



**MINUTES OF ORDINARY MEETING OF THE FRANKSTON CITY COUNCIL  
HELD IN THE CIVIC CENTRE, FRANKSTON  
ON MONDAY, 7 JULY, 2008 AT 7:00 P.M.**

- PRESENT** Cr. Wardle, Mayor  
Cr. Hampton  
Cr. McCluskey  
Cr. McClelland  
Cr. Trewitt  
Cr. Aitken
- APOLOGIES:** Cr. Conroy  
Cr. Wilson  
Cr. Wachendorfer
- OFFICERS:** Dr. Gillian Kay, Acting Chief Executive Officer  
Ms. Elizabeth Bensch, General Manager Development  
Mr. Mark Brady, General Manager Corporate  
Mr. Ossie Martinz, Acting General Manager Assets  
Ms. Robin Batt, Acting General Manager Communities  
Mr. Michael Craighead, Governance & Customer Relations Manager  
Mr. Paul Kennedy, Media & Communications Officer  
Ms. Louise Bugiera, Governance Services Coordinator  
Ms. Lisa Hughes, Governance Administrative Officer

**OPENING WITH PRAYER**

At the request of the Mayor, Councillors, officers and members of the gallery stood while Councillor Wardle read the Opening Prayer

**ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

Councillor Wardle acknowledged the Boonerwung 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.

**CONFIRMATION OF MINUTES**

The Minutes of the Ordinary Meeting of Council 168 held on 2 June 2008 copies of which had previously been circulated to all Councillors, were confirmed, approved and adopted on the motion of Councillors Aitken and McClelland.

**APOLOGIES**

**MOVED: CR. MCCLUSKEY SECONDED: CR. AITKEN**

**THAT THE APOLOGIES BE RECEIVED AND COUNCILLORS CONROY, WACHENDORFER AND WILSON BE GRANTED LEAVE FROM THE MEETING.**

**CARRIED UNANIMOUSLY**

Chairperson's Initials.....

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Chairperson's Initials.....

**CLOSURE OF THE MEETING PURSUANT TO SECTION 89(2) OF THE LOCAL GOVERNMENT ACTS 1989 DUE TO CONSIDERATION OF ONE OR MORE OF THE UNDERMENTIONED MATTERS**

Section 89(2) Local Government Act 1989

A Council or special committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following:

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or special committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

**CLOSED COUNCIL**



Frankston City

Chairperson's Initials.....

## DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil

## PUBLIC QUESTION TIME

Two (2) people submitted questions to Council. The questions and answers are contained in Appendix 1.

## PRESENTATION / AWARDS

Nil

## ITEMS BROUGHT FORWARD

### 1. Electoral Services Tender - Appointment of VEC

(A515891) (LB:GMCorp)

*This report is in Closed Council because it deals with contractual matters.*

**MOVED: CR. WARDLE SECONDED: CR. HAMPTON**

**THAT THIS ITEM BE BROUGHT FORWARD FROM CLOSED COUNCIL.**

**CARRIED UNANIMOUSLY**

#### **Purpose**

The purpose of this report is to advise Council of the outcome of the electoral services tender evaluation, and to recommend the appointment of the Victorian Electoral Commission ("VEC") to conduct the 2008 local government election for Frankston City Council.

#### **Council Plan Objectives**

This report is consistent with Council Plan Objective 6.7: Compliance with statutory responsibility and community amenity.

#### **Background**

At Ordinary Meeting 164 on 4 February 2008 Council formally appointed the Municipal Association of Victoria ("MAV") as Council's agent in the electoral services tendering process. The MAV prepared tender documentation, and public notice of the tender was advertised in "The Age" newspaper on Saturday 29 March 2008. Tenders closed on Monday 28 April 2008, but the VEC sought and was granted an extension to 9 May 2008.

On 9 May 2008 the VEC submitted the only tender response. The response comprises:

- Cover letter
- Tender response forms
- Statement of non conformance
- Booklet "Your Elections by Postal Voting", tailored for Frankston City Council;
- Schedule of Costs tailored for Frankston City Council;
- Variations to Tender Price tailored for Frankston City Council.

Chairperson's Initials.....

