
  - iii. A new Action to incorporate Environmentally Sustainable Design initiatives, Renewable Energy initiatives and Water Sensitive Urban Design initiatives. This would also provide the scope/provision for any investigation to include the Six Star Green Star initiative specified in Attachment B.
  - iv. That investigation proposed under Action 19 be in conjunction with Action 4, 12, 13, 15, 20, 23, 26 and 36.
  - v. That Action 12 to be re-worded to the following: *Assess the potential for additional native vegetation planting along roadsides and in any future development or future subdivision to bolster habitat linkages and enhance canopy cover.*

and

Authorises officers to write to the Minister for Planning to request authorisation to prepare and exhibit a Planning Scheme Amendment to include the Frankston Green Wedge Management Plan into the Frankston Planning Scheme

and

Endorses the Action Plan noting that implementation will be subject to the annual budget process.

Lost

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

### Council Decision

**Moved: Councillor Hampton**

**Seconded: Councillor Cunial**

### **PART B**

#### **(Investigation of residential land use potential in Carrum Downs, Skye, Langwarrin and Frankston South)**

That Council:

Adopts the draft Green Wedge Management Plan (GWMP) with the recommendations arising from the public consultation based on majority support from submissions, incorporating investigation of some increased residential land use potential with additional provisions relating to protection of significant vegetation (including River Red Gums), provision of large numbers of canopy trees, and Environmentally Sustainable Design, Renewable Energy, Water Sensitive Design, and Six Star Green Star initiatives. To achieve this the following specific wording modifications to the draft Green Wedge Management Plan are to

Chairperson's initials *S. Mayer*

be made being:

- a. Remove third dot point on Page 86 of the draft GWMP 'Poultry Farm (name unknown) – located off Ballarto Road, Skye'.
- b. That the reference to the draft Westernport Green Wedge Management Plan prepared by City of Casey be amended to note that the Plan has been adopted on Page 24.
- c. That more rationale is provided in the section relating to Precinct 3 to justify Actions 42 & 43 for this area (please see note below RE Action 42 & 43).
- d. Amend the timeframe for Action 19 from Short to Immediate.
- e. Include an additional action in the draft Plan for Council to work with VicRoads to apply the appropriate land use zones to areas affected by the Peninsula Link Freeway. The timeframe for this action will be immediate as an Amendment is currently being prepared by VicRoads.
- f. That further clarification is provided to the statement on Page 86 that 'areas of land suitable only for grazing agricultural activities in Precinct 2 may be better utilised for purposes other than agriculture – e.g. for employment or residential uses'. If the intent of this statement is that it applies to large land holdings within Precinct 2 then it is not supported by Council officers and must be removed from the document.
- g. Remove the reference to Melbourne Water in Figure 30 on Page 118. Additionally, the land to the west of Stotts Lane and east of Frankston-Flinders Road be identified as part of the Precinct 5 logical inclusions in the draft GWMP document (as Action 42 describes).
- h. That the Legends of the Zoning Maps for all the precincts are amended so that colours shown in the legend reflect the colours shown on the maps. In particular, the Urban Floodway Zone should be shown as light blue in the legends and the Special Use Zone should be shown as a light green (Pages 31, 78, 88, 101, 111, 119 and 128).
- i. That the Skye Golf Driving Range & Golf Course not be nominated as a 'public course' and that this use is not nominated as a 'non-economic activity'.
- j. That the RCZ1 be noted as having a minimum lot size of 4ha in section 7.2.4 – Housing and Settlement on Page 101.
- k. That the final sentence of Page 100 be re-worded to acknowledge that the listed uses are innominate uses (not specifically defined in the Frankston planning scheme) and as such can be considered for approval under the current planning regime.

and

- l. That investigation proposed under Action 42 and 43 includes:
  - i. Provision for any significant vegetation, including River Red Gums, to be protected and/or retained under an appropriate planning mechanism.
  - ii. Provisions which require large numbers of canopy trees to be planted in any future industrial development or future subdivision.
  - iii. A new Action to incorporate Environmentally Sustainable Design initiatives, Renewable Energy initiatives and Water Sensitive Urban Design initiatives. This would also provide the scope/provision for any investigation to include the Six Star Green Star initiative specified in Attachment B.

- iv. That investigation proposed under Action 42 & 43 be in conjunction with Action 4, 12, 13, 15, 20, 23, 26 and 36.
- v. That Action 12 to be re-worded to the following: *Assess the potential for additional native vegetation planting along roadsides and in any future development or future subdivision to bolster habitat linkages and enhance canopy cover.*

and

Authorises officers to write to the Minister for Planning to request authorisation to prepare and exhibit a Planning Scheme Amendment to include the Frankston Green Wedge Management Plan into the Frankston Planning Scheme

and

Endorses the Action Plan noting that implementation will be subject to the annual budget process.

**Lost**

For the Motion: Crs Hampton and O'Reilly

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

*The Mayor adjourned the meeting at 10.07 pm*

*The meeting resumed at 10.17 pm*

## **Block Motion**

### **Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor Cunial**

That the following items be blocked resolved and that the recommendations in each item be adopted:

- 11.1 Town Planning Application 413/2019/P - 2/7A Thompson Street Frankston - To use the land to sell and consume liquor (restaurant and cafe licence) in conjunction with the continued use of the premises as a food and drink premises (restaurant)
- 11.3 Planning permit 161/2011/P - Extension of time request - 10-12 Davey Street Frankston - Part demolition of buildings and works in a Heritage Overlay, construction of a fourteen (14) storey building with four levels of basement car parking, use for dwellings and cafe, reduction in car parking requirements and a waiver of loading bay requirements
- 11.5 November 2019 Planning & Environment Progress Report
- 11.6 December 2019 Planning & Environment Progress Report
- 12.1 Decision of the Councillor Conduct Panel in the matter of O'Reilly and Toms (Application 2019-1)
- 12.2 Notice of Motion and Deferred Report Status Update for 28 January 2020
- 12.3 Delegates to External/Internal Organisations
- 12.4 Record of Assemblies
- 12.6 Frankston City Stroger Families Policy
- 12.7 Healthy Choices Policy
- 12.9 Roads Asset Management Plan (2020)
- 12.10 State Emergency Services (SES) Frankston Unit - Lease Agreement for 12 Seater Toyota Bus
- 12.11 Evelyn Street Open Space Development: Outcome of Community Consultation
- 12.12 Enclosed dog off lead area at Telopea Reserve, Frankston North
- 12.13 Council Submission - Residential Tenancies Regulations
- 12.14 Request for Funding – Sunrise Rotary Charity Golf Day
- 12.16 Sports and Recreation Victoria - Grant Submissions

**Carried Unanimously**

Chairperson's initials *S. Mayer*

## 11. CONSIDERATION OF TOWN PLANNING REPORTS

### 11.1 Town Planning Application 413/2019/P - 2/7A Thompson Street Frankston - To use the land to sell and consume liquor (restaurant and cafe licence) in conjunction with the continued use of the premises as a food and drink premises (restaurant)

(SC Community Development)

#### Council Decision

**Moved: Councillor Aitken**

**Seconded: Councillor Cunial**

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 413/2019/P for to use the land at 2/7A Thompson Street, Frankston to sell and consume liquor (Restaurant and Cafe Licence) subject to the following conditions:

#### **No Alterations**

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

#### **Patron Numbers**

2. A maximum of 37 patrons shall be permitted at any one time, unless with the prior written consent of the Responsible authority.

#### **Hours of Liquor Consumption**

3. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place within an approved red line plan and at the premises during the following hours:
  - Monday to Sunday – 11am to 11pm

#### **Amenity**

4. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence/permit relates during or immediately after trading hours authorised by the licence/permit.
5. Noise emissions from the premises must comply with the requirements of the *State Environment Protection Policies (Control of Noise from Commerce, Industry and Trade) No. N-1* (as varied).

#### **Permit Expiry**

6. This permit will expire if one of the following circumstances applies:
  - The use is not commenced within two years of the date of this permit.
  - The use is discontinued for a period of two (2) years or more.

