



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 29 JANUARY 2019 at 7.01PM**

PRESENT	Cr. Michael O'Reilly (Mayor) Cr. Colin Hampton Cr. Sandra Mayer Cr. Glenn Aitken Cr. Brian Cunial Cr. Quinn McCormack Cr. Kris Bolam Cr. Lillian O'Connor
APOLOGIES:	Cr. Steve Toms
ABSENT:	Nil.
OFFICERS:	Mr. Dennis Hovenden, Chief Executive Officer Mr. Tim Frederico, Director Corporate Development Mr. Michael Papageorgiou, Acting Director Community Development Mr. Douglass Dickins, Acting Director Community Assets Mr. Stuart Caldwell, Acting Manager Planning & Environment Mr. Taylor McVean, Coordinator Communications Ms. Marnie Turner, Communications Officer Public Relations Ms. Michelle Tipton, Coordinator Council Business Support Ms. Vera Roberts, Executive Assistant to Mayor
EXTERNAL REPRESENTATIVES:	Ms. Prue Digby, Municipal Monitor

COUNCILLOR STATEMENT

Councillor Cunial made the following statement:

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

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

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

Chairperson's initials

PRAYER

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

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor 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.

Chairperson’s initials



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1. PRESENTATION TO COMMUNITY GROUPS

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM15 held on 10 December 2018.

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Cunial

That the minutes of the Ordinary Meeting No. OM15 held on 10 December 2018 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Apology

Council Decision

Moved: Councillor Aitken

Seconded: Councillor McCormack

That the apology be received and Councillor Toms be granted leave from the meeting.

Carried Unanimously

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Cr Brian Cunial declared an interest in Item 11.1: Planning Permit Application 405/2018/P - 111 Cranbourne Road Frankston - Use of an existing building for a supermarket and shops, alterations to the existing building and a reduction in car parking requirements and noted that the CEO has been advised by email prior to the meeting. Cr Cunial will leave the chamber during discussion and voting.

5. PUBLIC QUESTION TIME

One (1) person submitted three questions to Council. At the request of the Mayor, the Chief Executive Officer read the questions and answers to the gallery. The questions and answers are contained in Appendix.

6. HEARING OF PUBLIC SUBMISSIONS

Mr. Jim Derzekos made a submission to Council regarding Item 11.3: Town Planning Application 539/2018/P – Shop 1 – 131 Nepean Highway, Seaford – To use the land for the sale and consumption of liquor (Restaurant and Café License);

Mr. Michael Telleson made a submission to Council regarding Item 14.1: 2019/NOM4 – Eel Race Road Crossing.

7. ITEMS BROUGHT FORWARD**Items Brought Forward****Council Decision****Moved: Councillor Aitken****Seconded: Councillor Bolam**

That Item 11.3: Town Planning Application 539/2018/P – Shop 1 – 131 Nepean Highway, Seaford – To use the land for the sale and consumption of liquor (Restaurant and Café License) and Item 14.1: 2019/NOM4 – Eel Race Road Crossing be brought forward.

Carried Unanimously

8. PRESENTATIONS / AWARDS

The Mayor presented to the Chamber a certificate of appreciation from Frankston Life Community for the generosity and support by Frankston City Council for the 2018 Frankston Life Community Christmas Lunch.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil.

ITEMS BROUGHT FORWARD**11.3 Town Planning application 539/2018/P - Shop 1-131 Nepean Highway Seaford -
To use the land for the sale and consumption of liquor (Restaurant and Cafe
Licence)**

(SC Community Development)

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

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 539/2018/P to use the land for the sale and consumption of liquor (Restaurant and café licence) subject to the following conditions:

Plans

1. Before the use 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 substantially in accordance with the plans submitted with the application (or some other specified plan) but modified to show:
 - (a) One (1) bicycle parking space within shop 1 area.

No Alterations

2. The use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Under this permit activities undertaken at the site must at all times satisfy the as-of-right commercial use zone provisions under the Frankston Planning Scheme.

Liquor Licence Requirements

4. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place at the premises during the following hours:
 - 11am – 12:00 midnight Monday – Sunday
 - 12 noon – 12 midnight – Good Friday and Anzac Day

Amenity

5. Noise generated from the premises (including the operation of plant and equipment) must at all times comply with the standards set out in State Environment Protection Policy No. N-1 (Control of Noise from Commerce, Industry and Trade) and N-2 (Control of Music Noise from Public Premises), or any other relevant state guidelines. This includes ensuring windows and doors are adequately closed when amplified music is played.
6. The amenity of the area must not be detrimentally affected by the use through:
 - (a) Transport of materials, goods or commodities to or from the land.
 - (b) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
7. No external sound amplification equipment or loudspeakers shall be used for the purpose of announcements, broadcast, playing of music or similar purposes.
8. Any outdoor lighting of the site must be baffled to prevent light from the site causing any detriment to the locality.

9. Seating must be available at all times for patrons utilising the outdoor area.

Permit Expiry

10. This permit will expire if one of the following circumstances applies:

- (a) The use is not started within two years of the date of this permit.
- (b) The use ceases for a continuous period of two (2) or more years.

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. 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.
- B. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- 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:
 - Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
 - 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 Unanimously

Notices of Motion**14.1 2019/NOM4 - Eel Race Road Rail Crossing**

(TC Chief Executive Office)

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

That Council reaffirms its view that Eel Race Road, Seaford rail crossing be retained and that, accordingly, Council's resolution, adopted at its meeting on 1 May 2017, be expressed to the Premier, Minister for Transport Infrastructure and the Member for Carrum, Sonya Kilkenny, MP.

Lost

For the Motion: Crs Aitken, McCormack

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

10. DELEGATES' REPORTS**10.1 Update on Youth Mayor Activities**

(TC Chief Executive Office)

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

That Council notes the activities undertaken by the Youth Mayor since August 2018.

