



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 22 MAY 2017 at 7.21 PM**

PRESENT	Cr. Brian Cunial (Mayor) Cr. Sandra Mayer Cr. Glenn Aitken Cr. Colin Hampton Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam Cr. Lillian O'Connor
APOLOGIES:	Cr. Michael O'Reilly
ABSENT:	Nil.
OFFICERS:	Mr. Dennis Hovenden, Chief Executive Officer Mr. Tim Frederico, Director Corporate Development Dr. Gillian Kay, Director Communities Development Mr. Michael Papageorgiou, Manager Planning & Environment Mr. Stuart Caldwell, Coordinator Statutory Planning Mr. Craig Dinsdale, Manager Sustainable Assets Ms. Natalie Cincotta, Coordinator Communications Ms. Michelle Tipton, Coordinator Council Business Support
EXTERNAL REPRESENTATIVES:	Nil

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

PRAYER

The Mayor, Councillor Cunial read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor Aitken 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. OM300 held on 1 May 2017.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Toms

That the minutes of the Ordinary Meeting No. OM300 held on 1 May 2017 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES**Council Decision**

Moved: Councillor Aitken

Seconded: Councillor Hampton

That the apology be received and Councillor O'Reilly be granted leave from the meeting.

Carried Unanimously

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Cr Quinn McCormack declared a conflict of interest in Item 13.6: NOM 1317 - Frankston Nature Conservation Reserve. This declaration was made in writing to the Chief Executive Officer. Cr McCormack will leave the Chamber during discussion and voting on the matter.

The Mayor, Cr Cunial declared a conflict of interest in Item 11.3: February Town Planning Progress Report. The declaration has been made in writing to the Chief Executive Officer. The Mayor will leave the Chamber during discussion and voting on the matter.

The Mayor, Cr Cunial advised the Director Corporate Development of an interest in Item 12.17: Response to NOM 1265 - Cleanliness of the City. The Mayor will remain in the Chamber during discussion and voting on the matter.

5. PUBLIC QUESTION TIME

There were no questions with or without notice submitted to Council.

The Mayor acknowledged the former Councillor - Judy Wachendorfer, former Senior Citizen of the Year – Sue Whitby and former Citizen of the Year – David Cross.

6. HEARING OF PUBLIC SUBMISSIONS

Mr. Peter Oldridge made a submission to Council regarding Item 11.2: Planning Application 537/2016/P - 132 Nepean Hwy Seaford - To use the land for sale and consumption of liquor (Restaurant and Cafe Licence); Construct buildings and works in a Commercial 1 Zone and Bushfire Management Overlay; Reduce the number of car parking spaces required under Clause 52.06-5; Waive the requirements of Clauses 52.07 (Loading and unloading of vehicles) and 52.34 (Bicycle Facilities);

Mr. John Ozbek made a submission to Council regarding Item 11.2: Planning Application 537/2016/P - 132 Nepean Hwy Seaford - To use the land for sale and consumption of liquor (Restaurant and Cafe Licence); Construct buildings and works in a Commercial 1 Zone and Bushfire Management Overlay; Reduce the number of car parking spaces required under Clause 52.06-5; Waive the requirements of Clauses 52.07 (Loading and unloading of vehicles) and 52.34 (Bicycle Facilities);

Ms. Kerry-Anne Schlee made a submission to Council regarding Item 11.2: Planning Application 537/2016/P - 132 Nepean Hwy Seaford - To use the land for sale and consumption of liquor (Restaurant and Cafe Licence); Construct buildings and works in a Commercial 1 Zone and Bushfire Management Overlay; Reduce the number of car parking spaces required under Clause 52.06-5; Waive the requirements of Clauses 52.07 (Loading and unloading of vehicles) and 52.34 (Bicycle Facilities);

Ms. Jenny Wilkinson made a submission to Council regarding Item 11.2: Planning Application 537/2016/P - 132 Nepean Hwy Seaford - To use the land for sale and consumption of liquor (Restaurant and Cafe Licence); Construct buildings and works in a Commercial 1 Zone and Bushfire Management Overlay; Reduce the number of car parking spaces required under Clause 52.06-5; Waive the requirements of Clauses 52.07 (Loading and unloading of vehicles) and 52.34 (Bicycle Facilities);

Ms. Janice Merrett made a submission to Council regarding Item 11.2: Planning Application 537/2016/P - 132 Nepean Hwy Seaford - To use the land for sale and consumption of liquor (Restaurant and Cafe Licence); Construct buildings and works in a Commercial 1 Zone and Bushfire Management Overlay; Reduce the number of car parking spaces required under Clause 52.06-5; Waive the requirements of Clauses 52.07 (Loading and unloading of vehicles) and 52.34 (Bicycle Facilities);

Mr. David Cross made a submission to Council regarding Item 12.17 : Response to NOM 1265 - Cleanliness of the City;

Ms Lyn Hall made a submission to Council regarding Item 12.17: Response to NOM 1265 - Cleanliness of the City;

Ms. Pat Bentley made a submission to Council regarding Item 13.1: NOM 1310 - Notice of Rescission - NOM 1308 - Port of Hastings - Ordinary Meeting 300 - 1 May 2017;

Cr Quinn McCormack left the Chamber at 8.18 pm

Ms. Judy Wachendorfer made a submission to Council regarding Item 13.6: NOM 1317 – Frankston Nature Conservation Reserve;

Ms. Justine Lund made a submission to Council regarding Item 13.6: NOM 1317 – Frankston Nature Conservation Reserve;

Cr Glenn Aitken left the Chamber at 8.34 pm

Cr Glenn Aitken returned to the Chamber at 8.34 pm

Ms. Andrea Hunt made a submission to Council regarding Item 13.6: NOM 1317 – Frankston Nature Conservation Reserve;

Ms. Lara Howden made a submission to Council regarding Item 13.6: NOM 1317 – Frankston Nature Conservation Reserve;

Cr Glenn Aitken left the Chamber at 8.43 pm

Cr Glenn Aitken returned to the Chamber at 8.44 pm

Mr. Hans Brunner made a submission to Council regarding Item 13.6: NOM 1317 – Frankston Nature Conservation Reserve;

Ms. Cathy Dowling made a submission to Council regarding Item 13.6: NOM 1317 – Frankston Nature Conservation Reserve;

Cr Quinn McCormack returned to the Chamber at 9.13 pm

The Meeting was adjourned at 9.16 pm

The Meeting resumed at 9.30 pm

7. ITEMS BROUGHT FORWARD

Items Brought Forward

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Bolam

That Items:

- 11.2: Planning Application 537/2016/P - 132 Nepean Hwy Seaford - To use the land for sale and consumption of liquor (Restaurant and Cafe Licence); Construct buildings and works in a Commercial 1 Zone and Bushfire Management Overlay; Reduce the number of car parking spaces required under Clause 52.06-5; Waive the requirements of Clauses 52.07 (Loading and unloading of vehicles) and 52.34 (Bicycle Facilities);
- 12.17: Response to NOM 1265 - Cleanliness of the City;
- 13.1: NOM 1310 - Notice of Rescission - NOM 1308 - Port of Hastings - Ordinary Meeting 300 - 1 May 2017;
- 13.4: NOM 1314 - Seaford Road Level Crossing Funding
- 13.6: NOM 1317 – Frankston Nature Conservation Reserve

Carried Unanimously

Items Brought Forward

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Aitken

That Items C.8: NOM 1322 - Peninsula Leisure Core Obligations from Closed Council to Open Council be brought forward.

