



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 18 NOVEMBER 2019 at 7.02PM**

PRESENT	Cr. Sandra Mayer (Mayor) Cr. Colin Hampton Cr. Glenn Aitken Cr. Brian Cunial Cr. Quinn McCormack Cr. Kris Bolam Cr. Lillian O'Connor
APOLOGIES:	Cr. Michael O'Reilly
ABSENT:	Cr. Steve Toms
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Ms. Kim Jaensch, Acting Director Corporate Development Dr. Gillian Kay, Director Community Development Mr. Cam Arullanantham, Acting Director Community Assets Mr. Stuart Caldwell, Acting Manager Planning & Environment Ms. Leah Horne, Team Leader Planning and Environment Support Mr. Taylor McVean, Coordinator Communications Ms. Vera Roberts, Executive Assistant to Mayor Ms. Tenille Craig, Councillor Support Officer Ms. Sharon Lozsan, Project and Business Support Officer
EXTERNAL REPRESENTATIVES:	

COUNCILLOR STATEMENT

Councillor Aitken made the following statement:

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

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

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

Chairperson's initials *S. Mayer*

PRAYER

At the request of the Mayor, Councillor Cunial 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.

1. PRESENTATION TO COMMUNITY GROUPS.....	5
2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	5
3. APOLOGIES.....	5
4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST	5
5. PUBLIC QUESTION TIME.....	5
6. HEARING OF PUBLIC SUBMISSIONS	5
7. ITEMS BROUGHT FORWARD	6
ITEMS BROUGHT FORWARD.....	7
11.2 Town Planning Application 343/2019/P- 24 and 26 Playne Street Frankston - To use the land for the sale and consumption of liquor, to construct or carry out buildings and works in a Commercial 1 Zone (C1Z), to display internally illuminated business identification signage and to reduce the number of car spaces required under Clause 52.06-5 and bicycle parking spaces under Clause 52.34 of the Frankston Planning Scheme	7
12.17 Downs Estate - Project Update.....	10
14.1 2019/NOM50 - Climate Emergency.....	11
14.3 2019/NOM52 - Kananook Creek Arboretum.....	12
14.4 2019/NOM53 - Councillors Code of Conduct.....	13
14.6 2019/NOM55 - North-West Projects	14
8. PRESENTATIONS / AWARDS.....	15
9. PRESENTATION OF PETITIONS AND JOINT LETTERS.....	15
10. DELEGATES' REPORTS	15
11. CONSIDERATION OF TOWN PLANNING REPORTS	18
11.1 Planning Application 167/2019/P - 3N High Street Frankston - To construct a building and carry out works in a Commercial 1 Zone; to construct buildings and works exceeding 51.10 metres above Australian Height Datum (AHD) in a Design and Development Overlay - Schedule 11 (two (2), forty-eight (48) metre high light towers).....	18
11.3 Frankston Planning Scheme Amendment C131 - Report on exhibition of the Amendment and authorise officers to request the Minister for Planning to approve the Amendment as exhibited.....	21
11.4 September 2019 Planning and Environment Progress Report	22

12. CONSIDERATION OF REPORTS OF OFFICERS.....	23
12.1 Notice of Motion and Deferred Report Status Update for 18 November 2019	23
12.2 Appointment and Authorisation of Council Staff	24
12.3 Record of Assemblies of Councillors	25
12.4 Formal endorsement of Letter under Seal Policy.....	26
12.5 Revised Child Safe Policy.....	27
12.6 Revised ESD Standards for Council Buildings Policy (2019) - Public Consultation	28
12.7 Compliance Management Framework.....	29
12.8 September 2019 Quarterly Financial Report	30
12.9 Annual Report on Council's Greenhouse Gas Emissions, Energy and Water Usage and Costs (2018-19)	31
12.10 Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions - July, August, September 2019	32
12.11 Neighbourhood Houses Section 86 Committee.....	33
12.12 Capital Works Quarterly Report - Q1 - July - September 2019/20.....	34
12.14 Options to Reduce Sedimentation at Kananook Creek Entrance	35
12.15 Peninsula Reserve - Proposed New Public Toilet	36
12.16 Best Street Awards.....	37
12.18 Connecting Malls Program Update.....	38
12.19 Lawton Reserve Master Plan.....	39
12.20 Response to Petition - Request for Safety Audit - McCormicks Road, Skye	40
12.21 Further Response to Petition - Construction of Kelvin Grove, Langwarrin.....	41
12.22 Nat's Track Update	42
12.13 Frankston City Strategic Homelessness Alliance	45
12.23 Delegates to External/Internal Organisations	46
13. RESPONSE TO NOTICES OF MOTION	48
13.1 Response to NOM1389 - Ballam Park Precinct Improvements - Progress Update.....	48
13.2 Response to 2019/NOM12 - Legal Advice	49
13.3 Response to 2019/NOM20 - Reaffirmation of Victorian Local Government Women's Charter	50
13.4 Response to 2019/NOM27 - Sandfield Reserve - Dogs Off Leash.....	51
13.5 Response to 2019/NOM28 - Council Based Grants	52
13.6 Response to 2019/NOM35 - Review and process for capturing minutes from Resident and Developer Meetings	53

Chairperson's initials *S. Mayer*

13.7	Response to 2019/NOM48 and Petition - Langwarrin Library and Family Centre	54
14.	NOTICES OF MOTION	55
14.2	2019/NOM51 - Community Safety in the CAA.....	55
14.5	2019/NOM54 - Mass Tree Planting Program.....	56
15.	LATE REPORTS	57
16.	URGENT BUSINESS.....	57
	Urgent Business - Responsible Gambling Codes of Conduct Review	57
	Urgent Business - Medically Assisted Treatment of Opioid Dependence	58
	Urgent Business - Community Engagement Policy & Framework.....	59
C.15	Peninsula Leisure Permission to Tender	60
17.	CONFIDENTIAL ITEMS	61
C.1	Proposed Recipients for Citizen, Young Citizen, Senior Citizen and Community Event of the Year Awards for 2020	61
C.2	Appointment of Independent Member to the Audit and Risk Committee	61
C.3	Strategic Risk Management Report.....	61
C.4	Local Government Inspectorate investigation outcome	61
C.5	Response to NOM1377 - McClelland Gallery Interconnectedness and Peninsula Link	61
C.6	Award of Contract 2019/20-8 - Supply and Install Sportsfield Lighting (Broadcast Level) at Frankston Park Oval	61
C.7	Award of Contract 2019/20-9 - IT Core Infrastructure Renewal.....	61
C.8	Award of Contract 2019/20-10 - Crack sealing	61
C.9	Award of Contract 2019/20-32 - Soft Fall Mulch - Supply, Delivery & Installation	62
C.10	Award of Contract 2019/20-22 - Dust Suppression Services.....	62
C.11	Award of Contract 2019/20-28 - Bridge and Timber Pedestrian Structures Renewal Program.....	62
C.12	Award of Contract 2019-20-35 - Construction of Overport Park Car Park, Frankston South	62
C.13	Award of Contract 2019/20-37 - Orwil Street Community House Redevelopment	62
C.14	Award of Contract No. CN2436 - Minor Civil Works Contractors Panel	62
18.	OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS	63
C.4	Local Government Inspectorate investigation outcome (considered at this meeting)	63

QUESTION TIME65

Chairperson's initials *S. Mayer*

1. PRESENTATION TO COMMUNITY GROUPS

Nil.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Refer to minutes of 2019/OM15 – 16 December 2019.

3. APOLOGIES

Apology

Council Decision

Moved: Councillor Cunial

Seconded: Councillor McCormack

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 Hampton informed the chamber that he has a conflict in Item C.4: Local Government Inspectorate Investigation Outcome and he will leave the Chambers during discussion and voting.

5. PUBLIC QUESTION TIME

Twelve (12) persons submitted 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 will be published in the Open Minutes of the next Ordinary Meeting.

Councillor Aitken left the chamber at 7:20 pm.

6. HEARING OF PUBLIC SUBMISSIONS

Mr. Peter Geddes made a submission to Council regarding Item 11.1: Planning Application 167/2019/P – 3 N High Street Frankston – To construct a building and carry out works in a Commercial Zone; to construct buildings and works exceeding 51.10 metres above Australian Height Datum (AHD) in a Design and Development Overlay – Schedule 11 (two (2), forty-eight (48) metre high light towers);

Councillor Aitken returned to the chamber at 7:24 pm.

Mr. Peter Anscombe made a submission to Council regarding Item 11.1: Planning Application 167/2019/P – 3 N High Street Frankston – To construct a building and carry out works in a Commercial Zone; to construct buildings and works exceeding 51.10 metres above Australian Height Datum (AHD) in a Design and Development Overlay – Schedule 11 (two (2), forty-eight (48) metre high light towers);

Mr. Trent Thompson made a submission to Council regarding Item 11.2: Town Planning Application 343/21019/P – 24 and 26 Playne Street Frankston – To use the land for the sale and consumption of liquor, to construct or carry out buildings and works in a Commercial 1 Zone (C1Z), to display internally illuminated business identification signage and to reduce the number of car spaces required under Clause 52.06-5 and bicycle parking spaces under Clause 52.34 of the Frankston Planning Scheme;

Ms. Maureen Griffin made a submission to Council regarding Item 12.17: Down's Estate – Project Update;

Chairperson's initials *S. Mayer*

Ms. Amanda Cox made a submission to Council regarding Item 12.20: Response to Petition – Request for Safety Audit – McCormicks Road, Skye;

Ms. Jenny Hattingh made a submission to Council regarding Item 14.1: 2019/NOM50 – Climate Emergency;

Ms. Michelle Curtain made a submission to Council regarding Item 14.1: 2019/NOM50 – Climate Emergency;

Mr. David Archer made a submission to Council regarding Item 14.1: 2019/NOM50 – Climate Emergency;

Councillor Bolam left the chamber at 7:47 pm.