Carried Unanimously

11. CONSIDERATION OF TOWN PLANNING REPORTS

11.1 Planning Permit Application 405/2018/P - 111 Cranbourne Road Frankston - Use of an existing building for a supermarket and shops, alterations to the existing building and a reduction in car parking requirements

(SC Community Development)

Councillor Cunial left the chamber at 7:45 am due to an interest in this matter. Councillor Cunial had previously advised the Chief Executive Officer by email.

Recommendation (Director Community Development)

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 405/2018/P for Use of part of an existing building for a Supermarket and Shops, alterations to the existing building and a reduction in car parking requirements at 111 Cranbourne Road, Frankston, subject to the following conditions:

Plans

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application identified as Buchan, Project 715136, 13/06/18, A-DA-0000-002, A-DA-0300, A-DA-1000, A-DA-1200, A-DA-2000, A-DA-3000-1, A-DA-7000-2, Revision A, but modified to show:
 - (a) Provision of public seating internally within the building, as well as externally near the entrance points to the building;
 - (b) Provision for trolley bays and removal of the seven car spaces;
 - (c) An Audit Report in accordance with Condition 20;
 - (d) A Waste Management Plan in accordance with Condition 18.

No Alterations

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

Use

3. The hours of the use of the Supermarket are restricted to 6.00 am to 10.00 pm, daily.
4. The hours of the use of the shops and restricted retail premises are restricted to 7.00 am to 9.00 pm, daily.

Floor area

5. The maximum leasable floor space of the Supermarket must not exceed 4552m².
6. The combined total maximum leasable floor space of the shops must not exceed 500m².

Amenity

7. Without the prior written consent of the Responsible Authority any form of public address system or sound amplification equipment used on the premises must not be audible outside the premises.

8. The approved use must not cause any nuisance or annoyance to persons beyond the land because of the emission of noise or otherwise to the satisfaction of the Responsible Authority.
9. Noise emitted from the premises must not exceed limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. SEPP N-1.
10. The amenity of the area must not be detrimentally affected by the development and/or use through the:-
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin;
 - e) In any other way.

Loading and Unloading

11. The loading and unloading of goods from vehicles must only be carried out on the land, within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.
12. The loading and unloading of goods from vehicles to the supermarket use must be undertaken within the designated loading bay to the rear of the building.
13. Access by articulated vehicles to the loading bay must ingress via Gertrude Street (west from Moorooduc Highway) and egress via the laneway to the east onto Cranbourne Road.
14. The hours for the loading and unloading of goods to the supermarket are restricted to between 6.00 am to 10.00 pm, daily.
15. The hours for the loading and unloading of goods to the shops is restricted to between 7.00 am to 9.00 pm, daily.

Drainage

16. Prior to use of the building hereby permitted, all works required for the removal of car spaces and provision of trolley bays, loading bays, access lanes and paths as shown on the endorsed plans must be completed to the satisfaction of the responsible authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

17. 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

Waste Management

18. All waste generated by the supermarket and shop uses must be managed in accordance with an approved Waste Management Plan and collected by a Private Waste Contractor to the satisfaction of the responsible authority.
19. The collection of waste by the Private Waste Contractor must not take place between the hours of 10.00 pm to 6.00 am, daily.

Acoustic Audit Report

20. Prior to the commencement of the use, a full audit of the existing barrier along the eastern property boundary must be undertaken and the Audit Report submitted to the satisfaction of the responsible authority.
21. Prior to the commencement of the use, the finding of the Audit Report must be undertaken and works for the repair or replacement of the acoustic barrier along the eastern boundary must be completed to the satisfaction of the responsible authority.

Satisfactorily Completed

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

Permit Expiry

23. 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.
 - The use is not commenced within two years of the issued date of this permit.

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

Notes

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

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

Deferral Motion to another Council Meeting**Moved: Councillor Hampton****Seconded: Councillor Bolam**

That the matter be deferred to the 18 February 2019 Ordinary Meeting.

Carried

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

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

Absent: Cr Cunial

11.2 Planning Permit Application 297/2018/P - 1-15 Hartnett Drive, Seaford - To construct building and works for the erection of an above ground fuel tank within the Industrial 1 Zone and the construction of buildings and works within a Special Building Overlay

(SC Community Development)

Councillor Cunial returned to the chamber at 7:47 pm.

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Mayer

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 297/2018/P for the construction of buildings and works for the erection of an above ground fuel tank within the Industrial 1 Zone (I1Z) and the construction of buildings and works within a Special Building Overlay (SBO) at 1-15 Hartnett Drive, Seaford subject to the following conditions:

No Alterations or Changes

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

Operation of Fuel Tank

2. Unless with the prior written approval of the Responsible Authority, the operation of the fuel tank must only occur between the following hours:

- Monday to Friday: 9:00am – 5:00pm

Refuelling Hours

3. Unless with the prior written approval of the Responsible Authority, re-fuelling of the fuel tank must only occur between the following hours:

- Monday to Friday: 9:00am – 5:00pm

EPA Conditions

4. All processing, drainage, storage and general handling of contaminated water, prescribed industrial waste, oils and chemicals must be conducted on impervious surface in a bunded area in accordance with the "Bunding Guidelines" (*EPA Publication 347.1 Bunding Guidelines 2015 or as amended*).
5. The permit holder must not contaminate land or groundwater.
6. Surface water discharge from the premises must not be contaminated with waste.
7. Effective noise levels from the use of the premises must comply with the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.

Amenity

8. The amenity of the area must not be detrimentally affected by the development through the:
 - a. Transport of materials, goods or commodities to or from the land;
 - b. Appearance of any building, works or materials;
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d. Presence of vermin;

Chairperson's initials



e. Others as appropriate or in any other way.