Carried Unanimously

8. PRESENTATIONS / AWARDS

Nil

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Petition – Planning Item 537/2016/P – 132 Nepean Hwy, Seaford

Council Decision

Moved: Councillor O'Connor

Seconded: Councillor Aitken

That the petition endorsing the project at 132 Nepean Hwy, Seaford be accepted.

Carried Unanimously

10. DELEGATES' REPORTS

Nil.

ITEMS BE BROUGHT FORWARD

11.2 Planning Application 537/2016/P - 132 Nepean Hwy Seaford - To use the land for sale and consumption of liquor (Restaurant and Cafe Licence); Construct buildings and works in a Commercial 1 Zone and Bushfire Management Overlay; Reduce the number of car parking spaces required under Clause 52.06-5; Waive the requirements of Clauses 52.07 (Loading and unloading of vehicles) and 52.34 (Bicycle Facilities)

(MP Community Development)

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 537/2016/P

- To use the land for sale and consumption of liquor (Restaurant and Cafe Licence)
- Construct buildings and works in a Commercial 1 Zone and Bushfire Management Overlay
- Reduce the number of car parking spaces required under Clause 52.06-5
- Waive the requirements of Clauses 52.07 (Loading and unloading of vehicles) and 52.34 (Bicycle Facilities)

at 132 Nepean Highway, Seaford subject to the following conditions:

Plans

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application (or some other specified plan) but modified to show:
 - a. West elevation removed from the plans and all other elevations drawn to scale and with orientation labelling.
 - b. Dimensions for the proposed pergola and fence.
 - c. A printed material and colour schedule for the pergola and fence, which consist of muted and non-reflective colours.
 - d. Outdoor seating in the proposed area on Nepean Highway.
 - e. 5000 litre static water supply for fire fighting purposes.
 - f. 3 staff bicycle spaces in accordance with Clause 52.34-4 (Design of bicycle spaces).
 - g. Car Parking and Drainage plan in accordance with Condition 9.
 - h. Bushfire Management Plan in accordance with Condition 12.

No Alterations

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

Satisfactorily Completed

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

Chairperson's initials



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:
- 11:00 am – 12:00 midnight Monday – Sunday
 - 12:00 noon – 12:00 midnight Good Friday & Anzac Day

Amenity

5. 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.
6. The amenity of the area must not be detrimentally affected by the development and/or use through the:-
- a. Parking of vehicles and loading / unloading of vehicles;
 - b. Transport of materials, goods or commodities to or from the land;
 - c. Appearance of any building, works or materials;
 - d. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;\
 - e. Presence of vermin; or
 - f. In any other way.
- to the satisfaction of the Responsible Authority.
7. Under this permit signage displayed on the site must at all times satisfy the as-of-right Category 1 - Commercial areas provisions (Clause 52.05-7).

Patron Numbers

8. A maximum of 50 patrons will be permitted at any one time between 7:00 am and 4:00 pm on all days and 120 patrons at other times, unless with the prior written consent of the Responsible Authority.

Drainage

9. Prior to commencement of the use and development construction detailed design plans for the proposed car parking area and drainage computations of the internal stormwater drainage system, including the method of connection to the existing Council drainage infrastructure must be submitted to, approved by and be to the satisfaction of the Responsible Authority.
10. 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.

Car Parking and Access

11. Before the use allowed 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.
 - Drained and maintained to the satisfaction of the Responsible Authority.
 - Line-marked to indicate each car space, loading bay and all access lanes and if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.

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

Bushfire Management Overlay

12. Before the use and/or development starts a Bushfire Management Plan must be submitted to and approved by the Responsible Authority, showing the proposed pergola to be constructed to a minimum bushfire attack level of BAL 12.5 and a static water supply for fire-fighting an property protection purposes in accordance with Clause 52.47-2.3 (Water supply and access objectives).
13. The bushfire mitigation 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.

Permit Expiry

14. 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 (2) years of the date of this permit.
 - 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

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

Chairperson's initials



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.

- D. 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.

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:

- c. Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
- d. 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.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Toms

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 537/2016/P

- To use the land for sale and consumption of liquor (Restaurant and Cafe Licence)
- Construct buildings and works in a Commercial 1 Zone and Bushfire Management Overlay
- Reduce the number of car parking spaces required under Clause 52.06-5
- Waive the requirements of Clauses 52.07 (Loading and unloading of vehicles) and 52.34 (Bicycle Facilities)

at 132 Nepean Highway, Seaford subject to the following conditions:

Plans

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application (or some other specified plan) but modified to show:
 - a. The rear car parking area be reinstated with a minimum of 10 car parking spaces to be provided on site.

Chairperson's initials



- b. West elevation removed from the plans and all other elevations drawn to scale and with orientation labelling.
- c. Dimensions for the proposed pergola and fence.
- d. A printed material and colour schedule for the pergola and fence, which consist of muted and non-reflective colours.
- e. Outdoor seating in the proposed area on Nepean Highway.
- f. 5000 litre static water supply for fire fighting purposes.
- g. 3 staff bicycle spaces in accordance with Clause 52.34-4 (Design of bicycle spaces).
- h. Car Parking and Drainage plan in accordance with Condition 9.
- i. Bushfire Management Plan in accordance with Condition 12.

No Alterations

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

Satisfactorily Completed

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

Liquor Licence Requirements

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

Amenity

5. 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.
6. The amenity of the area must not be detrimentally affected by the development and/or use through the:-
 - a. Parking of vehicles and loading / unloading of vehicles;
 - b. Transport of materials, goods or commodities to or from the land;
 - c. Appearance of any building, works or materials;
 - d. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;\
 - e. Presence of vermin; or
 - f. In any other way.to the satisfaction of the Responsible Authority.
7. Under this permit signage displayed on the site must at all times satisfy the as-of-right Category 1 - Commercial areas provisions (Clause 52.05-7).