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

#### **Notes**

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.

Chairperson's initials *S. Mayer*

- 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.

**Carried Unanimously**

**Note:** Refer to Page 25 of the Minutes where this item is block resolved

**11.3 Planning permit 161/2011/P - Extension of time request - 10-12 Davey Street Frankston - Part demolition of buildings and works in a Heritage Overlay, construction of a fourteen (14) storey building with four levels of basement car parking, use for dwellings and cafe, reduction in car parking requirements and a waiver of loading bay requirements**

*(SC Community Development)*

**Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor Cunial**

That Council resolves to refuse to grant an extension of time for Planning Permit 161/2011/P for a further two (2) years for completion, for the following reasons:

1. The granting of an extension of time for planning permit 161/2011/P for a further one (1) year for the completion would not be consistent with the orderly and proper planning for the area.
2. The Planning Policy Framework and planning controls that apply to the site have changed since the issue of the planning permit with the inclusion of the site within Clause 45.09 – Parking Overlay Schedule 1 of the Frankston Planning Scheme.
3. The development allowed by planning permit 161/2011/P is not consistent with the strategic directions of Clause 21.03-2 - Frankston Metropolitan Activity Centre Structure Plan given the scale and height of the development.
4. The permit holder is seeking to warehouse the permit.
5. No resolution to the provision of satisfactory access arrangements has been achieved and it is not appropriate to require resolution of access arrangements by way of conditional consent for the primary purpose of the development of the land.
6. A new planning permit would not be granted for the development allowed by planning permit 161/2011/P as it is not consistent with the Planning Policy Framework of the Frankston Planning Scheme.

**Carried Unanimously**

**Note:** Refer to Page 25 of the Minutes where this item is block resolved

**11.4 Planning Permit Application 229/2019/P - 26 Brunnings Road, Carrum Downs - To construct two-hundred and eleven (211) dwellings, a staged subdivision and removal of native vegetation.**

*(SC Community Development)*

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

That should a review not have been lodged under S79 of the Planning and Environment Act 1987 at the Victorian Civil and Administrative Tribunal, Council would have resolved to issue a Notice of Refusal to Grant a Planning Permit in respect to Planning Permit Application number 229/2019/P to construct two-hundred and eleven (211) dwellings, a staged subdivision and removal of native vegetation at 26 Brunnings Road, Carrum Downs, would have been issued, subject to the following grounds:

1. The proposal is not 'generally in accordance' with the development plan approved under Clause 43.04 – Development Plan Overlay Schedule 1 – Carrum Downs, Langwarrin and Baxter Outline Development Plans of the Frankston Planning Scheme for Carrum Downs as it fails to make provision for a pre-school, infant welfare centre and shop; and a road connection to the south.
2. The proposal is not consistent with the strategic directions of the Frankston Housing Strategy, 2013 as the subject site is identified for 'incremental change area' and fails to provide a diversity of housing type and lot sizes consistent with the strategic directions of the strategy.
3. The proposal development is inconsistent with the objectives of State and Local Planning Policy Framework of the Frankston Planning Scheme, including:
  - a. Clause 12.01-1S – Protection of biodiversity
  - b. Clause 12.01-2S – Native vegetation management
  - c. Clause 12.05-2S – Landscapes
  - d. Clause 15.01-1S – Urban Design
  - e. Clause 15.01-2S – Building design
  - f. Clause 15.01-3S – Subdivision design
  - g. Clause 15.01-4S – Healthy Neighbourhoods
  - h. Clause 15.01-5S – Neighbourhood Character
  - i. Clause 21.06 – Environment and Landscape Values
  - j. Clause 21.07 - Housing
  - k. Clause 21.10 – Built Environment and Heritage
  - l. Clause 22.08 – Neighbourhood Character Policy
4. The proposal does not satisfy the objectives of Clause 55 of the Frankston Planning Scheme, in particular:
  - a. Clause 55.02 – Neighbourhood Character
  - b. Clause 55.03-1 – Street setback
  - c. Clause 55.03-6 – Open Space
  - d. Clause 55.04-6 – Overlooking
  - e. Clause 55.03-7 – Safety

- f. Clause 55.04-7 – Internal views
  - g. Clause 55.03-8 – Landscaping
  - h. Clause 55.05-3 – Daylight to new windows
5. The proposal does not satisfy the objectives of Clause 56 of the Frankston Planning Scheme, in particular:
- a. Clause 56.03-5 - Neighbourhood character
  - b. Clause 56.04-2 – Lot area and building envelope
  - c. Clause 56.04-3 – Solar orientation of lots
  - d. Clause 56.04-4 – Street orientation
  - e. Clause 56.05-1 – Integrated urban landscape
  - f. Clause 56.05-2 – Public open space provision
  - g. Clause 56.06-2 – Walking and cycling network
  - h. Clause 56.06-4 – Neighbourhood street network
  - i. Clause 56.06-8 (Lot access objective)
6. The layout and design of the subdivision fails to provide an acceptable site context response as it fails to respect the existing residential character of the area, fails to integrate with the surrounding residential development and provide an acceptable transition to more intense form of development.
7. The layout and design of the subdivision is not consistent with the Frankston City Open Space Strategy as the development fails to provide public open space in a location, form and size that would provide a net community benefit to the residents of the development and local community.
8. The proposal is not consistent with Clause 52.17 – Native Vegetation as it fails to comply with the Native Vegetation Framework to achieve Net Gain as required.
9. The proposal fails to provide a satisfactory contribution to the long term protection of native vegetation through the supplementing of the Oakwood Drive Reserve.
10. Clause 53.01 Public Open Space contribution has not be satisfied as the land set aside to supplement the Oakwood Drive Reserve is considered to be for the primary purpose of conservation to protect biodiversity of existing vegetation.
11. The proposal fails to provide a satisfactory urban design response and outcome as a result of the linear layout and design of the dwellings, the homogenous design of dwellings, continuous building form, minimal dwelling spacing and front setbacks results in a poor design outcome.
12. The proposal fails to provide adequate opportunities for landscaping including canopy vegetation throughout the development and within the streetscape and private open spaces to achieve a satisfactory landscape character and environment benefits.
13. The proposal fails to provide an acceptable response to Clause 56.06-8 given the number of vehicle cross-overs proposed to Hillview Drive, a future public road, as they have the potential to create traffic safety concerns and impact on the capacity for on-street car parking.

14. The proposal fails to comply with the visitor car parking requirements of Clause 52.06 as the proposal relies on the on-street car parking on Hillview Drive, a future public road, to satisfy the visitor car parking requirements of the Frankston Planning Scheme.
15. The proposal fails to provide acceptable internal amenity for future residents.

**Carried Unanimously**

**11.5 November 2019 Planning & Environment Progress Report**

*(SC Community Development)*

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

That Council receives and notes the November 2019 Planning and Environment Progress Report.

**Carried Unanimously**

**Note:** Refer to Page 25 of the Minutes where this item is block resolved

**11.6 December 2019 Planning & Environment Progress Report**

*(SC Community Development)*

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

That Council receives and notes the December 2019 Planning and Environment Progress Report.

**Carried Unanimously**

**Note:** Refer to Page 25 of the Minutes where this item is block resolved

**12. CONSIDERATION OF REPORTS OF OFFICERS****12.1 Decision of the Councillor Conduct Panel in the matter of O'Reilly and Toms  
(Application 2019-1)**

*(BA Corporate Development)*

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

That:

1. Council notes the status update in relation to the decision by the Councillor Conduct Panel on 5 September 2019 in the matter of the O'Reilly and Toms;
2. The written apology to Councillor O'Connor, as tabled by Councillor Steve Toms, be received in response to *Penalty #61 for Allegation 1* on the finding of serious misconduct as per the Councillor Conduct Panel Determination; and
3. The written apology to all Councillors, as tabled by Councillor Steve Toms, be received in response to *Penalty #63 for Allegation 2* the finding of misconduct as per the Councillor Conduct Panel's Determination.