Permit Expiry

9. 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, McCormack, O'Connor and O'Reilly
Against the Motion: Cr Aitken

11.4 Planning Permit No. 38/2018/S173 - 95 Humphries Road, Frankston South - To end section 173 agreement AM547693M which affects Lot 1 on Plan of Subdivision 731726Y

(SC Community Development)

Council Decision

Moved: Councillor Mayer

Seconded: Councillor Cunial

That Council having given consideration to Section 178E(2)(a) and all other matters under Section 178B of the *Planning and Environment Act 1987* in respect to Planning Application 38/2018/S173, resolves to end Section 173 agreement AM547693M which affects Lot 1 on Plan of Subdivision 731726Y located at 95 Humphries Road, Frankston South.

Carried Unanimously



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

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

11.5 November 2018 Town Planning Progress Report

11.6 December 2018 Town Planning Progress Report

Carried Unanimously**11.5 November 2018 Town Planning Progress Report***(SC Community Development)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Cunial**

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

Carried Unanimously

Note: Refer to Page 18 of the Minutes where this item was block resolved

11.6 December 2018 Town Planning Progress Report
(*SC Community Development*)

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Cunial

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

Carried Unanimously

Note: Refer to Page 18 of the Minutes where this item was block resolved

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

(MT Chief Executive Office)

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

That Council:

1. Receives the Notices of Motion Report as at 29 January 2019.
2. Approves the archiving of the following Notice of Motion from the Notices of Motion Report:
 - 2018/NOM29 – Significant trees between Fletcher Road and Frankston Train Station
 - 2018/NOM56 - Notice of Rescission - Tree Removal Matter
 - 2018/NOM68 - Bus Shelters at the Frankston Railway Station
3. Notes that, since 27 November 2018, 52 resolutions have been completed, as detailed in the body of the report.
4. Notes that the report listed below will not be presented back to Council by its advised date and that a detailed explanation is provided in the body of the report:
 - Artwork for PARC & Pines Pool (outcome from 10/12/18 OM regarding Peninsula Leisure Pty. Ltd. 2017/2018 Annual report)
 - Status of International Investment Opportunities and Wuxi Sister City relationship

Carried Unanimously

12.2 Live Streaming of Council Meetings Review

(MT Chief Executive Office)

Recommendation (Director Chief Executive Office)

That Council:

1. Notes the progress of the live streaming of Council Meetings; and
2. Refers \$4,000 to the 2019/2020 Annual Budget for the purchase of up to three wireless camera bundles to stream meetings or events at external locations.

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

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Cunial

That Council:

1. Notes the progress of the live streaming of Council Meetings; and
2. Refers \$4,000 to the 2019/2020 Annual Budget for the purchase of up to three wireless camera bundles to stream meetings or events at external locations.

Carried Unanimously

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Cunial

3. Prepares a 2019/2020 budget submission for the consideration of Council relating to the upgrade of microphones and speakers in the council chamber.

Carried

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

Against the Motion: Crs Aitken and Mayer

12.3 Record of Assemblies of Councillors

(MT Chief Executive Office)

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

That Council receives the following written records:

- 3 September 2018 (Councillor Briefing);
- 10 September 2018 (pre-Agenda Council Meeting);
- 8 October 2018 (Councillor Briefing);
- 15 October 2018 (Councillor Briefing);
- 22 October 2018 (pre-Agenda Council Meeting);
- 29 October 2018 (Councillor Briefing);
- 12 November 2018 (Councillor Briefing);
- 19 November 2018 (pre-Agenda Council Meeting);
- 26 November 2018 (Councillor Briefing)
- 3 December 2018 (Councillor Briefing)

Carried Unanimously

12.4 Committee Minutes

(MT Chief Executive Office)

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

That the minutes of the following Committee be received:

- Minutes – Ballam Park Homestead Advisory Committee and Heritage Assets and Promotion Committee – 11 December 2018;
- Minutes – Frankston Charitable Fund Committee of Management – 13 November 2018;
- Minutes – Frankston Charitable Fund Committee of Management – 10 December 2018;
- Minutes – Metropolitan Local Government Waste Forum Meeting Summary – 15 November 2018;
- Minutes – Municipal Emergency Relief and Recovery Committee Meeting – 1 November 2018; and
- Minutes – Municipal Emergency Relief and Recovery Committee Meeting – 21 November 2018.

Carried Unanimously

12.5 Instrument of Delegation S6 from Council to members of Council staff

(BA Corporate Development)

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

That:

1. In the exercise of power conferred by Section 98(1) of the *Local Government Act 1989* and the other legislation referred to in *S6. Instrument of Delegation - Council to members of Council staff* (attached as Attachment A) Council resolves that these powers, duties and functions be delegated to staff. This is subject to the conditions and limitations specified in the Instrument of Delegation.
2. The Instrument of Delegation referred to above:
 - (i) Be signed and sealed;
 - (ii) Come into force immediately that the Common Seal of Council is affixed to the Instrument; and
 - (iii) Remain in force until Council determines to vary or revoke the Instrument.
3. On the coming into force of the Instrument, the previous Instrument which was adopted by Council on 13 August 2018 is revoked.
4. The duties and functions set out in the Instrument of Delegation are performed and the powers, duties and functions be executed in accordance with any guidelines or policies that Council may from time to time adopt.