Patron Numbers

8. A maximum of 50 patrons will be permitted at any one time between 7:00 am and 6.00 pm on all days and 100 patrons at other times, unless with the prior written consent of the Responsible Authority.

Drainage

9. Prior to commencement of the use and development construction detailed design plans for the proposed car parking area and drainage computations of the internal stormwater drainage system, including the method of connection to the existing Council drainage infrastructure must be submitted to, approved by and be to the satisfaction of the Responsible Authority.

10. 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.

Car Parking and Access

11. Before the use allowed 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.
 - Drained and maintained to the satisfaction of the Responsible Authority.
 - Line-marked to indicate each car space, loading bay and all access lanes and if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.

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

Bushfire Management Overlay

12. Before the use and/or development starts a Bushfire Management Plan must be submitted to and approved by the Responsible Authority, showing the proposed pergola to be constructed to a minimum bushfire attack level of BAL 12.5 and a static water supply for fire-fighting an property protection purposes in accordance with Clause 52.47-2.3 (Water supply and access objectives).

13. The bushfire mitigation 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.

Permit Expiry

14. 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 (2) years of the date of this permit.
 - 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. 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.
- D. 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.

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

Extension of Time

Moved: Councillor Bolam

Seconded: Councillor O'Connor

That Cr Aitken be granted an extension of time.

**The Motion was then Put
and Carried**

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

Against the Motion: Cr Cunial

*The Mayor declared an interest in this item
but remained in the chamber for discussion and voting.*

12.17 Response to NOM 1265 - Cleanliness of the City

(LR Community Development)

Recommendation (Director Community Development)

That Council:

1. Notes the Service Standards presented to Councillors 17 January, were supported at that meeting and are now being trialled and that the Director Community Development is monitoring the work through condition audits and frequency of audits.
2. Notes that letters, signed by the Mayor were sent to the respective Ministers and responses have now been received. It should also be noted that Metro Trains advises that weed spraying was undertaken in February and slashing of grass along the rail reserve was undertaken in April. Refuse has also been removed and is scheduled twice yearly. It should also be noted that an analysis of working a shared maintenance is nearing completion and will be presented to Councillors before responding to VicRoads.
3. Notes that two rapid response teams were establish one for parks, gardens and bushland and the other for infrastructure requests. This is working well.
4. Notes verbal advice from the Australian Tax Office has been received supporting the ability to transfer funds to the Frankston Community Fund. However, this is not recommended until income exceeds service costs. While the fees have been increased in 2017/18 the overall income will be determined by the volume of impounded trolleys.
5. Notes the Environmental Protection Act and Local Law No. 8 are considered by officers to be effective enforcement tools to deal with illegally dumped rubbish. It should further be noted that Authorised Officers, in undertaking their statutory roles, are also required to comply with the Evidence Act 2008, the Infringements Act 2006 and other statutory legislation in performing their duties.
6. Notes a detailed letter to ratepayers will be sent with the next rate notice outlining the challenges costs and options for reporting. It should be further noted that an advertorial has been prepared and will be placed in Frankston City News, the newspapers and on Council notice boards to promote disposing rubbish responsibly. A copy is attached for information.
7. Endorses the revised Illegal Dumping of Rubbish procedures as the best approach to achieve compliance noting that:
 - Dumped rubbish procedures have been reviewed and revised including the customer service response, which requires follow through on behalf of residents
 - The resources to deliver the dumped rubbish service have been consolidated and are now managed by the Community Safety Department.
 - An existing equivalent full time position has been reallocated increasing the number of Authorised Officers monitoring and addressing dumped rubbish.
8. Notes the majority of recommendations outlined in the paper "Possible Initiatives to Rid The City of Trolleys and Rubbish" are part of current business procedures or have recently been implemented. Notwithstanding this, Council should also note:

- That feedback on the use of GPS tracking on shopping trolleys has been considered by national chains who have indicated to their regional businesses / outlets that this is not cost effective for the companies
 - Placement of portable cameras in additional hotspot sites is currently being reviewed to ensure the fit for purpose technology is utilised.
9. It is recommended that reports continue to be presented to Council on a quarterly basis and include dumped litter statistics.
- Additional resources have been reallocated to Community Safety Department enabling improved management of shopping trolleys and dumped rubbish.
10. Endorses the development of a 'Best Street' award program, applicable to all suburbs, to promote behaviour change and pride in streets and neighbourhoods at an approximate cost of \$10K - \$15K plus staff time. Should this be supported a program will be developed and presented to a councillor briefing together with the costs to be referred to the mid-year budget review.
11. Endorses the preparation of large bin stickers warning against rubbish dumping. These can be supplied to interested residents to affix to their bins. Officers can also affix stickers to bins in streets that are identified hotspots in the municipality.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Toms

1. That the matter be deferred until the September Ordinary Meeting. All aspects of the initial Notice of Motion must be thoroughly responded to when the report returns to Council in September;
2. In the interim, a meeting is to take place in relation to unkempt State Government land and whether Frankston City Council is able to increase the frequency of maintenance via an invoice arrangement. Attendees are to include the Mayor, the CEO, interested councillors, relevant officers, Member for Frankston Mr Paul Edbrooke MP, (appropriate) VicTrack representation and (appropriate) VicRoads representation;
3. In the interim, officers consider what form a public advocacy campaign could entail if no agreement is reached at this meeting on the cleanliness of State Government land within the municipality; and
4.
 - A) The Council formally continues the practice of impounding wayward shopping trolleys per NOM 1265.
 - B) The Chief Executive Officer is to ensure that staff are performing daily checks throughout the municipality to detect and impound shopping trolleys.
 - C) Any surplus funds, once the cost of managing discarded trolleys has been offset by fees and fines, are to be allocated to the Frankston Charitable Fund.
 - D) The Chief Executive Officer is to instruct staff to not issue any further fee exonerations relating to abandoned trolleys; and
 - E) The public be encouraged to report abandoned trolleys via the 'MyFrankston' app or by calling the Frankston City Council on a specific landline number

Carried Unanimously

Chairperson's initials



13.1 NOM 1310 - Notice of Rescission - NOM 1308 - Port of Hastings - Ordinary Meeting 300 - 1 May 2017

(VR Chief Executive Office)

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

We, Councillors Cunial, Hampton and O'Reilly, hereby give notice that at the next appropriate meeting of Council, we will move that the following decision of Council made at Ordinary Meeting OM300 held on 1 May 2017 regarding Item 13.8: NOM 1308 – Port of Hastings be rescinded:

That:

1. *Frankston City Council writes to the Victorian Government and Infrastructure Victoria resolving not to support a second container Port at Hastings including the following:*
 - (a) *Opposing any form of capital dredging, widening, or deepening of channels in Westernport Bay.*
 - (b) *Outlining that any change in, or continuation of, the Port of Hastings operations must result in no net loss for the economy, environment and amenity.*
 - (c) *Requesting that they demonstrate and justify the need and timing for a second major container port in Victoria through comprehensive, evidence based assessment, including consideration of the current port capacity in Victoria and via a national approach.*
 - (d) *Requesting independent research be undertaken to determine the impact on inter alia:*
 - (i) *coastline including increased erosion and inundation;*
 - (ii) *tourism and the impact on visitation;*
 - (iii) *fishing and the impact to the recreational fishing industry; and*
 - (iv) *Marine life impact including penguins and whales that enter Westernport.*
2. *Frankston City Council removes the Port of Hastings expansion from its advocacy program.*

Should the rescission be carried, we give notice of our intention to move the following motion:

That Council

1. *Recognises that a newly elected Council should have the right to reconsider its position on key advocacy issues;*
2. *Requests the CEO organises a briefing of all Councillors to ensure that all Councillors are fully informed of all matters pertinent to the issue;*
3. *Following this briefing, the matter be brought back to Council for a final decision at the next Ordinary Meeting of Council.*

Lost

Cr Mayer left the Chamber at 10.28 pm

Chairperson's initials



Extension of Time**Moved: Councillor O'Connor****Seconded: Councillor Hampton**

That Cr Cunial be granted an extension of time.

Carried

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

Against the Motion: Crs Aitken and Bolam

Absent: Cr Mayer

*Cr Mayer returned to the Chamber at 10.30 pm**Cr Bolam left the Chamber at 10.30 pm**Cr Bolam returned to the Chamber at 10.31 pm***The Motions was the put
and Lost**

For the Motion: Crs Cunial and Hampton

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

13.4 NOM 1314 - Seaford Road Level Crossing Funding

(MT Chief Executive Office)

Recommendation

1. a) That a report be provided to Council at the July Ordinary Meeting identifying potential projects, concepts, designs and plans, including upgrades to the RF Miles Reserve, to revitalise the Seaford community as part of the State Government's Seaford Road Level Crossing Removal Project. The report should also consider projects and funding not currently earmarked by the State Government which could be greatly assisted by further funding within the Seaford Road proximity;
- b) That Council write to the Victorian Minister for Transport, Hon Jacinta Allan MP and State Member for Carrum, Sonya Kilkenny MP seeking additional funding, on top of the current amount earmarked by the State Government, to revitalise the Seaford community as part of the Level Crossing Removal Project at Seaford Road. Once the Council resolves what additional monies and projects should be considered, this be properly articulated in the funding request letter.
2. a) In light of the State Government's decision to seal Eel Race Road, and the subsequent fiscal savings that undertaking no level crossing removal works at Eel Race Road will achieve, Frankston City Council formally requests that the State Government commit to new funding opportunities for Seaford based projects within proximity of Eel Race Road, such as Riviera Reserve and ageing sport facilities;
- b) Notwithstanding Council's opposition to the proposed Eel Race Road closure, a report be provided to Council (which may be the same report stipulated in 1(a) at the July Ordinary Meeting) identifying potential projects, concepts, designs and plans, which should be considered given the State Government's decision to not contribute to level crossing removal works at Eel Race Road; and the sealing of Eel Race Road, which will create various access and egress implications for both pedestrians and commuters;
- c) That Council write to the Victorian Minister for Transport, Hon Jacinta Allan MP and State Member for Carrum, Sonya Kilkenny MP seeking new funding, based on the Eel Race Road decision, to revitalise the Seaford community. Once the Council resolves what additional monies and projects should be considered, this be properly articulated in the funding request letter.

Councillor O'Connor sought leave of Council to amend her Notice of Motion 1314

Council Decision

Moved: Councillor O'Connor

Seconded: Councillor Toms

1. a) That a report be provided to Council at the July Ordinary Meeting identifying potential projects, concepts, designs and plans, including upgrades to the RF Miles Reserve, to revitalise the Seaford community as part of the State Government's Seaford Road Level Crossing Removal Project. The report should also consider projects and funding not currently earmarked by the State Government which could be greatly assisted by further funding within the Seaford Road proximity;

- b) That Council write to the Victorian Minister for Transport, Hon Jacinta Allan MP and State Member for Carrum, Sonya Kilkenny MP seeking additional funding, on top of the current amount earmarked by the State Government, to revitalise the Seaford community as part of the Level Crossing Removal Project at Seaford Road. Once the Council resolves what additional monies and projects should be considered, this be properly articulated in the funding request letter.
2. a) In light of the State Government's decision to seal Eel Race Road, and the subsequent fiscal savings that undertaking no level crossing removal works at Eel Race Road will achieve, Frankston City Council formally requests that the State Government commit to new funding opportunities for Seaford based projects within proximity of Eel Race Road, such as Riviera Reserve and ageing sport facilities;
- b) Notwithstanding Council's opposition to the proposed Eel Race Road closure, a report be provided to Council (which may be the same report stipulated in 1(a) at the July Ordinary Meeting) identifying potential projects, concepts, designs and plans, which should be considered given the State Government's decision to not contribute to level crossing removal works at Eel Race Road; and the sealing of Eel Race Road, which will create various access and egress implications for both pedestrians and commuters;
- c) That Council write to the Victorian Minister for Transport, Hon Jacinta Allan MP and State Member for Carrum, Sonya Kilkenny MP seeking new funding, based on the Eel Race Road decision, to revitalise the Seaford community. Once the Council resolves what additional monies and projects should be considered, this be properly articulated in the funding request letter.
3. That for both Items 1 and 2 of this recommendation, the building of a new facility for 1st Seaford Scouts be heralded by Frankston City Council. This advocacy must occur given the dismal conditions at 1st Seaford Scouts' existing Station Street site. The relocation of the 1st Seaford Scouts site is to be factored into the report back to Council (per Items 1 and 2) with the preferred location being the RF Miles Reserve. Council should in advocating for the relocation, relay to the State Government that the relocation of the 1st Seaford Scouts facility from the car park of the Seaford Railway Station has the potential to unlock multiple car parking spaces for an area severely lacking in car park spaces.
4. That Council carries out a survey of the height from the flood level in the creek to the railway line.

Carried Unanimously

Cr McCormack declared a conflict of interest in this item and left the Chamber at 10.51 pm whilst discussion and voting takes place.