Ms. Gillian Kinnear made a submission to Council regarding Item 14.1: 2019/NOM50 – Climate Emergency;

Ms. Nickie Fidge made a submission to Council regarding Item 14.1: 2019/NOM50 – Climate Emergency;

Councillor Bolam returned to the chamber at 7:51 pm.

Mr. Robert Thurley made a submission to Council regarding Item 14.3: 2019/NOM52 – Kananook Creek Arboretum;

Mr. Ian Smith made a submission to Council regarding Item 14.6: 2019/NOM55 – North-West Projects;

Mr. Brad Saunders made a submission to Council regarding Item 14.6: 2019/NOM55 – North-West Projects;

Mr. Jeff Sygios made a submission to Council regarding Item 14.6: 2019/NOM55 – North-West Projects;

Ms. Kim Jackson made a submission to Council regarding Item 14.6: 2019/NOM55 – North-West Projects.

7. ITEMS BROUGHT FORWARD

Items Brought Forward

Council Decision

That Items

- 11.2: Town Planning Application 343/21019/P – 24 and 26 Playne Street Frankston – To use the land for the sale and consumption of liquor, to construct or carry out buildings and works in a Commercial 1 Zone (C1Z), to display internally illuminated business identification signage and to reduce the number of car spaces required under Clause 52.06-5 and bicycle parking spaces under Clause 52.34 of the Frankston Planning Scheme;
- 12.17: Down's Estate – Project Update
- 14.1: 2019/NOM50 – Climate Emergency;
- 14.3: 2019/NOM52 – Kananook Creek Arboretum
- 14.4: 2019/NOM53 – Councillors Code of Conduct
- 14.6: 2019/NOM55 – North-West Projects.

be brought forward.

Carried Unanimously

Chairperson's initials *S. Mayer*

ITEMS BROUGHT FORWARD**11.2 Town Planning Application 343/2019/P- 24 and 26 Playne Street Frankston - To use the land for the sale and consumption of liquor, to construct or carry out buildings and works in a Commercial 1 Zone (C1Z), to display internally illuminated business identification signage and to reduce the number of car spaces required under Clause 52.06-5 and bicycle parking spaces under Clause 52.34 of the Frankston Planning Scheme**

(SC Community Development)

Recommendation (Director Community Development)

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 343/2019/P To use the land for the sale and consumption of liquor, to construct or carry out buildings and works in a Commercial 1 Zone (C1Z), to display internally illuminated business identification signage and to reduce the number of car spaces required under Clause 52.06-5 and bicycle parking spaces under Clause 52.34 of the Frankston Planning Scheme at 24 and 26 Playne Street 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 (or some other specified plan) but modified to show:
 - (a) The access and turning area for waste collection vehicles at the rear of 24 Playne Street via Arthurs Lane.
 - (b) Delete reference to car parking spaces for the proposed use at the rear of the 24 and 26 Playne Street on all relevant plans.
 - (c) Delete the footpath seating area unless approval is obtained under Local Laws.
 - (d) The Waste Management plan amended to include waste collection vehicles access is to be provided from rear of 24 Playne Street.
 - (e) The Venue/Patron Management Plan amended in accordance with condition 9.

No Alterations

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

Amenity

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

Chairperson's initials *S. Mayer*

- d) Presence of vermin; others as appropriate; or
 - e) In any other way.
5. Noise levels emanating from the premises must not exceed those required to be met under State Environment protection Policy (Control of Music Noise from Public Premises), No. N-2.

Liquor Licence Requirements

6. The sale and consumption of alcohol must only take place at the premises during the following hours:
- a. Hotel premises - Sale and consumption of liquor
 - Sunday 12noon to 11.30pm
 - Monday 12noon to 11pm
 - Tuesday and Wednesday 12noon to 11.30pm
 - Thursday to Saturday 12noon to 1am the following day.
 - Good Friday and Anzac day – 1pm to 10pm
 - b. Bottle shop - Sale and consumption of liquor
 - Monday to Sunday 12noon to 11pm
 - Anzac Day and Good Friday 1pm to 9pm

Patron Numbers

7. Not more than 250 patrons may be present on the premises at any one time.

Satisfactorily Completed

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

Patron/Venue Management Plan

9. Prior to the commencement of use, an amended Management plan must be submitted, for approval to the satisfaction of the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must be generally in accordance with the Patron/Venue Management Plan including details as follows:
- a) Renaming of the plan to Patron/Venue Management Plan;
 - b) Hours of Operation (on the premises and off the premises);
 - c) Venue shut down procedures to encourage the patrons to leave the premises sporadically.
 - d) The number of patrons admitted on site at any one time;
 - e) Signage to be used to encourage responsible off-site patron behaviour;
 - f) The training of staff and the management of patron behaviour;
 - g) Measures to control noise emissions from the premises and amenity control;
 - h) Measures to prevent vandalism and antisocial behaviour;
 - i) Details to address waste including bottles, rubbish and reduce generated by the use;
- All to the satisfaction of a Responsible Authority.

Signage Requirements

10. The signs hereby permitted must be constructed to the satisfaction of the Responsible Authority, and must be maintained to the satisfaction of the Responsible Authority.
11. For the advertising signs the permit expires 15 years from the date of this permit.
12. Upon expiry of the approved signage, all structures built specifically to support the structure must subsequently be removed.

Permit Expiry

13. This permit will expire if one of the following circumstances applies:
 - The development is not started within two (2) years of the date of this permit.
 - The development is not completed within four (4) 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.

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

That the matter be deferred to the 16 December 2019.

Carried Unanimously

Chairperson's initials *S. Mayer*

12.17 Downs Estate - Project Update*(JR Community Assets)***Recommendation (Director Community Assets)****Moved: Councillor Bolam****Seconded: Councillor O'Connor**

That Council:

1. Notes discussions have occurred with the Downs Estate Community Project (DECP) subsequent to the Ordinary Meeting 2019/OM12 held on 23 September 2019;
2. Notes the following documents received by Council:
 - a. University of Melbourne (UoM) Business Case letter;
 - b. DECP Response to Council; and
 - c. DECP List of Potential Contributors.
3. Supports officers to further discuss with the UoM their funding and business case proposal and release the \$25K held by Council subject to an appropriate agreement and approvals; and
4. Agrees to the give the DECP a final extension of time to complete a comprehensive business case for the dwelling by 30 June 2020.
5. Notes a further report will be brought back to Council outlining the assessment of the business case at September 2020 Ordinary Meeting.

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

That Council:

1. Notes discussions have occurred with the Downs Estate Community Project (DECP) subsequent to the Ordinary Meeting 2019/OM12 held on 23 September 2019;
2. Notes the following documents received by Council:
 - a. University of Melbourne (UoM) Business Case letter;
 - b. DECP Response to Council; and
 - c. DECP List of Potential Contributors.
3. Supports officers to further discuss with the UoM their funding and business case proposal and release the \$25K held by Council subject to an appropriate agreement and approvals; and
4. Agrees to the give the DECP a final extension of time to complete a comprehensive business case for the dwelling by 30 June 2020.
5. Notes a further report will be brought back to Council outlining the assessment of the business case at August 2020 Ordinary Meeting.

Carried UnanimouslyChairperson's initials *S. Mayer*

14.1 2019/NOM50 - Climate Emergency*(TC Chief Executive Office)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Cunial**

1. That Frankston Council:
 - a. Acknowledges that current levels of global warming and future warming already committed constitute nothing less than a climate emergency for most life on this planet, requiring an emergency response by all levels of government, including local government;
 - b. Resolves to review and update Council's Climate Change Impact and Adaption Plan (2011) to guide the climate emergency response by Council, to be prepared by the Chief Executive Officer within 12 months of the date of this resolution; and
 - c. Undertakes to work with the Frankston community to raise awareness of the climate emergency and support community action to mitigate greenhouse gas emissions and build resilience.
2. Council calls upon the Australian State and Federal Governments to:
 - a. Declare a climate emergency; and
 - b. Back this up with legislated programs to drive emergency action to reduce greenhouse gases and meet the lower target of the Paris Agreement to keep global warming below 1.5 degrees.

Carried Unanimously

14.3 2019/NOM52 - Kananook Creek Arboretum*(TC Chief Executive Office)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Aitken**

That a report be provided no later than February 2020 to the Ordinary Meeting on the scope and funding options for the 'Kananook Creek Arboretum' proposal that has been heralded by the Kananook Creek Association and the Frankston Beach Association.

Carried Unanimously

14.4 2019/NOM53 - Councillors Code of Conduct*(VR Chief Executive Office)***Council Decision****Moved: Councillor Aitken****Seconded: Councillor Bolam**

That the Councillor Code of Conduct be reconsidered in respect of the wording and points laid out. This is to be undertaken in the first instance with individual councillors and any suggestions they may have. Then followed up by general discussion and finally resolved through a formal resolution if any changes are made.