**Carried Unanimously**

**Note:** Refer to Page 25 of the Minutes where this item is block resolved

**12.2 Notice of Motion and Deferred Report Status Update for 28 January 2020**

(PC Chief Executive Office)

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

That Council:

1. Receives the Notices of Motion Report as at 28 January 2020.
2. Notes and accepts there are four Notices of Motion that have been reported as being complete.
  - 2019/NOM19 – CCTV in Frankston CAA
  - 2019/NOM47 - Intercontinental Sporting Competitions Grant
  - 2019/NOM20 - Re-Affirmation of Victorian Local Government Women's Charter
  - 2019/NOM56 - Notice of Rescission - Item C.4: Local Government Inspectorate Investigation Outcome
3. Notes the reports listed below will not be presented back to Council by its advised date and a detailed explanation is provided in the body of the report:
  - 2018/NOM69 – White Street Mall Revitalisation
  - 2019/NOM37 – Overport Park
  - Accountability and Transparency Reform Update

**Carried Unanimously**

**Note:** Refer to Page 25 of the Minutes where this item is block resolved

Chairperson's initials *S. Mayer*

**12.3 Delegates to External/Internal Organisations**

(PC Chief Executive Office)

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

- A. That the following appointments to external organisations be made:
1. The Mayor and Manager of Planning & Environment or delegate be appointed as the delegates to the Association of Bayside Municipalities.
  2. Cr O'Connor and Business Manager Recycling or delegate be appointed as the delegates to the Metropolitan Waste Management Forum.
- B. That the following appointments to internal committees be made:
1. The Mayor, Crs Hampton and McCormack be appointed as delegates to the Audit and Risk Committee.
  2. The Mayor and Cr Aitken be appointed as the delegate to the Ballam Park Homestead Advisory Committee and Heritage and Assets Promotion Committee.
  3. The Mayor and Cr Toms be appointed as the delegates to the Community Grants Committee of Management.
  4. The Mayor and Cr Bolam be appointed as the delegates, and Cr Toms as the substitute delegate to the Frankston Arts Centre Board of Management
  5. The Mayor and Cr Toms be appointed as the delegates to the Frankston City News Committee.
- C. That as far as practicable and after negotiation with the Councillor or Councillors involved, the meeting times and dates for Committees, where a Councillor or Councillors are delegates, be arranged having regard to the availability of all participants including Councillor(s).

**Carried Unanimously**

**Note:** Refer to Page 25 of the Minutes where this item is block resolved

Chairperson's initials *S. Mayer*

**12.4 Record of Assemblies of Councillors**

*(BA Corporate Development)*

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

That Council receives the following written records for the Assembly of Councillors on:

- 28 October 2019 (Councillor Briefing)
- 7 November 2019 (Pre-Agenda Discussion - Statutory Meeting)
- 11 November 2019 (Councillor Briefing)
- 13 November 2019 (Councillor Briefing)
- 18 November 2019 (Pre-Agenda Council Meeting)
- 20 November 2019 (Councillor Briefing)
- 9 December 2019 (Councillor Briefing)
- 16 December 2019 (Pre-Agenda Council Meeting)

**Carried Unanimously**

**Note:** Refer to Page 25 of the Minutes where this item is block resolved

**12.6 Frankston City Stronger Families Policy**

*(TB Community Development)*

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

That Council:

1. Notes there was no submissions on the draft Frankston City Stronger Families Policy as a result of the public exhibition process
2. Adopts the draft Frankston City Stronger Families Policy as at Attachment A; and
3. Notes the update on the Commonwealth funding application for prevention approaches to family violence.

**Carried Unanimously****Note:** Refer to Page 25 of the Minutes where this item is block resolved

**12.7 Healthy Choices Policy**

*(TB Community Development)*

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

That Council:

1. Notes the draft Policy has had two rounds of public consultation, on 30 July to 27 August 2019 and 15 October to 29 November 2019.
2. Notes submissions received from the community have been considered and incorporated into the updated draft Healthy Choices Policy presented for endorsement;
3. Adopts the Policy to formalise Council's commitment to transitioning all Council owned or managed facilities towards being 'healthy choices settings' by 2022.

**Carried Unanimously****Note:** Refer to Page 25 of the Minutes where this item is block resolved

**12.9 Roads Asset Management Plan (2020)**

(LU Community Assets)

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

That Council:

1. Notes the outcomes of the public consultation for the draft Roads Asset Management Plan (2020); and
2. Adopts the updated Roads Asset Management Plan (2020).

**Carried Unanimously****Note:** Refer to Page 25 of the Minutes where this item is block resolved

**12.10 State Emergency Services (SES) Frankston Unit - Lease Agreement for 12 Seater Toyota Bus**

*(LU Community Assets)*

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

That Council extends the current lease agreement with the State Emergency Services (SES) Frankston unit until 2021, when the organisation can provide the SES with a replacement bus and enter a new five (5) year lease agreement.

**Carried Unanimously**

**Note:** Refer to Page 25 of the Minutes where this item is block resolved

**12.11 Evelyn Street Open Space Development: Outcome of Community Consultation**

*(VG Community Assets)*

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

That Council:

1. Notes the outcome of the community consultation for the proposed Evelyn Street Open Space Area in Frankston;
2. Notes that the outcome of Council's application for a Community Infrastructure Loan Scheme loan of \$1.3M to fund the project is currently under review by the Department of Environment, Land, Water and Planning and is expected to be known by March 2020; and
3. Authorises Council officers to proceed to engage a consultant to undertake detailed design and development of the concept design for the Evelyn Street Open Space Area should confirmation be received that the loan application is successful.

**Carried Unanimously****Note:** Refer to Page 25 of the Minutes where this item is block resolved

**12.12 Enclosed dog off lead area at Telopea Reserve, Frankston North**

*(TB Community Development)*

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

That Council:

1. Notes the community consultation outcomes which has found there is strong support for the planned Telopea Reserve dogs off leash area.
2. Makes an order section 26(2) of the Domestic Animals Act 1994, determining that from the day immediately following the day on which notice of this order appears in the Victorian Government Gazette, Telopea Reserve, 14R Telopea Court, Frankston North, Victoria 3200, be a designated dog free roam area within the designated fenced area, and further determining that dogs be prohibited from being free roam in all other area's within Telopea Reserve.
3. Makes an order under section 26(2) of the Domestic Animals Act 1994, determining that Pat Rollo Reserve, 17R Silver Avenue, Frankston North, Victoria 3200, excluding the oval and playing fields, be a designated dog free roam area and further determining that dogs be prohibited from entering and remaining on the oval and playing field at the park.

**Carried Unanimously****Note:** Refer to Page 25 of the Minutes where this item is block resolved

**12.13 Council Submission - Residential Tenancies Regulations**

*(TB Community Development)*

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

That Council:

1. Notes the draft submission at Attachment A on the Victorian Government's proposed Residential Tenancies Regulations 2020;
2. Notes that the submission was signed by Director Community Development and submitted as a draft on 18 December 2019, subject to its endorsement by Council at the Ordinary Meeting of 28 January 2020; and
3. Endorses the draft submission, with no further action required.
4. Notes that should Council not endorse the draft submission, it will be withdrawn.

**Carried Unanimously****Note:** Refer to Page 25 of the Minutes where this item is block resolved

**12.14 Request for Funding - Sunrise Rotary Charity Golf Day**

*(TB Community Development)*

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

That Council:

1. Approves the re-allocation of \$1,500 from under-expended funds within the Youth Action Grants category of the 2019/20 FY Miscellaneous Grants Program to support the 2020 Charity Golf Day;
2. Approves encouragement of Sunrise Rotary to submit an application for this via the Annual Community Grants Program (rather than outside of this funding cycle) should the intent to seek a grant for the Charity event beyond 2020; and
3. Approves for any remaining under-expended grant funds that may be presently quarantined in specific grant categories in the 2019/20 FY Miscellaneous Grant Program, to be made available for use within the general Miscellaneous Grant pool to respond to grant applications for which there is higher demand.