13.6 NOM 1317 - Frankston Nature Conservation Reserve

(VR Chief Executive Office)

Recommendation

That in light of the State Government's precipitous decision, without Council and community consultation, to discontinue the Frankston Nature Conservation Reserve Committee:

1. Council write to Frankston MP, Paul Edbrooke and the Victorian Minister for the Environment, Lily D'Ambrosio MP seeking confirmation that the Frankston Reservoir will remain open to the public as per existing access arrangements upon the transfer of reserve stewardship to Parks Victoria; and
2. Letters of Appreciation be presented to members of the Frankston Nature Conservation Reserve Committee appointed in March 2014 and its volunteers, expressing appreciation for their tireless dedication to the Frankston Reservoir. Letters under-seal be presented to the committee members and volunteers at the next 'Mayor's Picnic' event (in the spirit of NOM 1258).

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That in light of the State Government's precipitous decision, without Council and community consultation, to discontinue the Frankston Nature Conservation Reserve Committee:

1. Council writes to Frankston MP, Paul Edbrooke and the Victorian Minister for the Environment, Lily D'Ambrosio MP seeking confirmation that the Frankston Reservoir will remain open to the public as per existing access arrangements upon the transfer of reserve stewardship to Parks Victoria; and
2. Letters of Appreciation be presented to members of the Frankston Nature Conservation Reserve Committee appointed in March 2014 and its volunteers, expressing appreciation for their tireless dedication to the Frankston Reservoir. Letters of appreciation be presented to the committee members and volunteers at the next 'Mayor's Picnic' event (in the spirit of NOM 1258).
3. That Council writes to the State Government and asks that the volunteers that are currently preserving the Frankston Nature Conservation Reserve be part of the future management of the reserve.

Carried Unanimously

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

Against the Motion: Cr Toms

Cr McCormack returned to the Chamber at 11.02 pm

Extension of Time

Moved: Councillor Hampton

Seconded: Councillor Aitken

That the meeting be extended to 11.30 pm.

Chairperson's initials



C.8 NOM 1322 - Peninsula Leisure Core Obligations

(VR Chief Executive Office)

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

That Council write to the Chairman and Directors of Peninsula Leisure Pty Ltd instructing them not to enter into or tender for projects outside of their core obligation, that being management of PARC and the Pines Pool.

Carried**Extension of Time****Moved: Councillor Aitken****Seconded: Councillor O'Connor**

That Cr Hampton be granted an extension of time.

Carried Unanimously

Cr McCormack left the Chamber at 11.18 pm

Cr Aitken left the Chamber at 11.19 pm

Crs Aitken and McCormack returned to the Chamber at 11.20 pm

**The Motion was then put
and Carried**

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

Against the Motion: Crs Cunial, Mayer and Toms

*The meeting was adjourned by the Mayor at 11.29 pm to reconvene
on Tuesday 23 May 2017 at 6.30 pm*

The meeting reconvened on Tuesday, 23 February 2017 at 6.34 pm

Councillors Present: Mayor Brian Cunial

Cr Sandra Mayer

Cr Colin Hampton

Cr Steve Toms

Cr Lillian O'Connor

Cr K Bolam

Cr Q McCormack

Cr G Aitken

Officers Present:

Mr Dennis Hovenden, Chief Executive Officer

Mr Tim Frederico, Director Corporate Development

Dr Gill Kay, Director Community Development

Mr. Michael Papageorgiou, Manager Planning & Environment

Ms. Michelle Tipton, Coordinator Council Business Support

Ms. Kirsten Thomson, Communications Officer Media

11. CONSIDERATION OF TOWN PLANNING REPORTS**11.1 Amend Section 173 Agreement 32/2014/S173 - 54 Norman Avenue and 13 Fleetwood Lane, Frankston South - To Amend the Section 173 Agreement**

(MP Community Development)

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

That Council has given consideration to Section 178E(3)(a) and the other matters in Section 178B of the Planning and Environment Act 1987 in respect to Planning Application 32/2014/S173/A and resolves to Amend Section 173 Agreement AL323131R to vary Clause 4.1 of Section 173 Agreement AL323131R to "Should the Land be subdivided in reliance upon the Subdivision Permit, the Owner covenants and agrees that the Land must only be developed in accordance with the Development Permit or any alternate future Development Permit approved by Frankston City Council, to the satisfaction of the Council."

Carried

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

Against the Motion: Nil

Abstained: Cr McCormack

The Mayor declared a conflict of interest in this item and left the Chamber at 6.37 pm whilst discussion and voting takes place.

The Deputy Mayor assumed as the Chair of the Meeting.

11.3 February Town Planning Progress Report

(MP Community Development)

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Aitken

That Council receives and notes the report

Carried Unanimously

The Mayor, Cr Cunial returned to the chamber at 6.38 pm

11.4 March Town Planning Progress Report

(MP Community Development)

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

That Council receives and notes the report.

Carried Unanimously

12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Confirmation of Minutes for Frankston Cemetery Trust**

(BA Corporate Development)

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

That:

1. Council, acting as the Trustee of the Frankston Cemetery Trust, receives the Minutes of the Cemetery Trust Meeting held on Wednesday, the 15th of March 2017 as a true and correct record of the meeting.
2. The recommendations of the Cemetery Committee be adopted.

Carried Unanimously

12.2 Council Plan - Quarterly Performance Report - Quarter three 2016-2017
(BA Corporate Development)

Council Decision

Moved: Councillor Toms

Seconded: Councillor O'Connor

That Council receives and notes the Council Plan Quarterly Performance Report for quarter three.

Carried Unanimously

12.3 March 2017 Quarterly Financial Report

(KJ Corporate Development)

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

That Council receives and notes the Financial Report for the quarter ended 31 March 2017.

Carried Unanimously

12.4 Capital Works Quarterly Report (January - March) 2016/17

(CD Corporate Development)

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

That Council receives and notes the quarterly (January – March 2017) progress report for the 2016/17 Capital Works Program.

Carried Unanimously

12.5 Community Development Division - Resolution Progress Report

(GK Community Development)

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

That Council:

1. Notes Amendment C113 (Section 31 "Frankston Native Vegetation Protection Study – January 2016") has been approved with changes to put on public exhibition by the Minister for Planning.
2. Notes a report on Local History Taught in Schools will be presented to the 13 June Ordinary Meeting.
3. Notes the update regarding Centenary Park Sporting Complex.
4. Notes the update regarding Kiss n Go Zones.
5. Notes the Draft Frankston Housing Strategy 2017 will be scheduled for August Ordinary meeting.
6. Notes the status of the Illumination of Pier's report responding to NOM1291.

Carried Unanimously

12.6 Council response to Councils and Emergencies Directions Paper

(LR Community Development)

Cr McCormack declared an interest in this matter but will stay in the Chamber for discussion and voting

Recommendation (Director Community Development)

That Council endorses the attached draft submission to Local Government Victoria which was submitted by officers subject to Council endorsement.