Carried Unanimously

14.6 2019/NOM55 - North-West Projects*(TC Chief Executive Office)***Deferral Motion to another Council Meeting****Moved: Councillor Hampton****Seconded: Councillor Cunial**

That the matter be deferred to the next Ordinary Meeting.

Lost

For the Motion: Crs Cunial and Hampton

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

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

That Council prepares a report for the January 2020 Ordinary meeting to investigate the following:

1. Funding \$10.93M from the Strategic Reserve to address the current funding shortfalls as listed below and proceeds with delivering the following capital works:
 - a) Pat Rollo Pavilion (\$2.75M shortfall).
 - b) Monterey Pavilion and public toilet upgrade (\$3.3M shortfall).
 - c) Belvedere Bowls Clubhouse (\$1.98M shortfall) and construction of additional asphalt car park with plantings (\$400K required).
 - d) Frankston Health and Wellbeing Hub – formerly Linen House (\$2.5M required).

Notes any of the above funds that are not fully expended on these projects would be returned to the Strategic Reserve.
2. Funding the construction of the Eric Bell Pavilion project in its entirety (total cost of \$6.25M, inclusive of a State Government contribution of \$500K), and that the project is to be funded via an appropriate loan arrangement (giving consideration to CILS or an equivalent low interest loans scheme).

Carried

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

Against the Motion: Crs Cunial and Hampton

8. PRESENTATIONS / AWARDS

Nil

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Petition – 5G Infrastructure

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Bolam

That a petition in relation to the potential harm to Human Health and the Environment by 5G infrastructure, with 98 signatures be accepted.

Carried Unanimously

10. DELEGATES' REPORTS

Nil.

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

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

11.1: Planning Application 167/2019/P - 3N High Street Frankston - To construct a building and carry out works in a Commercial 1 Zone; to construct buildings and works exceeding 51.10 metres above Australian Height Datum (AHD) in a Design and Development Overlay - Schedule 11 (two (2), forty-eight (48) metre high light towers)

11.3: Frankston Planning Scheme Amendment C131 - Report on exhibition of the Amendment and authorise officers to request the Minister for Planning to approve the Amendment as exhibited

11.4: September 2019 Planning and Environment Progress Report

12.1: Notice of Motion and Deferred Report Status Update for 18 November 2019

12.2: Appointment and Authorisation of Council Staff

12.3: Record of Assemblies of Councillors

12.4: Formal endorsement of Letter under Seal Policy

12.5: Revised Child Safe Policy

12.6: Revised ESD Standards for Council Buildings Policy (2019) – Public Consultation

12.7: Compliance Management Framework

12.8: September 2019 Quarterly Financial Report

12.9: Annual Report on Council's Greenhouse Gas Emissions, Energy and Water Usage and Costs (2018-19)

12.10: Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions – July, August, September 2019

12.12: Capital Works Quarterly Report – Q1 – July – September 2019/20

12.15: Peninsula Reserve – Proposed New Public Toilet

12.18: Connecting Malls Program Update

12.19: Lawton Reserve Master Plan

12.20: Response to Petition – Request for Safety Audit – McCormicks Road, Skye

12.21: Further Response to Petition – Construction of Kelvin Grove, Langwarrin

12.23: Delegates to External/Internal Organisations

13.1: Response to NOM1389 – Ballam Park Precinct Improvements – Progress Update

13.2: Response to 2019/NOM12 – Legal Advice

13.3: Response to 2019/NOM20 – Reaffirmation of Victoria Local Government Women's Charter

13.6: Response to 2019/NOM48 and Petition – Langwarrin Library and Family Centre

14.2: 2019/NOM41 – Community Safety in the CAA

Chairperson's initials *S. Mayer*

14.5: 2019/NOM54 – Mass Tree Planting Program

Carried Unanimously

Chairperson's initials *S. Mayer*

11. CONSIDERATION OF TOWN PLANNING REPORTS**11.1 Planning Application 167/2019/P - 3N High Street Frankston - To construct a building and carry out works in a Commercial 1 Zone; to construct buildings and works exceeding 51.10 metres above Australian Height Datum (AHD) in a Design and Development Overlay - Schedule 11 (two (2), forty-eight (48) metre high light towers)**

(SC Community Development)

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

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 167/2019/P for to construct a building and carry out works in a Commercial 1 Zone; to construct buildings and works exceeding 51.10 metres above Australian Height Datum (AHD) in a Design and Development Overlay - Schedule 11(two (2), forty-eight (48) metre high light towers) at 3N High Street Frankston and part of Plowman Place Reserve, subject to the following conditions:

No Alterations

1. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. The location and details of the structures shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.

Vegetation protection and landscaping

3. Prior to the commencement of works, including the removal of vegetation, tree protection must be carried out in accordance with the Australian Standard AS 4970-2009 Protection of trees on development sites and the Construction Impact Assessment and Tree Protection Plan prepared by Arbor Survey dated 26 February 2019 to the satisfaction of the Responsible Authority.

Re-planting

4. Prior to the commencement of works, including the removal of the trees, a plan showing the proposed location of the replacement planting must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must show:
 - a minimum of six (6) indigenous canopy trees with a minimum mature height of 15m, species to be selected from the EVC002 – Coast Banksia Woodland.
 - All trees are to be a minimum two (2) metres tall when planted.
 - All species selected must be to the satisfaction of the Responsible Authority.
5. Within two (2) months of the removal of the tree(s) allowed by this permit (or if the timing is unsuitable for effective planting and establishment as agreed by the Responsible Authority not later than the end of the following May) replacement planting as shown on the endorsed plan(s) must be provided to the satisfaction of the Responsible Authority and thereafter maintained to the satisfaction of the Responsible Authority.

Amenity

6. The exterior colour and cladding of the light towers must be of a non-reflective nature and/or either painted or have a pre-painted finish in natural, muted tones (or such other colour as is approved by the Responsible Authority).
7. The number of events for which the lights are utilised with lighting levels exceeding 500 lux must not exceed six (6) per calendar year, except with the prior written consent of the Responsible Authority.
8. The use of the lights for broadcasting purposes must not be between the hours of 10.30 pm to 7.30 am, except with the prior written consent of the Responsible Authority.
9. The amenity of the area must not be detrimentally affected by the development through the:-
 - Transport of materials, goods or commodities to or from the land;
 - Appearance of any building, works or materials;
 - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - Presence of vermin;
 - Others as appropriate; or
 - In any other way.
10. All lighting must comply with the Australian Standard 4282:2019: Control of the Obtrusive Effects of Outdoor Lighting to the satisfaction of the Responsible Authority.

Satisfactorily Completed

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

Permit Expiry

12. 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

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

Chairperson's initials *S. Mayer*

- 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

Note: Refer to Page 16 of the Minutes where this item is block resolved

11.3 Frankston Planning Scheme Amendment C131 - Report on exhibition of the Amendment and authorise officers to request the Minister for Planning to approve the Amendment as exhibited

(SC Community Development)

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Aitken

That Council:

1. Notes that Amendment C131 was exhibited from 9 September 2019 to 14 October 2019 and that there were no submissions received.
2. Adopts the Frankston Planning Scheme Amendment C131 as exhibited.
3. Authorises officers to request the Minister for Planning to approve the Amendment as exhibited.

Carried Unanimously

Note: Refer to Page 16 of the Minutes where this item is block resolved

11.4 September 2019 Planning and Environment Progress Report*(SC Community Development)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken****That Council receives and notes the September 2019 Planning and Environment Progress Report.****Carried Unanimously****Note:** Refer to Page 16 of the Minutes where this item is block resolved

12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Notice of Motion and Deferred Report Status Update for 18 November 2019***(PC Chief Executive Office)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That Council:

1. Receives the Notices of Motion Report as at 18 November 2019.
2. Notes and accepts there are 3 Notices of Motion that have been reported as being complete.
 - NOM 1381 – Committee for the Future Occupancy of Linen House
 - 2019/NOM32 – Pines Flora and Fauna Reserve
 - 2019/NOM36 - Councillor Column
3. Notes the report listed below will not be presented back to Council by its advised date and a detailed explanation is provided in the body of the report:
 - Response to 2018/NOM45 – Greening our City
 - Response to 2019/NOM69 – White Street Mall Revitalisation

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

12.2 Appointment and Authorisation of Council Staff*(BA Corporate Development)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That:

1. Pursuant to the provisions of Section 147 (4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989* (Act), Council appoints the officer listed in the Instrument of Appointment and Authorisations.
2. The Instrument of Appointment and Authorisation be signed and sealed.

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

12.3 Record of Assemblies of Councillors*(BA Corporate Development)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

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

- 2 September 2019 (Pre-Agenda Council Meeting)
- 9 September 2019 (Councillor Briefing)
- 16 September 2019 (Councillor Briefing)
- 23 September 2019 (Pre-Agenda Council Meeting)
- 30 September 2019 (Councillor Briefing)
- 7 October 2019 (Councillor Briefing)
- 14 October 2019 (Pre-Agenda Council Meeting)
- 21 October 2019 (Councillor Briefing)

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

12.4 Formal endorsement of Letter under Seal Policy*(BA Corporate Development)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That Council:

1. Endorses the Letter under Seal Policy; and
2. Notes the Letter under Seal Policy was publicly exhibited for a period of four (4) weeks and no submissions were received.