**Carried Unanimously****Note:** Refer to Page 25 of the Minutes where this item is block resolved

**12.15 Support for the Communities Affected by the 2019-2020 Victorian Bushfires**

(SJ Corporate Development)

**Recommendation (Director Corporate Development)**

That Council:

1. Endorses the following means of supporting communities affected by bushfires which have already commenced implementation (Councillors views and support were canvassed, where this has involved waiving fees):
  - a. Making relevant staff available to support the emergency management and recovery process (commenced 26 December 2019)
  - b. Waiving fees for overdue or lost items at Frankston Libraries for patrons caught in the 2019-2020 Australian bushfires (commenced 6 January 2020)
  - c. Waiving of hall hire fees for legitimate fundraising activities for victims of the 2019-2020 Victorian bushfires between 1 January - 31 March 2020 (commenced 6 January 2020)
  - d. Frankston Libraries being a collection and creation point for hand knitted pouches for wildlife (commenced 6 January 2020)
  - e. Donation of wildlife nesting boxes (occurred 6 January 2020)
  - f. Establishment of a concierge service to provide a higher level of support and reduce red tape for fund raising activities (commenced 6 January 2020)
  - g. Comprehensive communications about fundraising support, managing health issues due to smoke etc. (internal and external) (commenced 3 January 2020)
  - h. Key Council sites providing donation tins (commenced 6 January 2020)
2. Notes that further investigation is underway into the appropriate mechanism for providing a clear and consistent process around requests from the community for support in disaster situations.
3. In lieu of having a formal mechanism to assess and approve the following requests from the community, Council endorses:
  - a. \$1,200 cash donation for Sundown at McClelland Sculpture Park (being held on 8 February 2020) to go towards event logistics expected with a larger crowd
  - b. The waiving of up to \$972 of commission from green fees due to Council at Centenary Golf Club stemming from a Charity Golf Event to be held on 7 February 2020
  - c. Waiving of up to \$1,500 hall hire fee for AWARE to hold an event where approximately 40 people will make dreys for ringtail possums on 15 February 2020
4. Note that a further report be will provided to Council in April 2020 providing an update of all support provided (including officer time, cash donations, fees waived, equipment etc.).
5. Endorses The Waterfront Festival being promoted as Council's major fundraising opportunity, with all of the funds collected being allocated to the Victorian Bushfire Appeal.
6. Requires a further report to come back to Council in April 2020 with a view to developing a policy on Council held fireworks displays and an outline of how the community will be engaged in this process.

*In accordance with Section 44 of Council's Governance Local Law No 1,  
this motion was moved in parts*

### **Council Decision**

**Moved: Councillor McCormack**

**Seconded: Councillor Aitken**

That Council:

1. Endorses the following means of supporting communities affected by bushfires which have already commenced implementation (Councillors views and support were canvassed, where this has involved waiving fees):
  - a. Making relevant staff available to support the emergency management and recovery process (commenced 26 December 2019)
  - b. Waiving fees for overdue or lost items at Frankston Libraries for patrons caught in the 2019-2020 Australian bushfires (commenced 6 January 2020)
  - c. Waiving of hall hire fees for legitimate fundraising activities for victims of the 2019-2020 Victorian bushfires between 1 January - 31 March 2020 (commenced 6 January 2020)
  - d. Frankston Libraries being a collection and creation point for hand knitted pouches for wildlife (commenced 6 January 2020)
  - e. Donation of wildlife nesting boxes (occurred 6 January 2020)
  - f. Establishment of a concierge service to provide a higher level of support and reduce red tape for fund raising activities (commenced 6 January 2020)
  - g. Comprehensive communications about fundraising support, managing health issues due to smoke etc. (internal and external) (commenced 3 January 2020)
  - h. Key Council sites providing donation tins (commenced 6 January 2020)
2. Endorses The Waterfront Festival (15-16 February 2020) and Ventana Fiesta Day (29 February 2020) being promoted as Council's major fundraising opportunities, with all of the funds collected being allocated to the Victorian Bushfire Appeal.
3. Requires a further report to come back to Council in April 2020 with a view to developing a policy on Council held fireworks displays and an outline of how the community will be engaged in this process.
4. Notes that further investigation is underway into the appropriate mechanism for providing a clear and consistent process around requests from the community for support in disaster situations.
5. In lieu of having a formal mechanism to assess and approve the following requests from the community, Council endorses:
  - a. \$1,200 cash donation for Sundown at McClelland Sculpture Park (being held on 8 February 2020) to go towards event logistics expected with a larger crowd
  - b. The waiving of up to \$972 of commission from green fees due to Council at Centenary Golf Club stemming from a Charity Golf Event to be held on 7 February 2020

**Carried Unanimously**

Chairperson's initials *S. Mayer*

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

That Council:

6. Endorses the cancellation of the fireworks display at the 2020 Waterfront festival in light on the ongoing community concerns about the Victorian Bushfires and as a mark of solidarity with those communities affected.

**Lost**

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

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

**12.16 Sports and Recreation Victoria - Grant Submissions**

*(TB Community Development)*

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

That Council notes and approves the funding applications to the 2020-21 Local Sports Infrastructure Fund for the identified projects currently included in draft capital works program in the following categories:

1. Community Facilities funding (closing date 14 February 2020):
  - Bruce Park sports lighting \$240K grant application with total project cost of \$480,000 in 2020/21 (funded by sports lighting renewal) ; and
2. Female Friendly Facilities fund (closing date 14 February 2020)
  - Langwarrin Netball Pavilion \$350,000 grant application with total project cost of \$700,000 in 2020/21 (funded \$350K from renewal)

**Carried Unanimously**

**Note:** Refer to Page 25 of the Minutes where this item is block resolved

**12.17 Response to Urgent Business - Installation of Public Sculptures Response**

*(AM Community Development)*

*Councillor Hampton left the chamber at 10:40 pm.*

*Councillor Hampton returned to the chamber at 10:43 pm.*

**Recommendation (Director Community Development)**

That Council:

1. Notes the attached report relating to sculpture within the Frankston municipality.
2. Notes contractual obligations of Council regarding Moorooduc Highway / Hastings. Road plinth construction and loan Agreement with McClelland Gallery & Sculpture Park.
3. Approves completion of the installation of Reflective Lullaby at the Moorooduc Highway / Hastings Road site.
4. Approves the recommencement of planning for the Sculpture by the Sea sculpture loan project.
5. Approves the recommencement of the restoration and relocation of Roadside Marker.
6. Endorses the following process for approving sculpture and sculpture locations:
  - a) review and include appropriate sculpture locations as part of the review of the Open Space Strategy; and
  - b) on an annual basis the Frankston Arts Board recommend priority locations together with sculpture options (i.e. lease, loan or commission) for Council endorsement as part of the capital works consultation and approval process.

*In accordance with Section 44 of Council's Governance Local Law No 1,  
this motion was moved in parts*

**Council Decision**

**Moved: Councillor O'Reilly**

**Seconded: Councillor Cunial**

That Council:

1. Notes the attached report relating to sculpture within the Frankston municipality.
2. Notes contractual obligations of Council regarding Moorooduc Highway / Hastings. Road plinth construction and loan Agreement with McClelland Gallery & Sculpture Park.
4. Approves the recommencement of planning for the Sculpture by the Sea sculpture loan project.
5. Approves the recommencement of the restoration and relocation of Roadside Marker.
6. Endorses the following process for approving sculpture and sculpture locations:
  - a) review and include appropriate sculpture locations as part of the review of the Open Space Strategy; and

- b) on an annual basis the Frankston Arts Board recommend priority locations together with sculpture options (i.e. lease, loan or commission) for Council endorsement as part of the capital works consultation and approval process.