The MAV invited all councils to nominate a representative to the Electoral Services Tender Evaluation Panel ("ESTEP"), which was charged with the task of evaluating the tender and preparing an evaluation report. The ESTEP comprised a small but representative group of senior local government (governance) practitioners from across the state, facilitated by the MAV's Director Legal & Corporate. Legal support was also provided throughout the process by Minter Ellison.

The ESTEP's report and evaluation matrix are attached as **Supporting Information** to the Agenda.

### **Issues**

The ESTEP report is intended to provide a preliminary evaluation of the tender, to assist councils in carrying out their own tender evaluation process. The tender stipulates that each Council is required to conduct its own evaluation in order to:

- Determine the relative importance of the criteria by a weighting system; and
- Evaluate tenders, taking into account the Best Value principles with a view to obtaining the best combination of cost level and level of performance.

The evaluation must comprise assessment of the information submitted by the tenderer in accordance with the Tender Response forms and any other information that may be requested by a Council.

A Tender must not be considered further unless the tenderer is assessed as having an acceptable level of performance for all relevant criteria categories.

### **Discussion**

The VEC is an experienced election services provider. It is considered that the tender response addresses most of the specifications. The non conformance clauses of relevance to Frankston City Council are:

- *Action in respect of Failures to Vote:* The VEC does not offer to institute proceedings in the Infringement Court on behalf of councils against persons who have failed to vote.
- *Declaration Date:* The specification requires declarations to be completed by Tuesday 2 December 2008. The VEC has stated that whilst it will make every effort to complete all counts as quickly as possible, it cannot guarantee completion times for vote counts and declarations.
- *Computer Count in each Municipality:* The specification requires the VEC to provide details of the cost of conducting a computer count in each municipality. However, the VEC is unable to offer a computer count for all municipalities. Accordingly, differential counting methods will apply including preferential counts and proportional representation counts (larger ones by computer in up to 20 computer count sites, and smaller counts manually).
- *MET or VCAT Applications:* The VEC will pay the costs of any application to the Municipal Electoral Tribunal ("MET") or the Victorian Civil & Administrative Tribunal ("VCAT") in respect of alleged errors or irregularities that affected the outcome of an election, only if the application is upheld or the application is dismissed and there is no successful application for costs.

Chairperson's Initials.....

- If an application is dismissed and costs are awarded against the applicant, the VEC will pass any additional costs on to Council.

### **Options Available**

Council has agreed to be bound by the outcome of the tender process in relation to appointment of the successful tenderer to conduct the 2008 local government election process. There was only one tender response, and that response did not comply with the tender specifications. Therefore Council has the following options:

1. Appoint the VEC as service provider for conduct of the 2008 local government elections in the Frankston municipality on the basis proposed by the VEC in its tender response. This is the recommended option.
2. Appoint the VEC as service provider for conduct of the 2008 local government elections in the Frankston municipality, subject to the VEC agreeing to negotiate certain aspects of its tender response which are not acceptable to Council. Council officers consider that none of the areas of non compliance are of enough significance to justify choosing this option.
3. Reject the VEC as service provider for conduct of the 2008 local government elections in the Frankston municipality and seek an alternative service provider (which would be very unlikely to be successful).

### **Financial Implications**

The VEC has quoted a price of \$310,713.70 for election services. Allowance has been made in the 2008/09 budget to cover the expected cost of the VEC's services, with some additional funds allocated for ancillary expenses including office accommodation for the returning officer.

### **Environmental Implications**

Nil.

### **Social Implications**

Nil.

### **Consultation**

Council's Governance & Customer Relations Manager, Governance Services Coordinator and Contracts Coordinator have been consulted, and all agree with the recommendation contained in this report.

### **Conclusion**

It is recommended that the VEC, as the sole tenderer, be appointed to conduct the 2008 local government elections for Frankston City Council, in accordance with the terms outlined in its tender response dated 9 May 2008.

Chairperson's Initials.....

**Recommendation (GMCorp)**

1. That the Victorian Electoral Commission (“VEC”) be appointed as the service provider for the conduct of the 2008 local government elections for the Frankston municipality, on the basis proposed by the VEC in its tender response dated 9 May 2008.
2. That Council delegates the final negotiations and preparation of final contract documents to the Chief Executive Officer.
3. That when finalised, the contract documents be signed and sealed as necessary.
4. That the awarding of the contract be reported in Open Council in the “Delegated Powers and Closed Council Contract Decisions”, following signing of the contract.