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

12.5 Revised Child Safe Policy*(JF Community Development)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That Council:

1. Endorses the revised Child Safe Policy (Policy) for public exhibition for a period of four (4) weeks; and
2. Notes a report will be submitted to Council by February 2020 to consider public submissions and adoption of the policy.

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

12.6 Revised ESD Standards for Council Buildings Policy (2019) - Public Consultation
*(LU Community Assets)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That Council:

1. Notes the updated ESD Standards for Council Buildings Policy and agrees for it to be exhibited for public consultation for a period of four (4) weeks from Tuesday 19 November to Tuesday 17 December 2019; and,
2. Seeks a report back to Council at the February 2020 Ordinary Meeting to consider the community feedback and to adopt the Policy.

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

12.7 Compliance Management Framework*(BA Corporate Development)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That Council:

1. Notes the draft Compliance Management Framework, Legislative Compliance Policy and Exercising of Delegations Policy and agrees for it to be publicly exhibited for a period of four (4) weeks;
2. Seeks a report back to Council no later than the February 2020 Ordinary Meeting to endorse the Compliance Management Framework, Legislative Compliance Policy and Exercising of Delegations Policy, taking into account any feedback received by the community; and
3. Notes an Authorisations and Appointments Policy will be presented to Council for consideration in July 2020.

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

12.8 September 2019 Quarterly Financial Report*(LW Corporate Development)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That Council receives and notes the Council Financial Report for the quarter ended 30 September 2019.

Carried Unanimously

Note: Refer to Page 16 of the Minutes where this item is block resolved

12.9 Annual Report on Council's Greenhouse Gas Emissions, Energy and Water Usage and Costs (2018-19)*(LU Community Assets)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That Council:

1. Receives and notes the organisation's annual greenhouse gas emissions, energy and water usage and costs for 2018/19.
2. Receives and notes the energy and greenhouse reduction improvement opportunities identified during recent energy audits and solar studies of Council facilities, to inform Council's Long Term Infrastructure Plan (Appendix A); and,
3. Adopts the Council officers' recommendation to increase the organisation's mains water use target to 150 megalitres per year by 2026 (instead of 120 megalitres), to account for the addition of two new sites and for future progress reporting against Council's adopted *Integrated Water Action Plan (2016-2026)*.

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

**12.10 Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions -
July, August, September 2019**
(TB Community Development)

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Aitken

That Council:

1. Notes the funding allocations in relation to grants in the Miscellaneous Grants Program, and community concessions and discounts in the Frankston Arts Centre for the period 1 July to 30 September 2019.
 - a) Miscellaneous Grants Program \$8,839
 - b) Community Group Membership Drive \$500
 - c) Neighbourhood Grants \$750
 - d) Environmental Sustainability Grants \$0 (Two unsuccessful applications)
 - e) Youth Action Grants \$0 (No applications)
 - f) Urgent Grants \$0 (No applications)
2. Notes year to date community concessions and discounts in the Frankston Arts Centre for the 2019-2020 financial year is \$75,975.

Carried Unanimously

Note: Refer to Page 16 of the Minutes where this item is block resolved

12.11 Neighbourhood Houses Section 86 Committee*(TB Community Development)***Recommendation (Director Community Development)**

That:

1. The feedback from Neighbourhood House Committees of Management be noted.
2. In the exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989, Council resolves that:
 - (i) the Frankston Neighbourhood Houses Committee be established as a special committee;
 - (ii) the purpose of the Committee established by this resolution is to perform Council's duties and functions and exercise Council's powers in relation to the strategic direction, roles and function of Neighbourhood Houses in Frankston, as detailed in the attached Instrument of Delegation (Attachment A).
 - (iii) a further report be presented to Council with recommendations regarding the appointment of the inaugural members of the Committee.
3. The Instrument of Delegation referred to above:
 - (i) be signed and sealed; and
 - (ii) will come into force immediately upon the common seal of Council being affixed to the Instrument.
4. Notes the Section 86 Committee is in addition to the Committees of incorporated associations managing the Neighbourhood Houses
5. A report be provided to Council following the first 12 months of the Committee's operation, to review future options.
6. Council notes the minutes of committee meetings will be presented to Council following each meeting.

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

That the matter is deferred until Councillors can have conversations with all the current community house committees.

Carried Unanimously*The meeting was adjourned for five minutes at 9.23 pm**The meeting resumed at 9.31 pm*Chairperson's initials *S. Mayer*

12.12 Capital Works Quarterly Report - Q1 - July - September 2019/20*(LU Community Assets)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That Council receives and notes the quarterly progress report for the first quarter (July - September) for the 2019/20 Capital Works Program.

Carried Unanimously

Note: Refer to Page 16 of the Minutes where this item is block resolved

12.14 Options to Reduce Sedimentation at Kananook Creek Entrance*(DD Community Assets)**Cr O'Connor returned to the Chamber at 9.33pm***Recommendation (Director Community Assets)**

That Council:

1. Notes the investigations undertaken and preferred concept options to better manage sedimentation at the entrance to Kananook Creek;
2. Supports further investigation into improved dredging strategies and availability of more efficient dredging equipment, including for risks and costs for delivery by Council;
3. Undertakes a trial dredging program using this preferred methodology following the further investigations;
4. Notes previous consultation by Council officers with key stakeholders; and
5. Supports Council officers to establishing a working group comprising State Government departments and key community stakeholders to develop a governance model for Kananook Creek.

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

That Council

1. Notes the investigations undertaken and preferred concept options to better manage sedimentation at the entrance to Kananook Creek;
2. Supports further investigation into improved dredging strategies and availability of more efficient dredging equipment, subsequently undertaking a trial dredging program;
3. Notes previous consultation by Council officers with key stakeholders; and
4. Supports Council officers to establishing a working group comprising Councillors, State Government departments and key community stakeholders to develop a governance model for Kananook Creek with the outcomes of the working group and ongoing sedimentation and siltation management to be reported to Council by no later than June 2020 Council Ordinary Meeting.

Carried UnanimouslyChairperson's initials *S. Mayer*

12.15 Peninsula Reserve - Proposed New Public Toilet*(JR Community Assets)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That Council:

1. Notes \$10K was allocated in FY 19/20 for a feasibility study and concept design for a public toilet within Peninsula Reserve;
2. Provides in principal approval of the concept design and authorises officers to commence community consultation this financial year 2019/2020;
3. Refers \$350K in the FY 20/21 for design and delivery of the toilet facility; and
4. Refers ongoing maintenance cost including cleaning, security and general planned maintenance costs of \$12K per year from FY 21/22.

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

12.16 Best Street Awards*(TB Community Development)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Aitken**

That Council:

1. Notes the Best Street Award has received four applications, despite extensive advertising.
2. Approves the applicants as finalists in Best Street Awards and be presented with a street sign recognising them as "Finalist 2019 Best Street Award".
3. Approves the recommended winner as selected by the project working group (refer Attachment A) be acknowledged and also receive a barbeque pack and sustainable living kit and their street sign to read "Winner 2019 Best Street Award".
4. Acknowledges all recipients at a barbeque at Beauty Park or similar event in December 2019 where the Mayor will also announce the overall winner.
5. Reallocates the funding of \$15K in the 2020/21 budget towards building the capacity of other community strengthening initiatives that align with the original project intent of "promoting behaviour change and pride in streets and neighbourhoods" (eg. Love Where You Live projects and Neighbour Day events).

Carried Unanimously

12.18 Connecting Malls Program Update*(VG Community Assets)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That Council:

1. Endorses the Clyde Street Mall and Station Street Mall Stage 2 concepts plan;
2. Approves the commencement of a public exhibition period for 4 weeks on the proposed concept plans;
3. Authorises commencement of the statutory process to consider the closure of a section of Clyde Street Mall in Frankston, between Balmoral Avenue and Ross Smith Avenue East, to vehicular traffic including;
 - a) Public notice of the proposed road closure in accordance with the requirements of the Local Government Act 1989.
 - b) Referral of the proposal to emergency service authorities for comment.
4. Notes that a report will be presented to Council in March 2020 on the outcome of statutory process.

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

12.19 Lawton Reserve Master Plan*(TB Community Development)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That Council:

1. Notes the Langwarrin Soccer Club and the Langwarrin Equestrian tenants have requested consideration of expanding their activities to cater for increased competition.
2. Notes a Notice of Motion was resolved at OM 12 August 2019 to assess costs and possible funding allocation in the 2019/20 mid-year budget review.
3. Notes the Open Space Strategy, which is recommended to be reviewed and updated in 2020/21 rates Lawton Reserve as the 18th priority and Langwarrin Equestrian Reserve, Southgateway Reserve, North Reserve and Stringybark Reserve as the 10th priority.
4. Undertakes the community consultation as part of the master planning process for Lawton, Langwarrin Equestrian Reserve, North Reserve, Stringybark Reserve and Southgateway Reserve using existing 2019/20 capital works funding.
5. Refers \$70K to the 2020/21 annual budget for the completion of the master planning process for Lawton Reserve, Langwarrin Equestrian Reserve, North Reserve, Stringybark Reserve and Southgateway Reserve.