**Carried**

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

Against the Motion: Cr McCormack

**Council Decision**

**Moved: Councillor O'Reilly**

**Seconded: Councillor Cunial**

That Council:

3. Approves completion of the installation of Reflective Lullaby at the Moorooduc Highway / Hastings Road site.

**Carried**

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

Against the Motion: Crs McCormack and Toms

**13. RESPONSE TO NOTICES OF MOTION****13.1 Further Response to 2018/NOM25 - Investment in CCTV**

*(LR Community Development)*

**Recommendation (Director Community Development)**

That Council:

1. Notes formal advice was received that Council was unsuccessful in its application for \$230,500 grant funding from the Department of Justice and Community Safety to support CCTV infrastructure. (Refer to attachment A);
2. Notes at 1 July 2019 Ordinary Meeting Council resolved that should grant funding not be awarded in 2019/2020, the full list of CCTV cameras will be presented for consideration as part of each year's capital works budget process;
3. Resolves to refer Option 1 (16 sites @ an estimated \$896,280 at today's prices over 4 years) to the capital works budget 2020/24 for consideration to move forward with development of CCTV; and
4. Subject to approval of Option 1, 2 or 3 to deliver the 16 priority cameras/sites, resolves to commit a total of \$55,000 recurrent funding to the 2020/21 annual operating budget for ongoing maintenance.

*Councillor McCormack left the chamber at 10.54 pm.*

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Toms**

That Council:

1. Notes formal advice was received that Council was unsuccessful in its application for \$230,500 grant funding from the Department of Justice and Community Safety to support CCTV infrastructure. (Refer to attachment A);
2. Notes at 1 July 2019 Ordinary Meeting Council resolved that should grant funding not be awarded in 2019/2020, the full list of CCTV cameras will be presented for consideration as part of each year's capital works budget process;
3. Resolves to refer Option 2 (16 sites @ an estimated \$896,280 at today's prices over 2 years) to the capital works budget 2020/21 for consideration to move forward with development of CCTV; and
4. Subject to approval of Option 1, 2 or 3 to deliver the 16 priority cameras/sites, resolves to commit a total of \$55,000 recurrent funding to the 2020/21 annual operating budget for ongoing maintenance.
5. Refers for consideration as part of the development of the Capital Works program, the Hartnett Drive CCTV location to be funded in Year 1 (2020/2021).

**Carried Unanimously**

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

Against the Motion: Nil

Absent: Cr McCormack

Chairperson's initials *S. Mayer*

**13.2 Response to 2019/NOM55 - North West Projects - Open Space and Sports Infrastructure Funding Strategy**

(TB Community Development)

**Recommendation (Director Community Development)**

That Council:

1. Notes the information provided in relation to the proposed funding models for the sporting infrastructure projects identified in the NOM by Cr Bolam on 18 November 2019;
2. Resolves to proceed with the funding strategy discussed and agreed to in-principle during budgetary discussions during December Councillor Briefings and detailed in Attachment A (subject to 2020/2021 budget adoption), and
3. Notes the development of the draft Long Term Infrastructure Plan and the 2020/21 Capital Works Program will proceed based on the agreed funding strategy (subject to 2020/2021 budget adoption).

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Aitken**

That Council:

1. Notes the information provided in relation to the proposed funding models for the sporting infrastructure projects identified in the Notice of Motion by Cr Bolam on 18 November 2019;
2. Resolves to proceed with the funding strategy discussed and agreed to in-principle during budgetary discussions during December Councillor Briefings and detailed in Attachment A (subject to 2020/2021 budget adoption), and
3. Notes the development of the draft Long Term Infrastructure Plan and the 2020/2021 Capital Works Program will proceed based on the agreed funding strategy (subject to 2020/2021 budget adoption).
4. Determines that in the event that Council is unsuccessful in its application for low interest loans through the Community Infrastructure Loan Scheme and the Sport Infrastructure Loan Scheme, that these matters return to Council for further consideration.
5. Subject to the approval of the 2020/2021 Budget, writes to the club/s associated with each sporting infrastructure project that is included in the funding strategy to advise them that Council considers their facility a priority and provides them some information pertaining to the funding strategy being applied.

**Carried Unanimously**

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

Against the Motion: Nil

Absent: Cr McCormack

Chairperson's initials *S. Mayer*

**14. NOTICES OF MOTION****14.1 2020/NOM2 - Smart City Strategy**

*(TC Chief Executive Office)*

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

That Council:

1. Notes the advantages of smart cities enable increased economic competitive advantage and lifestyle benefits for residents.
2. Authorises the CEO to propose to the SEM Board a Smart City Strategy be explored as a South East Melbourne City Deal project.

**Carried Unanimously**

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

Against the Motion: Nil

Absent: Cr McCormack

**14.2 2020/NOM3 - Gambling Royal Commission Reform**

(VM Community Development)

**Councillor Recommendation**

That Council:

1. Approves the following proposed ALGA Notice of Motion:

*That the Australian Local Government Association calls on the Federal Government to:*

- 1. Establish a Royal Commission into the gambling industry and the \$24 billion in annual gambling losses nationally, the highest in the world in per capita terms.*
  - 2. Embrace national harm minimisation policies to reduce gambling harm in Australia such as:*
    - a) Following the lead of the UK Labour Party in supporting a ban on credit card usage with Australian licensed online gambling companies;*
    - b) Introducing further restrictions on gambling advertising, emulating the approach taken with the tobacco industry;*
    - c) Establishing a national ombudsman scheme to process consumer complaints and resolve customer disputes with online gambling companies;*
    - d) Introducing a ban on federally registered political parties from owning gambling licences issued by Australian governments, including for the operation of poker machine venues.*
  - 3. Investigate the gambling industry's influence on the democratic process, including political donations and third party campaigning*
2. Notes the letter of support from the Alliance for Gambling Reform in relation to the proposed ALGA Notice of Motion;
  3. Prepares a joint letter with the Alliance for Gambling Reform to all Mayors in Australia calling on similar Council resolutions (including a generic Notice of Motion template), and support for the ALGA Notice of Motion; and
  4. Resolves to not accept any corporate sponsorship for Council based activities from gambling/gaming entities, without exception.

**Seek Leave of Council**

**Moved: Councillor Bolam**

**Seconded: Councillor Aitken**

Cr Bolam sought Leave of Council to amend his motion.

**Carried Unanimously**

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Aitken**

That Council:

1. Affirms the Australian Local Government Association commitment to support the City of Yarra Notice of Motion in calling on the Federal Government to:
  - 1. Establish a Royal Commission into the gambling industry and the \$24 billion in annual gambling losses nationally, the highest in the world in per capita terms.*
  - 2. Embrace national harm minimisation policies to reduce gambling harm in Australia such as:*

Chairperson's initials *S. Mayer*

- a) Following the lead of the UK Labour Party in supporting a ban on credit card usage with Australian licensed online gambling companies;*
- b) Introducing further restrictions on gambling advertising, emulating the approach taken with the tobacco industry;*
- c) Establishing a national ombudsman scheme to process consumer complaints and resolve customer disputes with online gambling companies;*
- d) Introducing a ban on federally registered political parties from owning gambling licences issued by Australian governments, including for the operation of poker machine venues.*
2. Calls on the Federal Government, through support of the Australian Local Government Association, to investigate the gambling industry's influence on the democratic process, including political donations and third party campaigning;
  3. Notes the letter of support from the Alliance for Gambling Reform in relation to this Notice of Motion;
  4. Prepares a joint letter with the Alliance for Gambling Reform to all Mayors in Australia calling on similar council resolutions (including a generic Notice of Motion template); and
  5. Resolves to not accept any corporate sponsorship for council based activities from gambling/gaming entities, without exception.

**Carried Unanimously**

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

Against the Motion: Nil

Absent: Cr McCormack

**14.3 2020/NOM6 – Audit of Tree Branches**

*(TC Chief Executive Office)*

*Cr Hampton withdrew his Notice of Motion*

**Councillor Recommendation**

That Council:

1. Prepares a report on the costs and resources required to conduct an audit of tree branches overhanging Council roads with a view to prioritising the removal of unsafe branches. The report must include risk and liability concerns.
2. Writes to VicRoads seeking their support to audit tree branches overhanging VicRoads roads with a view to prioritising the removal unsafe branches.