Carried Unanimously

12.6 Review of Governance Local Law (Meeting Procedure)

(BA Corporate Development)

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

That Council:

1. Endorses the draft Governance Local Law (Attachment A), for commencement of the statutory procedure to make a new Local Law which amends the timeframe for submission of a notice of motion in clause 33(1) from “11 clear business days” to “11 clear days” before the meeting at which it is to be considered.
2. Notes that the statutory procedure for making a local law, as set out in section 119 of the Local Government Act 1989, includes the following steps:
 - a) Preparation of a detailed explanatory document (‘community impact statement’) which reflects the content in the endorsed draft Governance Local Law;
 - b) Giving public notice and notice in the Government Gazette of Council’s intention to make a new Governance Local Law, and inviting submissions in accordance with section 223, with the option to be heard at a future Council meeting;
 - c) Ensuring that the draft local law and community impact statement are available for inspection for a minimum of 28 days;
 - d) Receiving and hearing any submissions at a future Council meeting;
 - e) Considering a detailed report at a future Council meeting regarding the outcome of the submissions process, and then determining whether to adopt the proposed new Governance Local Law.

Carried Unanimously

12.7 Review of Contributory Schemes Policy

(DD Community Assets)

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

That Council:

1. Notes the need for an updated Contributory Schemes Policy;
2. Endorses the draft Contributory Schemes Policy 2019 and supports community consultation prior to the policy being presented to Council for formal adoption.

Carried Unanimously

12.8 Proposed Road Closure to Vehicular Traffic – Station Street Mall Frankston*(DD Community Assets)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Mayer**

That Council:

1. Authorises commencement of the statutory process to consider the road closure on Station Street Mall and of a short section of Station Street in Frankston for vehicular traffic;
2. Gives public notice of the proposed road closure in accordance with the requirements of the Local Government Act 1989; and
3. Refers the proposal to emergency service authorities for comment.

Carried

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

Against the Motion: Cr McCormack

**12.9 Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions -
October, November, December 2018**

(KL Community Development)

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

That Council notes the funding allocations in relation to grants in the Miscellaneous Grants Program, and community concessions and discounts in the Frankston Arts Centre.

Carried Unanimously

12.10 Outcomes of Public Consultation - Draft Towards Zero Emissions Plan

(LU Community Assets)

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

That Council:

1. Notes the summary of the submissions received by Council through the public consultation of the draft Towards Zero Emissions Plan;
2. Adopts the Towards Zero Emissions Plan (inclusive of the recommended changes identified in Attachment B); and
3. Notes that implementation of the actions contained in the plan will be considered as part of Council's annual budget discussions.

Carried Unanimously

12.11 Major Projects Advisory Committee - Terms of Reference

(LU Community Assets)

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

That Council notes the effective operation of the Major Projects Advisory Committee (MPAC) and retains the current Terms of Reference for the committee.

Carried Unanimously



13. RESPONSE TO NOTICES OF MOTION**13.1 Response to NOM1316 - Frankston Ambassador Site Status Report**

(LR Community Development)

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

That Council:

1. Notes the status report.
2. Notes that Council officers will continue to monitor and investigate any issues and/or breaches of relevant Acts and Regulations emanating from the Frankston Ambassador site.

Carried Unanimously

13.2 Response to 2018/NOM60 - Artwork for Frankston Train Station

(AM Community Development)

Recommendation (Director Community Development)

That Council:

1. Notes response from LXRA.
2. Places the Frankston Train Station on the identified gateway sites for future consideration of an Artwork.
3. Notes Council officers will pursue discussions with State Government and present a proposal to the July 2019 Council meeting.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Hampton

That Council:

1. Notes response from LXRA.
2. Places the Frankston Train Station on the identified gateway sites for future consideration of an Artwork.
3. Notes Council officers will pursue discussions with State Government and present a proposal to the July 2019 Council meeting.
4. As per the previous endorsement from the Council and the Frankston Arts Board, Council calls upon the State Government to significantly upgrade the pedestrian underpass at Frankston Station in accordance with the project plans endorsed by all stakeholders.

The significant upgrade is to look at illumination of the pedestrian underpass in terms of public safety and adding artistic value.

Carried Unanimously

15. LATE REPORTS

Nil

16. URGENT BUSINESS

Nil

Chairperson's initials



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

That the Ordinary Council Meeting be closed to the public to discuss the following Agenda items and all documents associated with the consideration and discussion of it, that are designated confidential information by me, pursuant to Section 77(2)(c) of the Local Government Act 1989 (the Act) on the following grounds:

C.1 Outcomes of the Audit and Risk Committee meetings

Agenda Item C.1 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.2 Authorisation of Use of Council Seal for Years of Service Certificates

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

C.3 Labour Hire Arrangements

Agenda Item C.3 Labour Hire Arrangements is designated confidential as it relates to personnel matters (s89 2a)

C.4 Minutes of the Frankston Arts Board - 20 November 2018

Agenda Item C.4 Minutes of the Frankston Arts Board - 20 November 2018 is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.5 Mayoral Chains

Agenda Item C.5 Mayoral Chains 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 Award of Contract - Printer Replacement Contract

Agenda Item C.6 Award of Contract - Printer Replacement Contract is designated confidential as it relates to contractual matters (s89 2d)

C.7 Update on Big Picture Fest

Agenda Item C.7 Update on Big Picture Fest is designated confidential as it relates to proposed developments (s89 2e)

C.8 RF Miles Reserve Update

Agenda Item C.8 RF Miles Reserve Update 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.9 Audit and Risk Committee – Chairperson's Annual Report to Council

... Agenda Item C.9 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)

... **Carried Unanimously**
...