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

12.20 Response to Petition - Request for Safety Audit - McCormicks Road, Skye
(DD Community Assets)**Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That Council:

1. Notes a petition with 552 signatures requesting an urgent safety audit of the crossing point and pedestrian refuge on McCormicks Rd, Skye to improve pedestrian access and safety;
2. Notes a Road Safety Audit has been completed by HDS Australia with audit findings and suggestions/recommendations to improve pedestrian access and safety;
3. Seeks a Memorandum of Authority (MOA) from the Department of Transport (DoT) for the installation of pedestrian operated signals outside Oak Tree Retirement Village to improve pedestrian access and safety across McCormicks Road;
4. Liaises with State and Federal Governments to seek support and funding for the installation of pedestrian operated signals in McCormicks Road; and
5. Advises the Head Petitioner accordingly.

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

12.21 Further Response to Petition - Construction of Kelvin Grove, Langwarrin
(DD Community Assets)**Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That Council:

1. Notes the survey results from the consultation undertaken with property owners in Kelvin Grove, Langwarrin, in relation to the construction of the road through a Special Charge Scheme;
2. Not proceed with further investigations to construct Kelvin Grove through a Special Charge Scheme at this stage due to lack of support from at least 50% of property owners; and
3. Advises the Head Petitioner accordingly.

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

12.22 Nat's Track Update*(GK Community Development)***Recommendation (Director Community Development)**

That Council:

1. Notes Council officers have facilitated community stakeholder consultation to confirm concerns and identify solutions to render Nat's Track safer for pedestrians.
2. Refers \$13,400 to the 2019/2020 midyear budget review for:
 - \$1,000 for warning signs
 - \$10,400 as a grant to Peninsula Kingswood Country Golf Club towards the construction and installation of access gates at either end of Nat's Track
 - \$2,000 as a grant contribution to Monterey Secondary College VCAL for a school based project to construct landscaped chicanes
3. Notes it has the option to resolve \$80,000 to the 2020/21 annual budget process (as per NOM2018/25) for consideration of the installation of a CCTV camera on Skye Road at the end of Nat's Track.
4. Continues to negotiate with Long Island Golf Club to replace and maintain the fence along Nat's Track.
5. Continue to work with Coleman Foundation to develop a volunteer program that will improve passive security of Nat's Track.
6. Notes these recommendations address priority 72 of the Open Space Strategy.

*Councillor Aitken left the chamber at 9.39 pm**Councillor Aitken returned to the chamber at 9.40 pm.***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Cunial**

That Council:

1. Notes Council officers have facilitated community stakeholder consultation to confirm concerns and identify solutions to render Nat's Track safer for pedestrians.
2. Authorises officers to refer \$16,000 to the 2019/20 Midyear Budget Review for the following:
 - \$1,600 for warning signs (ie. gates, CCTV, how to report anti-social behaviour etc)
 - \$10,400 as a grant to Peninsula Kingswood Country Golf Club towards the construction and installation of access gates at either end of Nat's Track
 - \$4,000 as a grant contribution to Monterey Secondary College VCAL for a school based project to construct landscaped chicanes
3. Refers \$80,000 to the 2019/20 Midyear Budget Review for a CCTV camera on the Skye Road end of Nat's Track.
4. Notes that the Department of Education and Training has agreed with Council, to install a CCTV camera on the Messmate Rd end of Nat's Track.

Chairperson's initials *S. Mayer*

5. Continues to negotiate with Long Island Golf Club and Peninsula Kingswood County Golf Club to replace and maintain the fence along Nat's Track.
6. Continue to work with Coleman Foundation to develop a volunteer program that will improve passive security of Nat's Track.
7. Notes these recommendations address priority 72 of the Open Space Strategy.
8.
 - a) Requires a further report be provided at the February 2020 Ordinary Meeting on costings for sporadic solar lighting at strategic intervals of the track, gateways beautification (Frankston North and Karingal ends), a befitting memorial/vigil in honour of Natalie Russell (with input from the Russell family and John Paul College) and tree/vegetation plantings in Messmate Street and Skye Road leading to the access and egress points to Nat's Track (with involvement / participation of students from John Paul College).
 - b) The same report is to provide an update / schedule of the replacement fencing along Nat's Track by the adjoining golf clubs and the installation of a CCTV camera by the Department of Education.

Lost

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

Against the Motion: Crs Aitken, Bolam, Mayer and McCormack

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Council:

1. Notes Council officers have facilitated community stakeholder consultation to confirm concerns and identify solutions to render Nat's Track safer for pedestrians.
2. Authorises officers to allocate \$16,000 through the 2019/20 capital works variation process (eg. Wingham Park project savings) for the following:
 - \$1,600 for warning signs (ie. gates, cctv, how to report anti-social behaviour etc)
 - \$10,400 as a grant to Peninsula Kingswood Country Golf Club towards the construction and installation of access gates at either end of Nat's Track
 - \$4,000 as a grant contribution to Monterey Secondary College VCAL for a school based project to construct landscaped chicanes
3. Commits \$80,000 in the 2019/20 Midyear Budget Review for a CCTV camera on the Skye Road end of Nat's Track.
4. Notes that the Department of Education and Training has agreed with Council, to install a CCTV camera on the Messmate Rd end of Nat's Track
5. Continues to negotiate with Long Island Golf Club and Peninsula Kingswood County Golf Club to replace and maintain the fence along Nat's Track.
6. Continue to work with Coleman Foundation to develop a volunteer program that will improve passive security of Nat's Track.
7. Notes these recommendations address priority 72 of the Open Space Strategy.

Chairperson's initials *S. Mayer*

8. a) Requires a further report be provided at the February 2020 Ordinary Meeting on costings for sporadic solar lighting at strategic intervals of the track, gateways beautification (Frankston North and Karingal ends), a befitting memorial/vigil in honour of Natalie Russell (with input from the Russell family and John Paul College) and tree/vegetation plantings in Messmate Street and Skye Road leading to the access and egress points to Nat's Track (with involvement / participation of students from John Paul College).
- b) The same report is to provide an update / schedule of the replacement fencing along Nat's Track by the adjoining golf clubs and the installation of a CCTV camera by the Department of Education.

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

That the motion be put.

Carried

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

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

**The Motion was then Put
and Carried**

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

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

12.13 Frankston City Strategic Homelessness Alliance*(TB Community Development)***Recommendation (Director Community Development)**

That Council:

1. Notes the update on the Frankston City Strategic Housing and Homelessness Alliance (Alliance);
2. Endorses Council as a signatory to the Alliance Memorandum of Understanding (MOU) (Attachment 1);
3. Endorses the 5-Year Strategic Plan (Attachment 2); and
4. Supports engaging and maintaining communication and involvement of volunteer groups supporting people experiencing homelessness.

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

That the matter be deferred to the 16 December 2019.

Carried Unanimously

12.23 Delegates to External/Internal Organisations*(PC Chief Executive Office)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

- A. That the following appointments to external organisations be made:
1. Cr XX and an officer be appointed as the delegates to the Association of Bayside Municipalities.
 2. Cr McCormack and Cr O'Connor be appointed as the delegates to the Australian Local Government Women's Association.
 3. The Mayor and Cr Aitken be appointed as the delegates to the Frankston Charitable Fund Committee of Management.
 4. The Mayor be appointed as the delegate to the Frankston Revitalisation Board, as required.
 5. The Mayor be appointed as the delegate to the Municipal Association of Victoria and Cr Hampton be appointed as the substitute delegate.
 6. Cr XX and Cr XX be appointed as the delegates to the Metropolitan Waste Management Forum.
 7. Cr O'Connor and Cr Bolam be nominated as Council's representatives at the National General Assembly 2020.
 8. Cr Hampton be nominated as Council's representative to the Peninsula Leisure Pty Ltd Board.
 9. The Mayor be appointed as the delegate to the South East Melbourne Group.
 10. Cr McCormack be appointed as the delegate to the Western Port Biosphere Reserve Foundation Ltd.
 11. Cr O'Connor and Cr O'Reilly be appointed as the delegates to the Youth Advisory Council.
- B. That the following appointments to internal committees be made:
1. That The Mayor and Cr Bolam be appointed as the delegate to the Advocacy Sub-Committee.
 2. The Mayor, Crs Hampton and McCormack be appointed as delegates to the Audit and Risk Committee and Cr XX be appointed as the substitute delegate.
 3. That Cr Aitken and Cr XX be appointed as the delegate to the Ballam Park Homestead Advisory Committee and Heritage and Assets Promotion Committee.
 4. The Mayor, Deputy Mayor, Cr Bolam and Cr McCormack be appointed as the delegates to the Chief Executive Officer's Performance Review Committee.
 5. Cr XX and Cr XX be appointed as the delegates to the Community Grants Committee of Management.
 6. The Mayor and Cr Bolam be appointed as the delegates, and Cr XX as the substitute delegate to the Frankston Arts Centre Board of Management
 7. The Mayor, Cr Bolam and Cr Cunial be appointed as the delegates to the Frankston Cemetery Trust.

8. The Mayor, Cr XX and Cr XX be appointed as the delegates to the Frankston City News Committee.
 9. Cr Hampton be appointed as the delegate to the Golf Liaison Committee.
 10. Cr Cunial be appointed as the delegate to the Major Community Events Grants.
 11. The Mayor and Deputy Mayor be appointed as delegates to the Miscellaneous Grants Program Committee.
 12. Cr McCormack be appointed as the delegate to the Municipal Emergency Management Planning Committee.
 13. Cr Hampton be appointed as the delegate to the Soccer Liaison Committee.
- C. That as far as practicable and after negotiation with the Councillor or Councillors involved, the meeting times and dates for Committees, where a Councillor or Councillors are delegates, be arranged having regard to the availability of all participants including Councillor(s).
- D. That Council noted the Audit and Risk Committee Charter to be updated to include three Councillors.