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

That the matter be deferred to the 13 June 2017 Ordinary Meeting.

Carried

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

Against the Motion: Crs Cunial, Hampton and Mayer

12.7 Proposed Membership of VLGA Victorian Local Government Authority

(DH Chief Executive Office)

Recommendation

That

1. Council resolves not to become a member of the Victorian Local Government Association (VLGA); and
2. Councillors, if they desire, may apply for an Individual Membership of the VLGA.

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Toms

That Council becomes a member of the Victorian Local Government Association (VLGA).

Lost on the Casting Vote of the Mayor

Extension of Time

Moved: Councillor Toms

Seconded: Councillor Mayer

That Cr Hampton be granted an extension of time.

Carried Unanimously

**The Motion was then Put
and Lost**

For the Motion: Crs Cunial, Hampton, Mayer and Toms

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

The matter was lost on the casting vote of the Mayor

12.8 Communications Policy

(SJ Corporate Development)

Recommendation (Director Corporate Development)

That Council adopts the draft Communications Policy.

*As per Section 44 (1) of Governance Local Law,
the resolution was moved in three parts.*

Alternate Recommendation (Director Corporate Development)

That Council:

1. Adopts the draft Communications Policy.
2. Amends the draft Communications Policy as follows:
 - a) Section 7.2, the word 'developing' to 'encouraging'.
 - b) Section 6.1.8, add final sentence: *The Chief Executive Officer is to advise the Mayor of any media communications delegated to staff or by the CEO.*
 - c) Section 7.7, add final sentence. *The Mayor, Chief Executive Officer and relevant media relations staff should endeavour to create, and maintain, positive working relationships with local media outlets. Media queries should be responded to efficiently and effectively.*

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Toms

1. Adopts the draft Communications Policy.
2. Amends the draft Communications Policy as follows:
 - a) Section 7.2, the word 'developing' to 'encouraging'.

Carried Unanimously

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Toms

2. Amends the draft Communications Policy as follows:
 - b) Section 6.1.8, add final sentence: *The Chief Executive Officer is to advise the Mayor of any media communications delegated to staff or by the CEO.*

Carried

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

Against the Motion: Cr Cunial

Chairperson's initials



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

2. Amends the draft Communications Policy as follows:

- C) Section 7.7, add final sentence. *The Mayor, Chief Executive Officer and relevant media relations staff should endeavour to create, and maintain, positive working relationships with local media outlets. Media queries should be responded to efficiently and effectively.*

Carried

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

Against the Motion: Crs Cunial, Hampton and Mayer

12.9 Procurement Policy 2017/2018 - Review

(GV Corporate Development)

Recommendation (Director Corporate Development)

That Council approves the Draft 2017/18 Procurement Policy and Draft 2017/18 Procurement Strategy.

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

That this report be deferred and be presented at the July Ordinary Meeting with consideration of the following measure to bolster confidence in procurement standards within Frankston City Council:

The creation of a 'Purchasing and Procurement Oversight Committee' comprised of local commercial/industry luminaries. The presence of individuals with demonstrated probity skills is also desirable. This oversight committee will review contractual and purchasing practices throughout the entire organisation with a view to achieving greater cost effectiveness for ratepayers; and will monitor substantial negotiations and purchases (over \$70k) relating to procurement. The oversight committee should have a direct relationship with the Audit and Risk Management Committee.

The introduction of this measure, in the report back to council, should recommend to Council the composition of the committee, staff-councillor involvement and Terms of Reference and the cost or not to acquire the skills of the local commercial industry luminaries and people that demonstrate appropriate skills.

Carried Unanimously

Cr Aitken left the Chamber at 7.49 pm

Cr Aitken returned to the Chamber at 7.50 pm

Cr Mayer left the Chamber at 7.53 pm

Cr Mayer returned to the Chamber at 7.57 pm

The Mayor adjourned the meeting at 7.59 pm

The Meeting resumed the meeting at 8.29 pm

**The Motion was then Put
and Carried Unanimously**

12.10 Victorian Government's TAKE2 Pledge Initiative

(CD Corporate Development)

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

That Frankston City Council joins the Victorian Government's TAKE2 pledge initiative, and makes a public commitment (the TAKE2 pledge) to progress action on climate change.

Carried Unanimously

12.11 Community Grants Program Review - Guidelines and Policy

(LD Community Development)

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

That Council:

1. Approves the Draft Community Grants Policy 2017-2021.
2. Approves the Draft Community Grants Guidelines (May 2017).
3. Notes the updated Miscellaneous Grants Guidelines (May 2017) reflecting OM299 (3 April 2017) decision.

Carried Unanimously

12.12 Road Management Plan Review 2017

(CD Corporate Development)

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

That Council:

1. Receives and notes the Review; and
2. Authorises the placing of a public notice advising the completion of the Review and its findings, the pending amendments to the current Road Management Plan and makes a copy of the Review available for public inspection or copying (at Customer Service Centres and online) in accordance with the Road Management General Regulations (2016).

Carried Unanimously

12.13 Progress of Council Resolutions resulting from Notice of Motions

(DH Chief Executive Office)

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

That Council:

1. Receives the Notice of Motion Report as at 1 May 2017.
2. Notes that the following NOMs be archived from the Notice of Motion Report:
 - NOM 1250 - Re-founding of City Life
 - NOM 1278 – Safer City Centre Fund
 - NOM 1281 – Seaford Downs Report
 - NOM 1304 - Frankston Basketball Association Building Extension process investigation

Carried Unanimously

12.14 Response to Petition - Alexandra Mews

(AW Community Development)

Recommendation (Director Community Development)

That Council:

1. Notes the petition.
2. Advises the head petitioner that the two No Stopping signs will remain in their current locations.

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

That the matter be deferred and an on-site meeting be held with the petitioners and appropriate officers of Council and a report be presented back to Council on the outcomes of this meeting.

Carried Unanimously

12.15 Response to NOM 1261 - Long Lazy Lunch Proudly Frankston

(AM Community Development)

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

That Council:

1. Notes the responses to issues raised in NOM 1261 relating to The Long Lazy Lunch
2. Notes the feedback from the debrief presented to Councillors by representatives of the Long Lazy Lunch committee
3. Notes that current Council support for major events initiated and run by members of the community is approximately \$40,000 p.a.
4. Based on current expenditure, endorses the establishment of a \$30K p.a. grants program for community groups wishing to initiate and manage their own community events.
5. Should the recommendation to establish a grants program be endorsed the draft guidelines will be submitted to Council in July 2017.