.....
Signed by the CEO

Chairperson's initials



18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS**C.8 NOM 1391 - Apsley Place Concerns (considered at OM310 on 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, as a matter of urgency, the following is to occur:

1. Frankston City Council is to formally request that the Victorian Environmental Protection Agency (EPA) to undertake an urgent environmental audit of 6-7 Apsley Place, Seaford (Wuxhou Foam Australia Pty Ltd). The audit is to be thorough and occur during the peak of the company's daytime operations. The audit is to investigate noise pollution due to machinery within the premises, the discharge of unknown atmospheric emissions from the site, the staining of soil from unknown chemical/s and the release of an unknown airborne chemical/s which many residents have detected (and some whom have had adverse responses to it ranging from displeasure to dizzy spells). A copy of this correspondence is to be forwarded to the Victorian Minister for the Environment and the Victorian Shadow Minister for the Environment;
2. Frankston City Council is to formally request that the Royal Society for the Prevention of Cruelty to Animals (RSPCA Victoria) urgently investigates the welfare of a canine on-site 6-7 Apsley Place, Seaford (Wuxhou Foam Australia Pty Ltd). The canine is thought to be a guard dog for the premises. Residents have expressed concerned about its audible distress (howling, barking, whimpering) and whether it is properly housed and fed. Officers are to work with residents to determine whether EPA and Frankston City Council bylaws are being contravened in relation to the noise issues this dog is creating;
3. The CEO is requested to ensure that officers investigate whether permit conditions for Wuxhou Foam Australia Pty Ltd are being properly adhered to. Furthermore, the CEO is to ensure that officers actively investigate the site, on regular basis, for any contraventions against Local Law No.8 (noise, the unsightly nature of the site).;
4. The CEO is requested to ensure that officers approach the owner of the site expressing community concern with the state and operation of the site. The CEO is to see to it that officers work with the owner to explore resolution/s to the numerous community concerns thus raised. Discussions are to include the owner erecting a new fence line which blocks visibility of the site;
5. That the CEO is to ensure that Bruce Aitken Memorial Park is regularly maintained as residents feel the current maintenance regime is insufficient. If stock is available, some plantings (within the park) are to occur intended to improve residential morale (the park backs on to the aforementioned 6-7 Apsley Place, Seaford);
6. That the CEO clarify as to whether a permit is in place at the aforementioned location;
7. A public meeting is to be organised in February 2018 comprising of immediately impacted residents (who are to be advised via mail out), relevant council officers, the CEO and the ward councillors to discuss what is being done to resolve the concerns of the residents. The CEO is to ensure that staff are fully briefed and able to respond to the concerns of the residents. In addition, Sonya Kilkenny (Member for Carrum) and appropriate representatives from EPA Victoria and RSPCA Victoria are to be requested to attend this meeting. A venue within close proximity to the Belvedere precinct is to be booked and catering for this meeting is to be provided;

8. That the EPA be requested to provide Frankston City Council as a matter of urgency the chemical breakdown of the odours coming from the factory; and
9. A report is to be provided to Council at the March 2018 Ordinary Meeting on all of the above.

The motion was put and Carried

C.3 Frankston Skate Park Management Tender (considered at 2018/OM9 on 23 July 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 Aitken

Seconded: Councillor Bolam

That Council:

1. Approves the acceptance of the tender from YMCA for the *Frankston Skate Park Management* for 5 years;
2. Acknowledges the long demonstrated good management and governance overall that has been delivered by the YMCA;
3. Acknowledges the familiarity and rapport that YMCA has with skate park users;
4. Approves the Contract/s be signed and sealed; and,
5. Releases the recommendation (without commercially sensitive information) immediately following the Council meeting.

The motion was put and Carried

C.4 Overport Park Oval No 2 Reconstruction - Contract No 2018/19-1 (considered at 2018/OM9 on 23 July 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 Cunial

Seconded: Councillor Toms

That Council:

1. Approves the acceptance of the tender from Hendriksen Contractors for the reconstruction of Oval No 2 at Overport Park;
2. Authorises the Chief Executive Officer to sign and seal the contract; and
3. The recommendation (without commercially sensitive information) be released at the next open meeting of Council following signing of Contract.

The motion was put and Carried

C.6 Integrated Water Forums: Frankston Council Participation in the Dandenong Catchment IWM and Westernport Catchment IWMs and Reporting Outcomes (considered at 2018/OM9 on 23 July 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 McCormack****Seconded: Councillor Aitken**

That Council:

1. Notes the participation of Council officers in the 'Integrated Water Forums' organised by the State Government for the two catchments that include parts of Frankston City within their catchment areas: Dandenong IWM Forum and Westernport IWM Forum.
2. Supports the draft Strategic Directions Statements (SDSs) that have been developed through the IWM process for both the Dandenong and the Westernport catchments, noting that key Frankston based projects have been included among the priority projects for further development.
3. Supports the continued involvement of Council in the IWM process for enhancing cooperation between water authorities and Councils on a catchment basis to advance a coordinated approach to water management initiatives.
4. Directs that the release date for the resolution is the day following the date of Council's consideration.
5. Notes that the content of this report, attachments and resolution are not to be released until after the State Government has approved the IWM Strategic Direction Statements for Dandenong and Westernport.

The motion was put and Carried

C.3 Award of Contract 2018/19-24 - Skye Road, Frankston - Pavement Rehabilitation Works (considered at 2018/OM13 on 22 October 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 O'Reilly**

That:

1. Council approves the acceptance of the tender from Parkinson Group (Vic) Pty Ltd - (ACN: 168 742 925) for the proposed Pavement Rehabilitation Works along Skye Road, Frankston between McMahons Road and Amber Avenue);
2. The Chief Executive Officer be authorised to sign and seal the contract; and
3. The recommendation (without commercially sensitive information) be released at the next open meeting of Council.

The motion was put and Carried

C.4 Award of Contract 2018/19-29 - Warrandyte Road, Langwarrin South - Road Reconstruction Works (Stage 2) (considered at 2018/OM13 on 22 October 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 Toms****Seconded: Councillor Cunial**

That:

1. Council approves the acceptance of the tender from Gilmore Civil Pty Ltd - (ACN: 600 355 066) for the proposed reconstruction of Warrandyte Road, Langwarrin South Stage 2 (Northern Section) between Healsview Court and Robinsons Road;
2. Council notes that there is a projected budget shortfall and authorises the Chief Executive Officer to commit the necessary adjustments to the budget as part of Mid- Year Budget Review;
3. The Chief Executive Officer be authorised to sign and seal the contract; and
4. The recommendation (without commercially sensitive information) be released at the next open meeting of Council.