Carried Unanimously

Note: Refer to Page 16 of the Minutes where this item is block resolved

Chairperson's initials *S. Mayer*

13. RESPONSE TO NOTICES OF MOTION**13.1 Response to NOM1389 - Ballam Park Precinct Improvements - Progress Update**
*(VG Community Assets)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That Council:

1. Notes the progress update report in response to NOM 1389 Ballam Park Precinct Improvements;
2. Notes the current Site Plan for the proposed works at Ballam Park including Entrance Precinct improvement works and associated works;
3. Authorises Council officers to undertake community consultation for a period of 6 weeks from February 2020 onwards on the proposed Entrance Precinct improvement works and associated works;
4. Commits to submitting an application to the Victorian Government's Community Infrastructure Loan (low interest) Scheme for an estimated cost of \$3 million for the Entrance Precinct improvement works; and
5. Notes a further progress report will be presented on ongoing items and outcomes of the community consultation at the June 2020 Council meeting. Report to also include concept designs and costings for the proposed Lake at Ballam Park for Council's future budget considerations.

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

13.2 Response to 2019/NOM12 - Legal Advice*(BA Corporate Development)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That Council:

1. Notes the report, and the legal expenditure summary reports in Attachments A and B, attached under separate cover;
2. Approves for future quarterly summary reports on external legal expenditure be included in the Councillor Bulletin;
3. Notes the administrative process for obtaining external legal advice be revised and updated, and refresher training be provided as appropriate, to ensure that the organisation is achieving value when incurring legal fees.
4. Notes the attachments remain confidential indefinitely.

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

13.3 Response to 2019/NOM20 - Reaffirmation of Victorian Local Government Women's Charter*(BA Corporate Development)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That Council:

1. Notes the progress made in the report.
2. Notes that a letter has been sent to the Victorian Local Governance Association (VLGA) to reaffirm Council's status as a signatory to the Victorian Local Government Women's Charter.
3. Notes that an action plan outlining gender equity initiatives will be included in the People Strategy, which is currently being developed for the organisation. A report will be provided to Council annually on gender equity initiatives and the impact of these initiatives across Council and the community.
4. Notes that Council's Health and Wellbeing Plan includes actions on diversity and inclusion.
5. Notes a community event in support of International Women's Day is scheduled for 2020, recognising the centenary in December 2019 of the first ever woman elected to local government.

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

13.4 Response to 2019/NOM27 - Sandfield Reserve - Dogs Off Leash*(LR Community Development)***Recommendation (Director Community Development)**

That Council:

1. Refers the matter of installing a fenced dog off leash area at Sandfield Reserve to the review of the Domestic Animal Management Plan; which will commence in first quarter 2020.
2. Schedules the development of a masterplan for major reserves in Carrum Downs.

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

That Council:

1. Refers \$86,980 to the 2020/21 Budget Review for a fenced dog off leash area at Sandfield Reserve.
2. Schedules the development of a masterplan for major reserves in Carrum Downs.

Carried Unanimously

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

Against the Motion: Cr McCormack

13.5 Response to 2019/NOM28 - Council Based Grants*(SC Community Development)**Councillor McCormack left the chamber at 10:11 pm.**Councillor McCormack returned to the chamber at 10:13 pm.***Council Decision****Moved: Councillor Hampton****Seconded: Councillor McCormack**

That Council:

1. Authorises officers to establish a Local Heritage Preservation grant category under the annual community grants.
2. Refers \$40,000 to the 2020/21 Annual Budget process for consideration noting a grant under this category will be capped at \$10,000.
3. Notes, subject to approval of the grant category and referral to budget, Officers will draft guidelines to appropriately administer the Local Heritage Preservation grant funds and submit these to Council for approval.

Lost

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

Against the Motion: Crs Aitken, Bolam, Mayer and McCormack

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

That Council:

1. Authorises officers to establish a Local Heritage Preservation grant category under the annual community grants.
2. Commits \$40,000 to the 2020/21 Annual Budget process for consideration noting a grant under this category will be capped at \$10,000.
3. Notes, subject to approval of the grant category and referral to budget, Officers will draft guidelines to appropriately administer the Local Heritage Preservation grant funds and submit these to Council for approval.

Carried

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

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

Chairperson's initials *S. Mayer*

13.6 Response to 2019/NOM35 - Review and process for capturing minutes from Resident and Developer Meetings*(SC Community Development)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That Council notes the template and process for capturing and circulation of minutes of Resident Discussion Meetings and Submitter Information Sessions, to be implemented as outlined within this report.

Carried Unanimously

Note: Refer to Page 16 of the Minutes where this item is block resolved

13.7 Response to 2019/NOM48 and Petition - Langwarrin Library and Family Centre
(JF Community Development)**Recommendation (Director Community Development)**

That Council:

1. Notes a petition of 499 signatures was received against the proposed development of the Langwarrin Library and Family Centre located at Lloyd Park North at Pindara Boulevard.
2. Following Council's decision at 2019/OM13 14 October in response to NOM48 to cease further engagement of the community in regard to the siting of the kindergarten and library at Pindara Boulevard and review alternative locations, Officers formally wrote to the head petitioner and advised them of Council's decision.
3. Notes Officers will update the head petitioner of any other subsequent decisions of Council relating to the proposed development at Lloyd Park North.
4. Authorises officers to advise Wonnai and Langwarrin kindergartens that Council has no plans to close the kindergartens.

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

That Council:

1. Notes a petition of 499 signatures was received against the proposed development of the Langwarrin Library and Family Centre located at Lloyd Park North at Pindara Boulevard.
2. Following Council's decision at 2019/OM13 14 October in response to NOM48 to cease further engagement of the community in regard to the siting of the kindergarten and library at Pindara Boulevard and review alternative locations, Officers formally wrote to the head petitioner and advised them of Council's decision.
3. Notes Officers will update the head petitioner of any other subsequent decisions of Council relating to the proposed development at Lloyd Park North.
4. Does not support the closure of any kindergartens in the municipality.

Carried Unanimously

14. NOTICES OF MOTION**14.2 2019/NOM51 - Community Safety in the CAA***(VR Chief Executive Office)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That Council notes the recent Community Safety Meetings held by Cr Toms and continued by Cr Aitken which has involved a number of participants including council officers, John Billings representing Frankston Traders Group, various traders and other parties.

Requests that future meetings be closely minuted detailing issues and suggestions, and that such minutes be tabled with Council at the next Ordinary Meeting in the Open Agenda.

Requests further that any issues raised at these meetings, initiatives or ideas and/or requests to Frankston Police, be forwarded in detail to Frankston Police requesting detailed responses to the issues and in turn these responses be tabled in a report for the next appropriate Ordinary Meeting.

Carried Unanimously

Note: Refer to Page 16 of the Minutes where this item is block resolved

14.5 2019/NOM54 - Mass Tree Planting Program*(VR Chief Executive Office)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That the Urban Forest Action Plan report, due before Council in early 2020, is to include an option for the consideration by Council for the implementation of a bulk tree planting program throughout the municipality within a twelve - fifteen month period.

The option detail in the report is to include areas where plantings could be located, the kind of plantings, public and private uptake, potential costs and the approaches employed by other municipalities that have initiated similar (if not greater) mass tree planting initiatives within a twelve month period such as Hornsby, Maroondah, Onkaparinga and Murray.

Carried Unanimously

Note: Refer to Page 16 of the Minutes where this item is block resolved

15. LATE REPORTS

Nil

16. URGENT BUSINESS**Urgent Business****Council Decision****Moved: Councillor Aitken****Seconded: Councillor Cunial**

That the matter of Responsible Gambling Codes of Conduct Review be accepted as Urgent Business.

Carried Unanimously

Urgent Business - Responsible Gambling Codes of Conduct Review**Council Decision****Moved: Councillor Aitken****Seconded: Councillor Cunial**

That a letter as noted below be sent to the Honourable Marlene Kairouz MP supporting the Reforms to Responsible Gambling Codes to be signed by the Mayor, Cr Sandra Mayer.

Dear Minister,

RESPONSIBLE GAMBLING CODES OF CONDUCT REVIEW

Frankston City Council supports the following reforms to Responsible Gambling Codes of Conduct for EGM venues to protect our local community from harm:

- *All pokies venue staff are prohibited from engaging in activities aimed at increasing the amount of money people lose.*
- *All venue staff be required to monitor people gambling to identify signs a person is being harmed by gambling. Further, venue staff should be required to intervene and offer assistance to people displaying signs they are being harmed by their gambling, as is already the case under laws in New Zealand and Switzerland. This should include asking someone who has displayed significant signs of gambling harm to have to leave the venue and not come back for at least 24 hours.*
- *Introduce mandatory breaks and maximum daily limits on gambling time.*
- *The Code forbids the provision of free drinks (excluding water) in the pokies area of the venues and encourages people to take a break by having to go to other parts of the venue for food and drinks.*
- *The Code should prohibit the giving of gifts, inducements or any other item of value to people who are gambling.*
- *The Code should require pokie venues to assist in any research around reducing gambling related harm that has been approved by the Victorian Government.*

We sincerely hope that the Andrews Labor government will act quickly to ensure these reforms are implemented. At present, our community experiences very high levels of harm as a result of poker machines in local venues and we see no evidence that current venue codes of conduct are protecting community members. Indeed, there is

Chairperson's initials *S. Mayer*

an increasing body of academic research which has found them to be ineffective.