Carried Unanimously

12.16 Response to NOM 1263 - Hoon Driving In Frankston

(LR Community Development)

Recommendation (Director Community Development)

That Council:

1. Receives the report.
2. Supports a media campaign encouraging residents to report hoon driving and provide identifying details of vehicles to 000.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

1. That the report be noted.
2. The Council launches an ongoing media campaign encouraging residents to report hoon and careless driving to Crime Stoppers;
3. That Council invest in new city-wide signage, to be placed at an appropriate height, in public streets encouraging residents to contact Crime Stoppers (1800 333 000) to report hooning and careless driving and dumped rubbish. Line item funding for this purpose be included in the final version of the 2017/2018 Frankston City Council Budget;
4. That Council invest in new city-wide signage, to be placed at an appropriate height, in public open spaces and reserves encouraging residents to contact Crime Stoppers (1800 333 000) and Frankston City Council ('MyFrankston' app and/or manned landline number) to report trail bike / monkey bike / motorised vehicle / dumped rubbish use in such areas. Line item funding for this purpose be included in the final version of the 2017/2018 Frankston City Council Budget;
5. That Council officers liaise with Victoria Police - Frankston and prepare a report to Council in August on the following:
 - a) Explore Council's participation, particularly Authorised Officers, in coordinated blitz operations, subject to CEO approval, to address areas of mutual concern and priority. Exploration should also consider potential involvement of other state government agencies (Environmental Protection Agency, VicRoads, Sheriff's Office etc) as advised by Victoria Police; and
 - b) The effectiveness, cost and location of covert CCTV cameras (as utilised in Western Australia) to specifically target hoon driving behaviour; and
 - c) Better address dangerous operation of motorised watercraft on our beaches. Consultation with the lifesaving clubs and Coastguard will be an important consideration of any recommendations.
6. That a same report at the August Ordinary Meeting also considers any backlog of LATM works (in response to hoon and careless driving). The report be provided with a view to potential funding in the 2017/2018 Midyear Budget. The report should also actively consider new LATM speed trap techniques currently not utilised by Frankston City Council which could be adopted;

7. That a same report at the August Ordinary Meeting also considers Frankston's present approach to the L2P program and whether additional support is required to enhance the initiative (i.e. increasing the existing age limit, greater advertising etc).

Carried Unanimously

Extension of Time

Moved: Councillor Toms

Seconded: Councillor O'Connor

That Cr Bolam be granted an extension of time.

Carried Unanimously

**The Motion was then Put
and Carried Unanimously**

12.18 Response to NOM 1285 - Pop-up Vans/ Stalls

(SJ Corporate Development)

Recommendation (Director Corporate Development)

That Council:

1. Notes that to date there has not been sufficient market interest in an ongoing food/beverage operators to operate in an ongoing pop-up manner to warrant further exploration of this proposal at this time.
2. Notes that a pop-up precinct along the Frankston waterfront has the potential to negatively impact on private sector hospitality business, as well Council tenancies and events that are held on the waterfront.
3. Notes that the availability of additional seating adjacent to the Frankston Yacht Club is dependent on the operating model of the successful kiosk tenant.
4. Notes that there is an expanded events calendar proposed for the Frankston Foreshore
5. Notes that the existing Council tenancies at Seaford Foreshore and Keast Park foreshore would be negatively impacted upon by any ongoing pop-up food and beverage operators and that the Coastal Management Plan does not support further activation at these sites
6. For the reasons contained in this report, does not pursue a more formalised structure of pop-up vans or stalls along the Frankston Waterfront and therefore acknowledge that the development of a fee and permit structure is not warranted.
7. Continues to work with individual operators and promotes opportunities for the establishment of ad hoc and short term pop-up activities on the waterfront.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Toms

That Council:

1. Notes that to date there has not been sufficient market interest in an ongoing food/beverage operators to operate in an ongoing pop-up manner to warrant further exploration of this proposal at this time.
2. Notes that a pop-up precinct along the Frankston waterfront has the potential to negatively impact on private sector hospitality business, as well Council tenancies and events that are held on the waterfront.
3. Notes that the availability of additional seating adjacent to the Frankston Yacht Club is dependent on the operating model of the successful kiosk tenant.
4. Notes that there is an expanded events calendar proposed for the Frankston Foreshore
5. Notes that the existing Council tenancies at Seaford Foreshore and Keast Park foreshore would be negatively impacted upon by any ongoing pop-up food and beverage operators and that the Coastal Management Plan does not support further activation at these sites
6. For the reasons contained in this report, does not pursue a more formalised structure of pop-up vans or stalls along the Frankston Waterfront and therefore acknowledge that the development of a fee and permit structure is not warranted.
7. Continues to work with individual operators and promotes opportunities for the establishment of ad hoc and short term pop-up activities on the waterfront.

8. That a further report be provided at the July Ordinary Meeting regarding the trial of a food van precinct in/on non-foreshore proximity. The trial is to take place at Ballam Park and a simple EOI process (administered by staff and not consultants) replace the need for a 'feasibility study'. The report back to council ought to consider the composition of the trial.

Carried Unanimously

12.19 Response to NOM 1294 - Advocacy for Frankston Magistrates' Court Name Change

(BA Corporate Development)

Recommendation (Director Corporate Development)

That Council notes the actions taken and writes to the Attorney-General to formally request that he and the State Government support the change in the name of the Frankston Magistrates' Court.

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

That Council notes the actions taken and writes to the Attorney-General to formally request that he and the State Government support the change in the name of the Frankston Magistrates' Court. Potential court names include (but not limited to) 'Southern Metropolitan Magistrates Court', 'Peninsula Magistrates Court' and 'Nepean Magistrates Court'.

Carried

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

Against the Motion: Crs Cunial, McCormack and Toms

12.20 Response to NOM 1295 - Mental Health Draft Letter

(LD Community Development)

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

That Council approves the draft letter for distribution to State and Federal Ministers for Health subject to indicated service shortfalls not being resolved in upcoming Budget announcements.

Carried Unanimously

13. NOTICES OF MOTION**13.2 NOM 1312 - Unemployment in Frankston**

(MT Chief Executive Office)

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

In light of unsatisfactory unemployment statistics which put Frankston in the upper tier of municipalities with significant local unemployment, a report be provided at the September Ordinary Meeting in relation to the following:

1. How the Frankston City Council could increase apprenticeships, pre-vocational work experience, traineeships, cadetships and tertiary work experience;
2. How the Council could lobby other major local employers (i.e. Peninsula Health, South East Water etc) to consider additional apprenticeships, pre-vocational work experience, traineeships, cadetships and tertiary work experience;
3. How the Council could work with local media, local businesses and the Frankston Business Network to encourage businesses and industries to consider additional apprenticeships, pre-vocational work experience, traineeships, cadetships and tertiary work experience; and
4. Identify employment programmes currently not in effect in Frankston – new and existing – which would be beneficial; and prepare a letter (for adoption in September) to relevant state and federal ministers requesting the implementation of such programmes.