The motion was put and Carried

C.5 Award of Contract 2018-19-21 - Construction of Newton Avenue and Weeroona Road, Langwarrin South (considered at 2018/OM13 on 22 October 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 Cunial****Seconded: Councillor Toms**

That:

1. Council approves the acceptance of the tender from Bitu-Mill (Civil) Pty Ltd for the Construction of Newton Avenue and Weeroona Road, Langwarrin South);
2. Council notes and authorise removal of approximately 28 trees (21 native/indigenous and 7 non-native trees) to be removed as part of the works subject to the conditions of Planning Permit 374 - 2018/P being met;
3. The Chief Executive Officer be authorised to sign and seal the contract ;
4. Council notes that a further report will be presented to Council on the completion of the project outlining the total actual costs incurred and the finals costs to be apportioned to the properties being levied under the provisions of the Special Charge Scheme; and
5. The recommendation (without commercially sensitive information) is released at the next open meeting of Council.

The motion was put and Carried

C.7 Overport Park - Proposed New Car Parking (considered at 2018/OM14 on 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 McCormack****Seconded: Councillor Toms**

That Council:

1. Notes community consultation held on the redevelopment of the Overport Park Sports Pavilion and the requirement identified for overflow carparking;
2. Commits funding to 2019/2020 annual budget to deliver Option 1 improved car parking and pathways at Overport Park; and
3. Releases this recommendation, excluding cost information, immediately following the Council meeting.

The motion was put and Carried

C.4 Award of Contract 2018/19-32 - McClelland Reserve Car Park, Frankston North (considered at 2018/OM14 on 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 Bolam****Seconded: Councillor O'Connor**

That Council:

1. Approves the acceptance of the tender from Contek Constructions Pty Ltd (ACN: 060 505 099) for Contract 2018/19-32 – McClelland Reserve Car Park;
2. Authorises the Chief Executive Officer to execute 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.6 Award of Contract - Pavement Marking - Local roads (considered at 2018/OM13 on 22 October 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 Cunial****Seconded: Councillor Mayer**

That:

1. Council approves the acceptance of the tender from Haugen Family Trust trading as Summerhill Maintenance Services Pty Ltd for Pavement Marking – Local Roads (contract no 2018/19-23) based on a 2 year fixed term plus 2 x2 year extension options exercisable based on performance;
2. Council notes that the funding allocated in the annual operating budget is sufficient to engage this contractor at the schedule of rates prices quoted;
3. The Chief Executive Officer be authorised to sign and seal the contract and approve extension options as appropriate;
4. Council also delegates approval of variations to the Chief Executive Officer and that the cumulative value of the variations does not exceed more than 20% of the contract sum;
5. The recommendation (without commercially sensitive information) be released at the next open meeting of Council following signing of the contract.

The motion was put and Carried

C.9 Appointment of Directors to the Board of Peninsula Leisure Pty Ltd (considered at 2018/OM13 on 22 October 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 Mayer****Seconded: Councillor O'Reilly**

That Council

1. Acknowledges the advertisement and interview process conducted for the expression of interest of Non-Executive Directors to the Board of Peninsula Leisure Pty Ltd.
2. Appoints Mr Paul Faulkner as a Non-Executive Director of Peninsula Pty Ltd for a period of three years, with the appointment expiring on 31 October 2021.
3. Appoints Mr Scott Nathan as a Non-Executive Director of Peninsula Pty Ltd for a period of three years, with the appointment expiring on 31 October 2021.
4. Appoints Mr Rob Hines as a Non-Executive Director of Peninsula Pty Ltd for a period of three years, with the appointment expiring on 31 October 2021.
5. Writes to Ms Barbara Crook, Professor David Shilbury and Mr Simon Allatson thanking them for their service and direction of the Peninsula Leisure Board during the important establishment phase of the operations and facilities.
6. Resolves that this resolution be released after notification is provided to all applicants and that the report is to remain confidential indefinitely.
7. Authorises a media release announcing the appointments of the three successful applicants, and thanking the outgoing board members for their contributions.

The motion was put and Carried

C.2 Issuing Frankston City Business Grants 2018-2019 (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 Bolam**

That:

1. Council notes the report.
2. Council issues the 2018-2019 Frankston City Business Grants to the following businesses (in accordance with recommendations of the Independent Assessment Panel)
 - a) Hank Bos Glass & The Splashback Factory - \$30,000
 - b) Frankston Foundry - \$20,000
 - c) Mr Banks Brewing Co Pty Ltd - \$15,000
 - d) The Outdoor Society - \$15,000
 - e) Frankston Bazaar - \$15,000
 - f) Two Boys One Beagle and A Coffee Shop - \$10,000
 - g) Eliza Archery - \$10,000
 - h) Town Planning and Company - \$5,000
3. Council notes that the Independent Assessment Panel has not recommended any other businesses as 'back up' grant recipients
4. Should the full pool of 2018-2019 Frankston City Business Grants funds not be utilised the unallocated funds be returned to the budget
5. The recommendations of this report be released after 1 February 2019 to allow Officers time to notify all applicants and implement the media campaign
6. The content and attachments to this report are to remain confidential indefinitely.

The motion was put and Carried

C.5 Award of Construction Contract - 2018/19-20 Frankston Arts Centre Refurbishment and Upgrade Works (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 Toms****Seconded: Councillor Mayer**

That:

1. Council approves the acceptance of the tender from Ducon Maintenance Pty Ltd for the *Contract 2018/19-20 Frankston Arts Centre Refurbishment and Upgrade Works*;
2. The Chief Executive Officer be authorised to sign and seal the contract ; and
3. The recommendation (without commercially sensitive information) be released the next open meeting of Council.