We note that taking action to strengthen venue responsible gambling provision was part of the Victorian Labor platform in your successful 2018 campaign and we look forward to seeing the outcome of this review, ideally with some decisive and effective new measures.

We would very much appreciate an update on progress in this area and your advice as to any further actions our council could undertake to ensure that communities are better protected from pokies harm in the future.

Carried Unanimously

Urgent Business

Council Decision

Moved: Councillor O'Connor

Seconded: Councillor Cunial

That the matter of Medically Assisted Treatment of Opioid Dependence be accepted as Urgent Business.

Carried Unanimously

Urgent Business - Medically Assisted Treatment of Opioid Dependence

Council Decision

Moved: Councillor O'Connor

Seconded: Councillor Cunial

That Council

1. Acknowledges the RADFMP's (Responding to Alcohol & Other Drugs – Frankston Mornington Peninsula) work to enhance access to Medically Assisted Treatment of Opioid Dependence (MATOD) through a demonstration pilot of a collaborative model between GPs and pharmacists in the Frankston Mornington Peninsula catchment.
2. Authorises the Mayor to sign the letter as noted below proposing the pilot
*Dear Minister Hunt/ Minister Mikakos/ Minister Foley (only one to appear on actual letter),
We are writing to seek your consideration of the attached proposal and investment request for a **Prescriber/Pharmacy Collaborative Shared-Care Model Demonstration Project across the Frankston-Mornington Peninsula Catchment.**
Stakeholders have come together through the RAD-FMP (Responding to Alcohol and other Drugs across Frankston Mornington Peninsula) project, including the Pharmacy Guild, the Pharmaceutical Society, AMA Victoria, Monash Addiction Research Centre, Monash University Faculty of Pharmacy, the Area 4 Pharmacotherapy Network based at SEMPHN, and local and state government, to develop a collaborative response to the critical need for improved access to treatment of opioid dependence.
Extensive efforts have sought to increase prescribers to deliver medically-assisted treatment of opioid dependence (MATOD) in the Frankston Mornington Peninsula (FMP) region, but despite these efforts there has been insufficient growth in prescriber capacity. Furthermore, demands for MATOD are likely to increase due to a confluence of factors including: increasing prevalence of dependence on pharmaceutical opioids, the introduction of SafeScript resulting in the identification of more people in need of opioid substitution treatment and an ageing cohort of GP MATOD prescribers.
Although there has been a sharp focus on Frankston, these problems are not*

Chairperson's initials *S. Mayer*

unique to the region with pharmacotherapy prescriber shortages affecting opioid treatment capacity in many parts of Australia. There is an urgent need to explore opportunities to enhance access to MATOD. This proposed project aims to demonstrate the potential of a shared-care collaborative model between GPs and Community Pharmacists to improve access and continuity of care for people with opioid dependence disorders. The FMP provides the ideal location to implement a demonstration project in both metro and regional locations so that findings could then be scaled up across Victoria and other parts of Australia where treatment shortages are similarly severe.

We, the undersigned, are keen to see this project progress and enthusiastic about working in partnership on implementation.

Carried Unanimously

Urgent Business

Council Decision

Moved: Councillor McCormack

Seconded: Councillor O'Connor

That the matter of approving the Community Engagement Policy & Framework for public exhibition be accepted as Urgent Business.

Carried Unanimously

Urgent Business - Community Engagement Policy & Framework

Council Decision

Moved: Councillor McCormack

Seconded: Councillor O'Connor

That Council

1. Approve the draft Community Engagement Policy and Framework to be released for public exhibition for a period of 6 weeks.
2. Notes a report will be submitted to Council outlining public submissions and recommendations by February 2020.

Carried Unanimously

Item Brought Forward**Council Decision****Moved: Councillor Bolam****Seconded: Councillor Hampton**

That Item C.15: Peninsula Leisure Permission to Tender be brought forward into Open Council.

Carried

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

C.15 Peninsula Leisure Permission to Tender*(MP Corporate Development)***Recommendation (Director Corporate Development)**

That Council:

1. Notes Peninsula Leisure's request to respond to the Tender for Pines Forest Aquatic Centre and the Expression of Interest for the Frankston Health and Wellbeing Hub.
2. Grants permission for Peninsula Leisure to respond to both opportunities.
3. Notes the resolution remain confidential until all tender processes have been finalised.

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

That Cr Aitken be granted an extension of time.

Carried

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

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

That Council:

1. Notes Peninsula Leisure's request to respond to the Tender for Pines Forest Aquatic Centre and the Expression of Interest for the Frankston Health and Wellbeing Hub.
2. Grants permission for Peninsula Leisure to respond to both opportunities.

Carried

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

17. CONFIDENTIAL ITEMS

Council Decision

Moved: Councillor Cunial

Seconded: Councillor Aitken

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

C.1 Proposed Recipients for Citizen, Young Citizen, Senior Citizen and Community Event of the Year Awards for 2020

Agenda Item C.1 Proposed Recipients for Citizen, Young Citizen, Senior Citizen and Community Event of the Year Awards for 2020 is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.2 Appointment of Independent Member to the Audit and Risk Committee

Agenda Item C.2 Appointment of Independent Member to the Audit and Risk Committee is designated confidential as it relates to personnel matters (s89 2a)

C.3 Strategic Risk Management Report

Agenda Item C.3 Strategic Risk Management Report 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 Local Government Inspectorate investigation outcome

Agenda Item C.4 Local Government Inspectorate investigation outcome 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 Response to NOM1377 - McClelland Gallery Interconnectedness and Peninsula Link

Agenda Item C.5 Response to NOM1377 - McClelland Gallery Interconnectedness and Peninsula Link is designated confidential as it relates to proposed developments (s89 2e)

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

Agenda Item C.6 Award of Contract 2019/20-8 - Supply and Install Sportsfield Lighting (Broadcast Level) at Frankston Park Oval is designated confidential as it relates to contractual matters (s89 2d)

C.7 Award of Contract 2019/20-9 - IT Core Infrastructure Renewal

Agenda Item C.7 Award of Contract 2019/20-9 - IT Core Infrastructure Renewal is designated confidential as it relates to contractual matters (s89 2d)

C.8 Award of Contract 2019/20-10 - Crack sealing

Agenda Item C.8 Award of Contract 2019/20-10 - Crack sealing is designated confidential as it relates to contractual matters (s89 2d)

C.9 Award of Contract 2019/20-32 - Soft Fall Mulch - Supply, Delivery & Installation

Agenda Item C.9 Award of Contract 2019/20-32 - Soft Fall Mulch - Supply, Delivery & Installation is designated confidential as it relates to contractual matters (s89 2d)

C.10 Award of Contract 2019/20-22 - Dust Suppression Services

Agenda Item C.10 Award of Contract 2019/20-22 - Dust Suppression Services is designated confidential as it relates to contractual matters (s89 2d)

C.11 Award of Contract 2019/20-28 - Bridge and Timber Pedestrian Structures Renewal Program

Agenda Item C.11 Award of Contract 2019/20-28 - Bridge and Timber Pedestrian Structures Renewal Program is designated confidential as it relates to contractual matters (s89 2d)

C.12 Award of Contract 2019-20-35 - Construction of Overport Park Car Park, Frankston South

Agenda Item C.12 Award of Contract 2019-20-35 - Construction of Overport Park Car Park, Frankston South is designated confidential as it relates to contractual matters (s89 2d)

C.13 Award of Contract 2019/20-37 - Orwil Street Community House Redevelopment

Agenda Item C.13 Award of Contract 2019/20-37 - Orwil Street Community House Redevelopment is designated confidential as it relates to contractual matters (s89 2d)

C.14 Award of Contract No. CN2436 - Minor Civil Works Contractors Panel

Agenda Item C.14 Award of Contract No. CN2436 - Minor Civil Works Contractors Panel is designated confidential as it relates to contractual matters (s89 2d)

Carried Unanimously

.....
Signed by the CEO

Chairperson's initials *S. Mayer*

18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS**C.4 Local Government Inspectorate investigation outcome (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 Cunial****Seconded: Councillor Aitken**

That Council:

1. Notes the letter, dated 2 October 2019, from the Local Government Inspectorate on the investigation outcome.
2. Approves for the legal fees to the sum of \$3,630 being the actual expense incurred by Councillor Hampton to be reimbursed, in accordance with the 2018 Councillor Expense Reimbursement Policy.
3. Approves for the resolution of this report to be released with the minutes of this Council Meeting and notes the contents of this report and its attachments remain confidential indefinitely.

The motion was put and Carried

The meeting was closed to the public at 10.42 pm

CONFIRMED THIS

DAY OF

2019

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Sandra Mayer, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday 18 November 2019, confirmed on Monday 16 December 2019.

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

Dated this

day of

2019

QUESTION TIME

These Questions With Notice were presented at the Ordinary Meeting 2019/13 – 14 October 2019. As the submitter was in the gallery at the time, the questions and answers were read out publicly. In accordance with the Public Submissions and Question Time Policy, the questions and response(s) are published at the next Ordinary Council Meeting Minutes.

Evie Reynolds**Question 1**

If you are to close, not relocate but close, Wonnai Preschool and Langwarrin Preschool, you will be leaving an entire area of Langwarrin without a preschool within reasonable walking distance. Can you please explain how this is best practice and 'servicing community needs for the future'?