The report is to provide specific options including costings and resourcing considerations, particularly in relation to Frankston City Council's potential to increase placements.

Carried Unanimously

Cr Toms left the Chamber at 9.25 pm

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

13.3 NOM 1313 - Solar Panels Installation on Civic Centre

(MT Chief Executive Office)

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

That Council:

1. Receive a report at its June 2017 Council meeting on the options available to install solar panels on the roof of the Civic Centre in line with the Carbon Neutral Action Plan.

The report is to consider updated information on previous reports presented to Council on solar panels including new technologies and Council's ability to fund the installation of the solar panels in the 2017/18 financial year if the project proceeds;

2. The Chief Executive Officer be requested to have a staff member, as a matter of priority, review and monitor Council's energy bills to ensure that Council are not being over charged; and
3. The findings are to be reported to Council at a briefing every six months.

Carried Unanimously

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

Against the Motion: Nil

Absent: Cr Toms

Cr Toms returned to the Chamber at 9.27 pm

13.5 NOM 1315 - Police Numbers in Frankston

(MT Chief Executive Office)

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

That Council writes to the Premier of Victoria The Hon Daniel Andrews, Minister for Police The Hon Lisa Neville, Police Commissioner Graham Ashton AM, Shadow Minister for Police The Hon Edward O'Donohue, Leader of the Opposition The Hon Matthew Guy and State Member for Frankston Paul Edbrooke, to advocate for an increase in police officers in the Frankston municipality.

The Labor Government announced a \$2 billion boost for Police which will allow 3,135 new police officers to be delivered over a five (5) year period.

Additional police officers at Frankston and Carrum Downs stations would ensure they are adequately resourced to provide a safe place for our community.

Carried Unanimously

13.7 NOM 1318 - Metropolitan Waste and Resource Recovery Group

(VR Chief Executive Office)

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

That Council formally endorse the Notice of Motion carried at last meeting of the Metropolitan Waste and Resource and Recovery Group (MWRRG) which read as follows:

“That the MWRRG write to the Minister for Energy, Environment and Climate Change and Shadow Minister for Energy and Resources requesting that funding generated through the collection of the Municipal and Industrial Landfill Levy be constrained to the purpose for which the Levy was introduced and raising concerns with the Levy funds being allocated to supplement Park Victoria initiatives not related to the purpose of the Levy”

Also forward to the MWRRG this endorsement along with all the amounts of money collected by this Council and which has been passed on to the State Government over the last 10 years from the Levy and what this Council has received back from the Government in programs associated directly with this Levy over this same period.”

Carried Unanimously

13.8 NOM 1319 - Access to Hindu Temple via Boundary Lane

(VR Chief Executive Office)

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

That the CEO investigates the cost required to open Boundary Lane to one way vehicular traffic as an alternate entry into the Hindu temple on Boundary Road and that a report be provided to the 13 June Ordinary Meeting.

Carried Unanimously

13.9 NOM 1320 - 360 Degrees Video Platform

(AG Chief Executive Office)

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

That Council Officers prepare a report into the options available to install a 360 degree video platform to showcase Frankston City whilst enhancing the tourism market and local economy.

That the report be presented to Council at its July 2017 meeting.

Carried Unanimously

13.10NOM 1321 - Wells Street Lighting

(VR Chief Executive Office)

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

That the Chief Executive Officer oversee the works required to ensure all lighting in Wells Street is made fully operational and that this be completed within four weeks of this motion being adopted by Council.

Carried Unanimously

Extension of Time**Moved: Councillor Toms****Seconded: Councillor Bolam**

That Cr Aitken be granted an extension of time.

Carried Unanimously

Cr Bolam left the Chamber at 9.44 pm

Cr Bolam returned to the Chamber at 9.45 pm

Motion be put**Moved: Councillor Hampton****Seconded: Councillor McCormack**

That the motion be put.

Carried Unanimously

**The Motion was then Put
and Carried Unanimously**

The Mayor, Cr Cunial left the chamber at 9.52 pm

Cr Toms assumed the Chair

13.11 NOM 1323 - Young Street Precinct

(MT Chief Executive Office)

The Mayor, Cr Cunial returned to the Chamber at 9.54 pm

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

That Council writes to the Member for Frankston, Paul Edbrooke MP and the Minister for Transport, the Hon Jacinta Allen MP requesting updated information with respect to expected completion of the works affecting traffic movement in Young Street; expressing Council's dissatisfaction with the ongoing state of construction which has had and will continue to have disastrous impacts on businesses in the affected Young Street precinct; and seeking financial assistance from the State Government for those affected businesses

Carried Unanimously

14. LATE REPORTS

Nil

15. URGENT BUSINESS

Chairperson's initials



16. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Mayer****Seconded: Councillor Hampton**

That the Ordinary Council Meeting be closed to the public to consider the following items which are of a confidential nature, pursuant to section 89(2) of the Local Government Act (LGA) 1989 for the reasons indicated:

C.1 Appointment and Authorisation of Council Staff

Agenda Item C.1 Appointment and Authorisation of Council Staff is designated confidential as it relates to personnel matters (s89 2a), and Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.2 Delegated Powers Report - Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions - January, February, March 2017

Agenda Item C.2 Delegated Powers Report - Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions - January, February, March 2017 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 Queens Baton Relay - Council Selected Batonbearer Nomination

Agenda Item C.3 Queens Baton Relay - Council Selected Batonbearer Nomination 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 Review of Kananook Creek Management Arrangements

Agenda Item C.4 Review of Kananook Creek Management Arrangements 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 Frankston District Basketball Association Update

Agenda Item C.5 Frankston District Basketball Association Update is designated confidential as it relates to proposed developments (s89 2e)

C.6 Relocation of the Frankston Tennis Club to Centenary Park

Agenda Item C.6 Relocation of the Frankston Tennis Club to Centenary Park is designated confidential as it relates to contractual matters (s89 2d)

C.7 NOM 1311 - St Kilda Football Club Withdrawal

Agenda Item C.7 NOM 1311 - St Kilda Football Club Withdrawal 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

The meeting was closed to the public at 10.01 pm

CONFIRMED THIS

DAY OF

2017

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Brian Cunial, 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, 22 May and Tuesday, 23 May 2017, confirmed on Tuesday, 13 June 2017.

.....
(Cr. Brian Cunial, Chairperson – Council Meeting)

Dated this

day of

2017