The motion was put and Carried

C.6 Execution of Deed of Variation of Facilities Management Contract- Authorisation of affixing common seal (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 O'Connor**

That Council:

1. Authorises the Chief Executive Officer to execute a Deed of Variation between Council and Ventia Pty Ltd (Ventia) which amends the Facilities Management Contract between Council and Ventia (Contract) for (amongst other things);
 - a. additional cleaning obligations and clarification of some services under the Contract; and
 - b. improvements to the key performance indicators which Ventia must satisfy under the Contract.
2. Authorises the Chief Executive Officer to approve:
 - a. escalations to be made to rates and prices contained in the Contract on an annual basis to reflect CPI movements in accordance with the provisions of the Contract; and
 - b. variations to the fees payable by Council to Ventia under the Contract to reflect the addition or removal of premises from the scope of Ventia's services in accordance with the provisions of the Contract from time to time.
3. The Deed of Variation be signed and sealed; and,
4. Release the recommendation (without commercially sensitive information) at the next open meeting of Council.

The motion was put and Carried

C.7 Award of Contract 2018/19-18 - Overport Park Sports Pavilion Redevelopment (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 Toms****Seconded: Councillor Cunial**

That:

1. Council approves the acceptance of the tender from Ausbuild Constructions Pty Ltd for the Contract 2018/19-18 – Overport Park Sports Pavilion Redevelopment Project;
2. The Chief Executive Officer be authorised to sign and seal the contract; and
3. The recommendation (without commercially sensitive information) be released the next open meeting of Council.

The motion was put and Carried

C.8 Award of Consultancy Contract - Contract 2018/19-9 Jubilee Park Indoor Stadium Design Services (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 Cunial****Seconded: Councillor Toms**

That:

1. Council approves the acceptance of the tender from Williams Ross Architects Pty Ltd for the Jubilee Park Indoor Stadium Design Services;
2. The Chief Executive Officer be authorised to sign the contract prior to sealing; and,
3. The recommendation (without commercially sensitive information) be released the next open meeting of Council following signing of the contract.

The motion was put and Carried

**C.1 Appointment of Independent Member to the Audit and Risk Committee
(considered at 2018/OM15 on 10 December 2018)**

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

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

That Council:

1. Reappoints Mr Neil Greenaway as an Independent Member for a further three (3) year term, expiring on 31 December 2021;
2. That the CEO writes to Mr Neil Greenaway advising him of Council's decision and offer congratulation on his reappointment to the Audit and Risk Committee;
3. That the remaining four applicants be advised of Council's decision and be thanked for their application.
4. Incorporates this resolution in the public minutes of this Ordinary Meeting.

The motion was put and Carried

C.2 Mayoral Chains (considered at 2018/OM15 on 10 December 2018)

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

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

That the matter be deferred to the 29 January 2019 Council Meeting.

The motion was put and Carried

C.3 Minutes of the Frankston Arts Board - 20 November 2018 (considered at 2018/OM15 on 10 December 2018)

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 Toms**

That the matter be deferred to the 29 January 2019 Council Meeting.

The motion was put and Carried

C.5 Award of Contract 2018/19 - 33 - McClelland Drive Shared Path between Centenary Park Drive and Darnley Drive, Langwarrin (considered at 2018/OM15 on 10 December 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 Hampton

That Council:

1. Approves the acceptance of the tender from Jasper Civil Pty Ltd- (ACN: 006 683 328) for the proposed McClelland Drive Shared path between Centenary Park Drive and Darnley Drive;
2. Council notes and authorise removal of approximately 54 trees as part of the works as assessed by an independent consultant Arborist;
3. Authorises the Chief Executive Officer to execute 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.6 Award of Contract 2018/19 - 43 - McClelland Drive Road Pavement Rehabilitation Works between Golf Links and Robinsons Roads, Langwarrin (considered at 2018/OM15 on 10 December 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 Hampton

That Council:

1. Approves the acceptance of the tender from MACA Infrastructure Pty Ltd- (ACN: 604 456 055) for the proposed McClelland Drive Road Pavement Rehabilitation Works between Golf Links and Robinsons Road;
2. Authorises the Chief Executive Officer to execute the contract; and
3. The recommendation (without commercially sensitive information) be released at the next open meeting of Council.

The motion was put and Carried

C.7 Award of Contract 2018/19 - 41 - Valley Road Reconstruction between McClelland Drive and Potts Road, Langwarrin (considered at 2018/OM15 on 10 December 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 Hampton

Seconded: Councillor Mayer

That:

1. Council approves the acceptance of the adjusted post tender from Bitu-mill (Civil) Pty Ltd –(ACN: 099 996 344) for the Valley Road Reconstruction , between McClelland Drive and Potts Road, Langwarrin.
2. Council notes and authorise removal of approximately four (4) trees as part of the works as assessed by the independent consultant Arborist;
3. The Chief Executive Officer be authorised to sign and seal the contract; and
4. The recommendation (without commercially sensitive information) be released at the next open meeting of Council.