Response by Director Community Development

To understand the needs of the community, statistical/ population trend analysis is undertaken to forecast future demand including where the demand is likely to emerge (e.g. the age profile of a community changes over time). The growing demand, particularly with the funding of three year old kinder, and the capacity of existing facilities to cater for the growth must also meet statutory regulations, which in the case of the facilities relates to regulation space per child. As Such, Council invests in new and expanded facilities to ensure services can be provided.

Question 2

Considering that Wonnai Preschool is exceeding the National Quality Standards and recent DET survey data indicated a high satisfaction rating from the community (higher than surrounding preschools) it is astonishing that you would insist that we are no longer 'fit for purpose'. Clearly there is a need for a preschool that caters for a more individualised approach and Wonnai offers that. It is apparent in the information we have received that any future development eg. Super Centre would be operated by CKP, therefore not a Community run Preschool. This would be reducing parent choice within the Langwarrin area and offering 'cookie cutter' educational experiences for children and families. Having seen this fail and continue to fail in Karingal, how do you propose this to be a good idea and how does it align with current studies that demonstrate individualised learning and parent involvement and 'sense of ownership' in the educational facility is paramount in early years development?

Response by Director Community Development

Council has a commitment to quality early years education and support. Council is not however, directly involved in the delivery of kinder services / teaching programs.

CKP is a cluster manager for community kindergartens running sessional kindergarten.

The quality of kindergarten services is subject to State Government policy, specifically Department Education and Training. Council's role is to support State Government's investment in early years by providing suitable kindergarten facilities and managing enrolments so as to ensure the facilities benefit the optimum number of eligible children.

The physical condition and 'fitness for purpose' of existing building and playground facilities were assessed in 2016. It is important to note the "fit for purpose" assessment relates to whether and how the building meets government regulations and supports the current and future service demand needs. Projections of demand for kinder services including enough space 3 year old kinder also needs to be considered.

Current best practice considers grouping complementary services together e.g. maternal and child health with kindergartens, capacity to run parenting education and also supported playgroups.

Question 3

Given that your current enrolment data for sessional preschool programs demonstrates a drop in numbers, why do you continue to state there is a growing need for preschools in Langwarrin?

Response by Director Community Development

The demand is for preschool places rather than kindergarten buildings. Where possible (i.e. the space and condition of the current building and playground size is suitable) extensions to the building can be considered.

Georgina Holcroft**Question 1**

Wonnai Preschool will be heavily impacted by your plans to create the 'Family Centre', can you please explain why there has been so very little ongoing communication from Frankston Council with the current Committee of Management and Staff?

Response by Director Community Development

Initial consultations commenced with representatives of the Kindergarten Committees of Management and staff in 2017 and were held with all Kindergartens involved. This was followed in February 2018 with 2 half day sessions facilitated by Murdoch Children's Research Institute, attended by Kindergarten staff and Committee representatives. The purpose of the sessions was to discuss and plan community engagement strategies.

In July 2018 the Langwarrin Committees of Management and staff were invited to a meeting to discuss the multiple sites that had been considered and their findings. Further consultation will be scheduled.

Question 2

If there is a need for expansion of preschools in Langwarrin, why are you not exploring the option of expanding the current Wonnai buildings?

Response by Director Community Development

The development of the Integrated Facility is to bring together the services relevant for families and young children which currently do not meet the need of the community including Maternal Child Health and the Library services

Question 3

If you are to push ahead with this development plan, where will your funding be coming from?

Response by Director Community Development

Funding comes from a combination of Rates and grants which is put into Capital works accordingly.

Mr Edward Bryce**Question 1**

Is the council planning to clearly indicate at public parks and sporting ovals that dogs must be "on leash" and under the control of their owners?

I understand that these parks are "dog friendly" but their various owners are not aware that their dogs need to be "on leash"!

I have been "rushed" and "charged" at by dogs off leash and the usual comment is: "It's OK, he won't bite!"

With summer coming and being a grandfather with 2 grandchildren I would like to think I could take them up to the local oval and play with them without the threat of "unpredictable" dogs potentially causing injury.

Response by Director Community Development

Council has 33 free roam parks across the Municipality, if off lead incidents are occurring outside of these free roam parks officers will investigate and undertake pro-active patrols.

Council has and maintains a Domestic Animal Management Plan, a review of this plan is scheduled to commence in early 2020. As part of this review all signage will be assessed and where required additional signs will be installed and updated.

Where there is a specific complaint about a location people are urged to contact Council with the location so it can be investigated and resources allocated accordingly.

Ms Cecilia Webster**Question 1**

Is Frankston City Council going to allow further eroding and degradation of Langwarrins open green spaces , (some of which are part of the state governments VicPlan environment documents PCRZ Public conservation and resource zone and are "High priority stepping stones" for the wildlife corridor along Boggy Creek as stated in Frankston Councils own policies, situated between two conservation zones), and which is essential now and into the future of the health and wellbeing of the Langwarrin community, by developing on this well used green space at Lloyd Park Nth (Pindara Boulevard) for the Neighbourhood Hub development proposal, solely because it is the easiest, most financially affordable option and not necessarily the right option for Langwarrin?

Response by Director Community Development

Council recently sought views from the community regarding a proposed Langwarrin Community Kindergarten and Library in Pindara Boulevard. No decision has been made. Council has received a petition and is investigating its options.

Question 2

As considerable additional traffic will be diverted into the Pindara Estate to the Neighbourhood Hub development will council be undertaking works including the widening of Pindara Boulevard to facilitate movement of the extra non local traffic and better egress for emergency vehicles given the area is a bushfire risk zone and the area already has traffic flow issues including the Pindara Boulevard Frankston Cranbourne Rd intersection which is a high risk vehicle accident area?

Response by Director Community Assets / Director Community Development

Council recently sought views from the community regarding a proposed Langwarrin Community Kindergarten and Library in Pindara Boulevard. No decision has been made on the project and is investigating its options. Council has received a petition and reconsidering its position. Should the facility be developed, Council will initiate a traffic report out and make any necessary improvements to the road network to accommodate the new centre.

Question 3

Would Frankston City Council consider forward planning by purchasing land that is currently privately owned and likely to be handed to developers in the future such as land bordered by Stockhaven Cct. Cranhaven Rd, & Tyrone St, or Warandyte Rd ,Trinity drive & Bechenham place reserve areas, or near the North Rd and Potts Road Developments, areas where the Langwarrin population is more intensified, which maybe more centrally located and have public transport access ,and therefore be more appropriately located for such a development than the Lloyd park Nth proposal?

Response by Director Community Development

Council continues to look at alternative options.

Peter Anscombe**Question 1**

The State Government is currently undertaking a Local Government Rating Review with submissions open until 1st November.

Has the Council considered the issues raised in the Review discussion paper as well as the views of others and is it making a formal submission on the review?

Response by Director Corporate Development

The Council has not considered the issues raised in the discussion paper. The Municipal Association of Victoria has released its submission last week and we are in consideration of it.

Question 2

Has the Council undertaken a detailed review of the impact of the relocation of South East Water business on the Frankston CAD over a recent 12 month period?

Response by Director Corporate Development

The Council has not undertaken a detailed review in the last 12 months.

Question 3

How does the Council manage the conflicts of interest where the Council is both the proponent and responsible authority in regard to a town planning application?

Response by Director Community Development

On occasion, a Council as a Municipal Authority is required to seek a planning permit from itself (in the role of Responsible Planning Authority) by the provisions of the its own Planning Scheme.

These applications are processed and assessed internally by Council's Planning and Environment Department in the same way that applications from members of the public are processed. Staff involved in processing an application are required to declare any conflicts of interest.

Where an application by Council to itself relates to a significant use or development, or involves high levels of community interest, the application is reported to the elected Council for decision.

These Questions Without Notice were presented at the Ordinary Meeting 2019/13 – 14 October 2019. As the submitter was in the gallery at the time, the questions and answers were read out publicly. In accordance with the Public Submissions and Question Time Policy, the questions and response(s) are published at the next Ordinary Council Meeting Minutes.

Rachel Brown

Question 1

Does the community really want to close local kindergartens in favour of this so called super Kindergarten community hub complex and what community consultation occurred to come to this decision given that there has been a petition with almost 500 signatures to stop the closure of one of the facilities?

Response by Director Community Development

Planning to enable meeting the future service demand is a core responsibility of Council. To understand the future needs, statistical/ population trend analysis including birth numbers and population movement is undertaken to forecast the number of kinder places. This includes where the demand is likely to emerge (e.g. the age profile of a community changes over time). The growing demand, particularly with the funding of three year old kinder, and the capacity of existing facilities to cater for the growth must also meet statutory regulations.

Council is currently considering the petition.

Question 2

Why can't the Maternal Child Health services be given room in the current community centre which is more centrally located in Langwarrin than the proposed site?

Response by Director Community Development

Currently, it is best practice to locate some MCH facilities with kindergartens to improve access to the service.

Question 3

Would the council consider extending the current Frankston city council shop at Gateway shops as an interim measure (given there are currently two vacant shops next to it.) for Library and Maternal health services, thus giving council extra time to plan this hub proposal to facilitate the most appropriate option for the future of the Langwarrin community?

Response by Director Community Development

A range of alternative arrangements have and continue to be considered prior to any final decision.