**14.4 2020/NOM7 - Meeting Local Law Refinements**

(GO Chief Executive Office)

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

1. Council notes the proposed Local Government Bill 2019 is anticipated to be passed in Parliament in February 2020. The Bill focuses on five (5) key reform themes; improved service delivery, improved councillor conduct, stronger local democracy, community confidence and new relationships.
2. Subsequent to implementation of likely improvements associated with the Local Government Bill 2019, Frankston City Council's Governance Local Law No 1 of 2018 be formally reviewed and give consideration to the following:
  - a) City of Monash Meeting Procedures Local Law No.1 – 35. *Demand Documents*
  - b) Knox City Council Meeting Procedure and Use of Common Seal 2019 – 49. *Personal Explanation*
  - c) Moreland City Council Meeting Procedure Local Law – 71. *Contradiction or opinion*
  - d) Greater Dandenong City Council Meeting Procedure Local Law No. 1 – 25. *Mayoral / Councillor Presentation*
  - e) Greater Dandenong City Council Meeting Procedure Local Law No.1 – 29. *Correspondence Inwards*
  - f) Buloke Shire Council Meetings Procedure and Common Seal – 27. *Meetings Closed to the Public*
  - g) Buloke Shire Council Meetings Procedure and Common Seal – 93. *Councillor Presenting Petition – Obligation*
3. Council notes that under section 60 of the Local Government Bill 2019 the Governance Rules must be developed, ensuring that a process of community engagement is followed, and adopted on or before 1 September 2020. This will replace the Governance Local Law No 1 of 2018.
4. Council officers investigate the timeframes for making the agenda public and any other related material for Ordinary meetings at least six (6) days before the meeting and the draft minutes available to the public within 48 hours of the meeting.

**Carried**

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

Against the Motion: Nil

Absent: Cr McCormack

*Councillor Aitken left the chamber at 10:57 pm.*

Chairperson's initials *S. Mayer*

**15. LATE REPORTS**

Nil.

**16. URGENT BUSINESS**

Nil.

## 17. CONFIDENTIAL ITEMS

### Council Decision

**Moved: Councillor Cunial**

**Seconded: Councillor Toms**

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 Chief Executive Officer's Quarterly Report - January 2020**

Agenda Item C.1 Chief Executive Officer's Quarterly Report - January 2020 is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

**C.2 Audit and Risk Committee – Chairperson's Annual Report to Council**

Agenda Item C.2 Audit and Risk Committee – Chairperson's Annual Report to Council 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 Outcomes of the Audit and Risk Committee meetings**

Agenda Item C.3 Outcomes of the Audit and Risk Committee meetings is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

**C.4 Appointment of Chairperson to the Audit and Risk Committee**

Agenda Item C.4 Appointment of Chairperson to the Audit and Risk Committee 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.5 Peninsula Leisure Pty Ltd - Quarterly Report period ending 30 September 2019**

Agenda Item C.5 Peninsula Leisure Pty Ltd - Quarterly Report period ending 30 September 2019 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.6 Authorisation of Use of Council Seal for Years of Service Certificates**

Agenda Item C.6 Authorisation of Use of Council Seal for Years of Service Certificates is designated confidential as it relates to personnel matters (s89 2a)

**C.7 Awarding Invest Frankston Business Grants 2019-2020**

Agenda Item C.7 Awarding Invest Frankston Business Grants 2019-2020 is designated confidential as it relates to contractual matters (s89 2d)

**C.8 Award of Contract 2019/20-43 - Len Phelps Pavilion Internal Alterations**

Agenda Item C.8 Award of Contract 2019/20-43 - Len Phelps Pavilion Internal Alterations is designated confidential as it relates to contractual matters (s89 2d)

**C.9 Proposed Assignment of Lease - Beach Cafe Seaford - 2/10N Nepean Highway Seaford (Seaford Foreshore Reserve)**

Agenda Item C.9 Proposed Assignment of Lease - Beach Cafe Seaford - 2/10N Nepean Highway Seaford (Seaford Foreshore Reserve) is designated confidential as it relates to contractual matters (s89 2d)

**Carried Unanimously**

.....  
Signed by the CEO

**Extension of Time – Council Meeting**

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Toms**

In accordance with Section 26 of Council’s Governance Local Law No 1, the meeting was extended for a further 30 minutes at 10.58 pm

**Carried Unanimously**

**18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS****C.7 Response to NOM 1377 - McClelland Gallery Interconnectedness and Peninsula Link (Considered at 2017/OM310 11 December 2017)**

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

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

That Council:

1. Notes issues raised in NoM 1377 are of a long term relationship building nature and items 1, 2 and 3 particularly will be delivered over an extended time frame;
2. Notes the Manager Arts & Culture will work with the Frankston Arts Board (FAB) regarding items 1 and 2 and respond to Council via the already established process of FAB meetings and recommendations to Council;
3. Notes that in relation to item 4 Council officers are currently approaching Peninsula Link (Southern Way / Lend Lease / Vic Roads) representatives to gauge their interest in providing similar opportunities to those provided by East Link; and
4. Endorses, in relation to item 3, the Manager Arts & Culture and FAB approaching McClelland, as the manager of the Southern Way McClelland Commission, with a view to utilising a FAB member on the selection panel to represent community and Council.

*The motion was put and Carried*

**C.1 Response to NOM 1377 - McClelland Gallery Interconnectedness and Peninsula Link (Considered at 2018/OM3 13 March 2018)**

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

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

That Council:

1. Notes progress to date as highlighted in the Key Points / Issues section of this report.
2. Notes issues raised in NOM 1377 are of a long term relationship building nature and items 1, 2 and 3 particularly will be delivered over an extended time frame;
3. Notes the Manager Arts & Culture will work with the Frankston Arts Board (FAB) regarding items 1 and 2 and respond to Council via the already established process of FAB meetings and recommendations to Council;
4. Notes that in relation to item 4 Council officers are currently approaching Peninsula Link (Southern Way / Lend Lease / Vic Roads) representatives to gauge their interest in providing similar opportunities to those provided by East Link; and
5. Endorses, in relation to item 3, the Manager Arts & Culture and FAB approaching McClelland, as the manager of the Southern Way McClelland Commission, with a view to utilising a FAB member on the selection panel to represent community and Council.

6. Prepares a report at the August 2018 Ordinary Meeting with an update on all pending outcomes of this report.

*The motion was put and Carried*

#### **C.6 Minutes of the Frankston Arts Board - 22 May 2018 (Considered at 2018/OM7 4 June 2018)**

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

##### **Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Mayer**

That Council:

1. Receives the Minutes of the Frankston Arts Board meeting of 22 May 2018
2. Endorses the:
  - Commencement of formal discussions between council officers and McClelland Gallery to finalise terms of a lease for the relocation of the Gnome sculpture.
  - Artists brief for the LXRA Skye / Overton Road Artwork
  - Proposal for illumination lighting in the Frankston Station Underground Tunnel

*The motion was put and Carried*

#### **C.2 Response to NOM 1377 - McClelland Gallery Interconnectedness and Peninsula Link (Considered at 2018/OM10 13 August 2018)**

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

##### **Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Aitken**

That Council:

1. Notes progress to date as highlighted in the Key Points / Issues section of this report.
2. Notes issues raised in NOM 1377 are of a long term relationship building nature and items 1, 2 and 3 particularly will be delivered over an extended time frame;
3. Notes the Manager Arts & Culture will work with the Frankston Arts Board (FAB) regarding items 1 and 2 and respond to Council via the already established process of FAB meetings and recommendations to Council;
4. Notes that in relation to item 4 Council officers are currently approaching Peninsula Link (Southern Way / Lend Lease / Vic Roads) representatives to gauge their interest in providing similar opportunities to those provided by East Link; and
5. Notes, in relation to item 3, the Manager Arts & Culture and FAB approached McClelland, as the manager of the Southern Way McClelland Commission, with a view to utilising a FAB member on the selection panel to represent community. Council has been advised this is outside the scope of Southern Way's agreement with McClelland and not possible.

Chairperson's initials *S. Mayer*

6. Provide a report at the January 2019 Ordinary Meeting on bona fide outcomes on all of the matters raised in NOM 1377.
7. Prepares a report to Council for the November 2018 Ordinary Meeting to consider the placement of prominent but cost effective 'Welcome to Frankston' signage within municipal limits at the following locations:
  - Eastlink 2x;
  - Peninsula Link 2x;
  - Westernport Highway 2x;
  - Nepean Highway 2x;
  - Frankston Freeway 1x; and
  - Frankston – Dandenong Road 1x;

The report is to consider costs, authorisation from relevant authorities and appropriate locations that will provide maximum viewing opportunities.