The motion was put and Carried

C.8 Award of Contract 2018/19 -26 - Design & Construct Multi-Sport Synthetic Surface Sportsfield Carrum Downs Recreation Reserve (considered at 2018/OM15 on 10 December 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 Hampton

Seconded: Councillor Mayer

That Council:

1. Approves the acceptance of the tender from Tuff Group Holdings Pty for the design & construction of multi-sport synthetic surface Sportsfield at Carrum Downs Recreation Reserve;
2. Council notes removal of approximately 31 trees as part of the works and proposed installation of approximately 155 trees subject to Local Law Permit;
3. Authorises the Chief Executive Officer to execute 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.9 Award of Contract Extension for the Provision of Landfill Services (considered at 2018/OM15 on 10 December 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 Hampton****Seconded: Councillor Mayer**

That:

1. Council resolves to formally advise the Metropolitan Waste and Resource Group (MWRRG) and Suez that it agrees to extend the Landfill Services Deed with Suez for the provision of Landfill Services for a final two (2) year term;
2. Council delegates to the Chief Executive Officer (CEO) authority to sign and seal the contract extension;
3. The recommended (without commercially sensitive information) be released once contract documents have been formally executed.

The motion was put and Carried

C.10 Award of Contract - 2018/19-10 Ballam Park South Pavilion Construction (considered at 2018/OM15 on 10 December 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 Aitken**

That:

1. Council approves the acceptance of the tender from S.J. Higgins Pty Ltd (ACN No. 005 648 395) for the *Contract 2018/19-10 Ballam Park South Pavilion Construction*;
2. The Chief Executive Officer be authorised to sign the contract prior to sealing; and,
3. The recommendation (without commercially sensitive information) be released the next open meeting of Council following signing of the contract.

The motion was put and Carried

C.11 Frankston City Business Grants - Amendment of date to release recommendations (considered at 2018/OM15 on 10 December 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 Toms****Seconded: Councillor Aitken**

That Council endorses amending the date to publicly release the recommendations of the 'Issuing Frankston City Business Grants 2018-2019' report to 1 January 2019.

The motion was put and Carried

C.13 VCAT Compulsory Conference - 27 Wells Street, Frankston (considered at 2018/OM15 on 10 December 2018)

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

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

That:

1. Council resolves to settle the VCAT proceeding relating to application for planning permit number 442/2017/P on the basis the potential settlement identified at VCAT Compulsory Conference.
2. Council agrees to the release of this report and recommendation once the VCAT review matter is settled and there is a final direction from VCAT.

The motion was put and Carried

C.5 Mayoral Chains (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 Hampton****Seconded: Councillor Aitken**

That:

1. The Mayoral Chains be adjusted so the second row can be removed by the Mayor of the Day (at a cost which can be accommodated within existing budgets) and the Mayoral Chains be placed in a display cabinet (at a cost which can be accommodated within existing budgets) and used for special occasions and the Mayoral drop for all other civic duties *preferred option*;
2. A page be created on the Council website to include details of previous Mayor's and that this be updated on an annual basis.
3. Only the resolution be released in the public minutes of this meeting.

The motion was put and Carried

C.8 RF Miles Reserve Update (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. Notes the funding of \$2.6M each that has been committed by both the State and Federal Governments, towards the upgrade of RF Miles Reserve including the new pavilion, sports oval works and associated infrastructure;
2. Notes, that with this State and Federal Government funding secured, along with Council's committed funding of \$3.347M, there is now a total of \$8.547M available for a new pavilion, contribution towards an oval upgrade to senior AFL standards (excluding oval reinstatement costs) and associated works;
3. Notes the two options outlined by the LCRP in its letter dated 17 December 2018 for reinstatement of the sports oval;
4. Notes the potential funding shortfall of up to \$360,000 applicable to Option 2 (under LCRP's letter), which involves Council undertaking the oval reinstatement works on the LCRP's behalf;
5. Supports Council undertaking the oval reinstatement works (Option 2) on behalf of the LCRP to safeguard the outcomes for the community and notes the ongoing negotiations with the LCRP and advocacy with the State Government to increase the \$500,000 funding offer;
6. Notes that while negotiations continue with the LCRP for the funding of the shortfall, Council officers have effectively come as far as they can, and the matter should be urgently raised with the Minister for Transport Infrastructure, The Hon. Jacinta Allan MP and Minister for Tourism, Sport and Major Events, The Hon. Martin Pakula MP; and
7. Releases this recommendation immediately following the Council meeting with the report to remain confidential.

The motion was put and Carried

The meeting was closed to the public at 8.21 pm

CONFIRMED THIS

DAY OF

2019

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Michael O'Reilly, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday 29 January 2019 confirmed on Monday 18 February 2019.

.....
(Cr. Michael O'Reilly, Chairperson – Council Meeting)

Dated this

day of

2019

Ms Hilary Poad

Regarding the Oliver's Hill Safe Boat Refuge. The funding issue is ambiguous.

Question 1

If both the State and Federal Governments do not contribute anything to the proposal does this stop the proposal from going ahead?

Question 2

If the State and Federal Governments contribute less than the funds requested and outside funding cannot be found to redress the difference, then will Frankston ratepayers be expected to pay more than the originally proposed one third of the costs to make up the final cost.

Response by Director Community Assets

This response is to question 1 and 2 - Council is strongly advocating for matching contributions from both State and Federal Governments and remains positive of the outcome of its lobbying efforts, however if unsuccessful in securing the funding from both levels of Government, it would be highly unlikely that the project would proceed.

Question 3

If the boat ramp at Oliver's Hill needs protection for use in inclement weather, why was it built there inadequately for these conditions in the first place, only a few years ago?

Response by Director Community Assets

The renewal works on the existing boat ramp and jetty structure at Oliver's Hill were completed in 2016 as both structures were at the end of their lifecycle. Council undertook extensive community consultation in 2015 on the proposed renewal works including revised concept designs for reconfigured boat ramp and jetty.

The need for breakwater was identified by members of community as part of community consultation process at the time. Accordingly, consideration was given to the inclusion of the breakwater as part of the renewal works. However, due to lack of wave climate data at the time, it was concluded that breakwater works would need to be completed separate to renewal works.

Council is undertaking investigations and community consultation to progress provision of breakwater structure at Oliver's Hill.