*The motion was put and Carried*

**C.1 Minutes of the Frankston Arts Board - 23 October 2018 (Considered at 2018/OM14 19 November 2018)**

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

**Council Decision**

**Moved: Councillor Mayer**

**Seconded: Councillor Aitken**

That Council:

1. Receives the Minutes of the Frankston Arts Board meeting of 23 October 2018.
2. Notes the Frankston Arts Board is in support of the Gateway Sculpture site at Cranbourne Road and Beach Street to be added to the list of potential sites for future works.
3. Notes the Frankston Arts Board approves FAB's involvement with 2018/NOM60 - seeking Artwork for Frankston Train Station
4. Accepts advice from McClelland Gallery that the Tree of Life sculpture is not suitable to be relocated outside McClelland Gallery grounds.
5. Notes the Frankston Arts Board endorses the proposed mural at the proposed Frankston BP on the Nepean Highway.
6. Notes that Frankston Arts Board endorses and seeks Council endorsement of the revised loan figures for the lease of Reflective Lullaby (the gnome) along with the recommended four year turnover cycle at the Hastings Road and Moorooduc Highway site.

*The motion was put and Carried*

**C.1 Response to NOM1377 - McClelland Gallery Interconnectedness and Peninsula Link (Considered at 2019/OM5 23 April 2019)**

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

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

That Council:

1. Notes progress to date as highlighted in the Key Points / Issues section of this report.
2. Notes issues raised in NOM 1377 are of a long term relationship building nature and items 1 and 2 particularly will be delivered over an extended time frame; there has been significant progress in developing positive relations, however financial challenges exist relating to programming and sculpture programs.
3. Notes the Manager Arts & Culture will continue to work with the Frankston Arts Board (FAB) regarding items 1 and 2 and respond to Council via the already established process of FAB meetings and recommendations to Council;
4. Notes that Items 3 & 4 are concluded and do not require any further action.
5. Notes that further progress on Item 5 requires a Council commitment to gateway sculptures.
6. Notes that a report be provided at the June Ordinary Meeting in relation to:
  - a) Requests that McClelland Gallery and Sculpture Park and Southern Way advise Council in a timely manner of the process being undertaken to replace public art on Peninsula Link within the municipality.

Further that Council be allowed to provide an opinion on the proposed and future selection of the public art through a formal submission that will be given due consideration by both parties prior to any decision being made and conveyed to Council.
  - b) That two sites for the placement of loaned public art from McClelland Gallery be investigated with a view to potential funding from either the 2019/2020 Mid-Year Budget or relevant budget line-item. Locations are to include the intersection of Cranbourne Road and Beach Street; and one of the Frankston North sites endorsed by the Frankston Arts Board.
  - c) Notwithstanding previous advice provided by the State Government that there is no budget allocation to allow for public art at the Frankston Railway Station or environs, Council again writes to the State Government requesting that they consider the installation of public art. In making the request, Council reiterates the importance of the Frankston Station and environs as a critical arrival point into the city.

Council again offers the services of the Frankston Arts Board who in conjunction with the State Government be requested to determine appropriate public art, locations and funding sources.
7. The CEO be requested to negotiate with the McClelland Gallery and Sculpture Park on the possibility of leasing sculptures and public art for display in the White Street mall Area.

A report is to be provided to the June 2019 Council Meeting on the negotiations conducted with McClelland Gallery and Sculpture Park which details possible lease terms, funding required and art pieces that might be leased.

*The motion was put and Carried*

**C.2 Minutes of the Frankston Arts Board - 19 February 2019 (considered at 2019/OM7 3 June 2019)**

*In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (e) 'Proposed Developments'.*

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Mayer**

That Council:

1. Receives the Minutes of the Frankston Arts Board meeting of 19 February 2019.
2. Supports the Frankston Arts Board recommendation of a continued relationship with Sculpture by the Sea.
3. Notes that nine new pieces of street art will be completed in the Central Activity Area of Frankston in late March as part of The Big Picture Fest 2019.
4. Notes negotiations are underway with McClelland Sculpture Park and Gallery for the relocation of Reflective Lullaby (the Gnome) and the proposed lease of 3 further sculptures for the city as per 'McClelland Interconnectedness and Peninsula Link' report to 23/4/19.
5. Supports the Frankston Arts Board recommendation of a suitable Commission brief to be developed for a sculpture for the Eel Race Road Gateway and notes that:
  - An artist's design will be specific to the locational context and accordingly, the cost is unknown until the concepts are presented to Council, which is scheduled for September 2019.
  - Negotiations are underway for the LXRA to deliver the plinth and lighting as an in kind contribution to the gateway sculpture.
6. Notes the capital budget for public art for 2019/2020
7. Refers to the mid-year budget review to fund the Eel Race Rd sculpture commission.
8. Officers advise the Frankston Arts Board of Council's decision.

*The motion was put and Carried*

**C.6 Award of Contract 2019/20-8 - Supply and Install Sportsfield Lighting (Broadcast Level) at Frankston Park Oval (considered at 2019/OM14 on 18 November 2019)**

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

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

That Council:

1. Approves the acceptance of the tender from Rees Electrical Pty Ltd for the Contract 2019/20-8 Supply and Install Sportsfield Lighting (Broadcast Level) at Frankston Park Oval;
2. Notes a project contingency will be reserved outside of the contract sum and vests specific authority in the Chief Executive Officer to authorise the payment of variations from that sum;
3. Notes that ongoing maintenance and minor rectification works related to new lights from 2022/23 will be funded by Frankston Football Club with such funding capped at \$25,000 per annum.
4. Authorises the Chief Executive Officer to execute the contract subject to issue of planning permit for the proposed works; and
5. Releases the recommendation (without commercially sensitive information) at the next open meeting of Council.

*The motion was put and Carried*

**C.11 Award of Contract 2019/20-28 - Bridge and Timber Pedestrian Structures Renewal Program (considered at 2019/OM14 on 18 November 2019)**

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

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

That Council:

1. Approves the appointment of Elite Crossings Pty Ltd (ACN 156 122 477), Cope AG Pty Ltd (ACN 139 749 198), Sterling Infrastructure Pty Ltd (ACN 139 882 376) and Maw Civil Marine Pty Ltd (ACN 154 684 974) for a three (3) year fixed period commencing from December 2019 to December 2022, to undertake works for the annual Bridge and Timber Pedestrian Structures Renewal Program (Major and Minor) as per the adopted Capital Works Program;
2. Authorises the Chief Executive Officer to sign the contract; and
3. Releases the recommendation (without commercially sensitive information) at the next open meeting of Council.

*The motion was put and Carried*

**C.12 Award of Contract 2019-20-35 - Construction of Overport Park Car Park, Frankston South (considered at 2019/OM14 on 18 November 2019)**

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

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

That Council:

1. Approves the acceptance of the tender from Maw Civil Pty Ltd (ACN: 112 216 574) for the Contract 2019/20-35 – Construction of Overport Park Car Park (Option 1), Frankston South;
2. Notes a project contingency will be reserved outside of the contract sum and vests specific authority in the Chief Executive Officer to authorise the payment of variations from that sum;
3. Authorises the Chief Executive Officer to sign the contract; and
4. Releases the recommendation (without commercially sensitive information) at the next open meeting of Council.

*The motion was put and Carried*

**C.13 Award of Contract 2019/20-37 - Orwil Street Community House Redevelopment (considered at 2019/OM14 on 18 November 2019)**

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

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

That Council:

1. Approves the acceptance of the tender from Joven Building Service Pty Ltd (ACN No. 085 841 194) for the Contract 2018/19-37 - Orwil Street Community House Redevelopment;
2. Notes that a project contingency will be reserved outside of the contract sum and vests specific authority in the Chief Executive Officer to authorise the payment of any variations from that sum;
3. Commits ongoing maintenance costs for the extension (including cleaning, security and general planned maintenance) from FY 20/21.
4. Authorises the Chief Executive Officer to sign the Contract and;
5. Releases the recommendation (without commercially sensitive information) at the next open meeting of Council.

*The motion was put and Carried*

**C.14 Award of Contract No. CN2436 - Minor Civil Works Contractors Panel  
(considered at 2019/OM14 on 18 November 2019)**

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

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

That Council:

1. Approves the appointment of Accomplished Plumbing Services Pty Ltd (ACN 151 075 875), Blue Peak Constructions Pty Ltd (ACN 600 299 474), Downer EDI Works Pty Ltd (ACN 008 709 608), Gilmore Civil Pty Ltd (ACN 600 355 066), MACA Infrastructure Pty Ltd (ACN 604 456 055) and Maw Civil Pty Ltd (ACN 112 216 574) to CN2346 Minor Civil Works Panel for an initial three (3) year term with the option to extend the term for two (2) further annual years;
2. Council authorises the CEO to sign the Contract;
3. Council delegates the CEO the authority to exercise the option to extend the contract term for two (2) further annual years, subject to satisfactory performance by each appointed panel member; and
4. Releases the recommendation (without commercially sensitive information) at the next open meeting of Council.

*The motion was put and Carried*

**C.2 Award of Contract 2019/20-34 - Centenary Park Tennis Courts Redevelopment  
(considered at 2019/OM15 on 16 December 2019)**

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

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

That Council:

1. Approves the appointment of Turf One Pty Ltd for the contract 2019/20-34 – Centenary Park Tennis Redevelopment;
2. Authorises the Chief Executive Officer to execute the contract;
3. Notes that a project contingency will be reserved outside of the contract sum and vests specific authority in the Chief Executive Officer to authorise the payment of variations from that sum; and
4. Releases the recommendation (without commercially sensitive information) at the next open meeting of Council.

*The motion was put and Carried*

**C.5 Peninsula Leisure Pty Ltd - Quarterly Report period ending 30 September 2019  
(considered at this meeting)**

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

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

That Council:

1. Receives and notes the Peninsula Leisure (PL) Quarterly report period ending 30 September 2019.
2. Directs that resolution only be released with the minutes of this meeting, but the report and attachments remain confidential.

*The motion was put and Carried*

*The meeting was closed to the public at 10.59 pm*

CONFIRMED THIS

DAY OF

2020

.....  
CHAIRPERSON

**AUTHORITY TO STAMP INITIALS ON MINUTES**

I, Cr. Sandra Mayer, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Tuesday 28 January 2020, confirmed on Monday 17 February 2020.

.....  
(Cr. Sandra Mayer, Chairperson – Council Meeting)

Dated this

day of

2020

**QUESTION TIME**

*These Questions With Notice were presented at the Ordinary Meeting 2019/15 – 16 December 2019. As the submitter was in the gallery at the time, the questions and answers were read out publicly. In accordance with the Public Submissions and Question Time Policy, the questions and response(s) are published at the next Ordinary Council Meeting Minutes.*

Is council at all concerned that current members of Centenary Park Golf Club are being enticed to join elsewhere by the Pro Shop (Clublinks) operators on the Golf Course. A REAL “single club policy” should be in play to protect the Golf Club’s position.

**Response by Director Community Development**

*Council has a commitment increasing the benefit of the park to the community and the successful of the single resident golf club.*

**Question 2**

It’s important Council is reminded of the contribution made by the Golf Club members. From clearing the fairways and surrounds of sticks, general minor maintenance work and the beautification of area just above the practice green. The members are to thank for the sand buckets being positioned prior to any competition. Buckets taken to the 1st and 10th tee’s greatly help in ensuring divot holes are repaired. Without this effort of the Golf Club the condition of the course would suffer considerably.

**Response by Director Community Development**

*Council has over 500 volunteers across all of Council functions in support of the community and acknowledges the wonderful work undertaken.*

*The efforts and voluntary contributions made by the Centenary Park Golf Club towards the beautification and smooth operations of the Centenary Park Golf Course valued and appreciated*

**Question 3**

The Club through its members is the only institution (save ground staff) determined long term to ensure the course is kept at its best for the enjoyment of all players, members and public. It is expected FCC values the contribution the Club has made and supports the Club in its endeavours to ensure the course is kept at its best condition.

**Response by Director Community Development**

*As identified, Council does indeed value the contributions of the Centenary Park Golf Club towards keeping the course at its best. Council believes the best community outcomes are achieved when we work in partnership with our community, and this is a great example of that. Council invests considerable staff time and resources in support of the Centenary Park Golf Course and the Golf Club.*

**Louise Nennistiel****Question 1**

5G - are the councillors aware of the growing number of people who are suffering severe physical and mental affects due to the ever increasing pulsed wireless radiation, wifi, smart meters, cell towers and mobile phones?

**Response by Director Community Development**

*Council has not been made aware of any proven negative health risks associated with 5G technology. Council refers to the Federal Government agency ARPANSA for commentary on this issue.*

*Safety standards for Electromagnetic Energy (EME) levels are set by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), the Australian Government's primary authority on radiation protection and nuclear safety. In March 2019, the ARPANSA released information to state that the EME levels emitted by 5G networks comply with the limits of the ARPANSA safety standard.*

<https://www.arpansa.gov.au/news/misinformation-about-australias-5g-network>

*Further enquiries will be made by Council to ascertain results of any health and safety research on the impacts of 5G technology.*

**Question 2**

5G - are the councillors aware that there are people in Frankston who have had to give up their jobs and are unable to work due to this condition known as Electromagnetic hypersensitivity?

**Response by Director Community Development**

*Council has not been made aware of any proven negative health risks associated with 5G technology. Council refers to the Federal Government agency ARPANSA for commentary on this issue.*

*Council has not been made aware of anyone in the municipality having been directly affected by Electromagnetic hypersensitivity.*

<https://www.arpansa.gov.au/news/misinformation-about-australias-5g-network>

**Question 3**

In a 5G blanket 's.m.a.r.t' city there will no longer be anyway of being able to personally reduce the amount of electromagnetic radiation. As the numbers of people experiencing adverse affects rises have the councillors considered how this will affect the local economy and health system?

**Response by Director Community Development**

*Council takes into account a range of health, economic safety and environment performance indicators to monitor wellbeing and prepare strategic plans.*

**Trevor Robinson**

Frankston Council has a policy that states Centenary Park Golf Club is the only club allowed on Centenary Park Golf Course. Late last year Frankston Council appointed Clublinks as managers of the golf course. Were councillors aware when making that decision that

**Question 1**

Clublinks has a subsidiary company called The Social Golf Club operated from Sandhurst that would be using the parent company Clublinks to sign members at Centenary Park to their Social club in direct opposition to Centenary Park Golf Club therefore bypassing the Council one club rule.

**Response by Director Community Development**

*At briefings to Council, the state of golf nationally and internationally was explored in some depth, including the role of social programs which are becoming more common place in the industry to enable a broader experience of different golf courses, different opportunities for people who are time poor (i.e. cannot commit to regular games) and greater flexibility if travelling or on holidays.*

*Legal advice, sought regarding the status of social golf programs, indicated that as a principle it did not breach Council's single club policy.*

**Question 2**

Are Councillors satisfied that all relevant information regarding Clublinks history and past tenures had been fully presented to them by the Evaluation Committee and what questions were asked of the Evaluation Committee by Councillors?

**Response by Director Community Development**

*A range of questions were posed by Councillors all of which were addressed in a formal report.*

**Question 3**

Clublinks tendered for the management of the golf course and Pro shop only, did they at any time indicate to the Evaluation Committee that they would be advocating on behalf of their subsidiary company The Social club, was The Social Club mentioned or part of the submitted tender document. If The Social Club was in any way part of the tender document application was the Councillors made aware of this before they gave their consent to the application.

**Response by Director Community Development**

*Please refer to the response to question 1.*

*Advice was sought during the tender period which indicated that as a principle, it did not breach Council's single club policy.*