**MOVED: CR. AITKEN SECONDED: CR. HAMPTON**

- 1. THAT THE VICTORIAN ELECTORAL COMMISSION (“VEC”) BE APPOINTED AS THE SERVICE PROVIDER FOR THE CONDUCT OF THE 2008 LOCAL GOVERNMENT ELECTIONS FOR THE FRANKSTON MUNICIPALITY, ON THE BASIS PROPOSED BY THE VEC IN ITS TENDER RESPONSE DATED 9 MAY 2008.**
- 2. THAT COUNCIL DELEGATES THE FINAL NEGOTIATIONS AND PREPARATION OF FINAL CONTRACT DOCUMENTS TO THE CHIEF EXECUTIVE OFFICER.**
- 3. THAT WHEN FINALISED, THE CONTRACT DOCUMENTS BE SIGNED AND SEALED AS NECESSARY.**

**CARRIED UNANIMOUSLY**

**Building Community Partnerships and a Sense of Belonging**

**1. Sand Sculpting Australia Exhibition 2008 – Post Event Report**

(A519831) (KW/MS:GMCorp)

**Purpose**

To report on the overall result from the inaugural Sand sculpting Australia – Fairytales & Fables Exhibition conducted from 19 January to 6 April 2008

**Council Plan Objectives**

Develop a strong image of greater Frankston as a prosperous and thriving regional capital on the bay. Building strong partnerships with our community that will develop pride and a vital community identity.

One aim of the 2006-2008 Marketing strategy is to increase the awareness and image of Frankston as a destination of choice by attracting large scale events to the Municipality showcasing Frankston’s great attributes.

**Background**

Sandstorm Events organised, managed and promoted the Sand sculpting Australia – Fairytales & Fables Exhibition which was hosted by Frankston City from 19 January to 6 April 2008, at McComb Reserve, Frankston Waterfront.

Chairperson's Initials.....

Following its successful previous six years at Rye Beach, the 2008 event moved to Frankston where 3,500 tonnes of sand were carved into scenes and characters from various children's stories along with a range of "hands on" activities for families to enjoy.

The aim of the event was to encourage visitors to Frankston particularly those who would normally bypass the city enroute to the Mornington Peninsula as well as attracting positive media on both the event and Frankston thereby helping to put Frankston on the map and assist in improving perceptions of the city.

Frankston City has secured the rights to this event for three years with the option of extending.

**Issues**

A post event debrief was held in May 2008 which revealed that there were no major items of concern. Bump in and out to the site went smoothly.

There is a need to look into temporary sites for boat parking and how many permits issued to reduce any potential complaints. Visitors to Sand sculpting were not parking in the boat trailer car parking area.

Over the extremely hot days, parking was at over capacity and people were parking anywhere they could. This occurrence has been noted even before Sand sculpting was at Frankston. More vigilant car parking controls would assist.

Bus groups and mini buses did park temporarily within the boat trailer car parking areas although this mainly occurred mid week and did not affect the boat trailer car parking spaces.

The Bayside Sand Express "people mover" was the only activity that did not come into operation until the last two weeks of the event due to delays as a result of Vic Roads legislation and safety requirements.

Sandstorm Events noted that the pickup rate was very quickly taken up by patrons who enjoyed the opportunity to travel for free from Frankston Railway Station and Wells Street Plaza en route to the event site at the Frankston Waterfront.

There was minimal vandalism and graffiti with only one door and window broken over the 10 weeks.

Security experienced problems after the 21<sup>st</sup> Century nightclub closed where patrons wanted access after closing time.

The sand sculptures withstood the wild weather and endured scorching temperatures over the 10 week period nevertheless, both weather patterns affected attendances.

Visitors were getting confused by signage on Nepean Highway near McDonalds which says 'Foreshore' or 'Waterfront' which needs to be addressed for 2009 as visitors were heading to the Frankston Lifesaving area and not to the Frankston Waterfront.

**Discussion**

Total attendance figures recorded were 71,142 people – the breakdowns were as follows:

Adults	23,651 (increase of 8,354 from Rye 2007)
Child 4-12	8,720 (increase of 4,690)
Concession	14,722 (increase of 4,441)
Family 2+2	12,258 (Increase of 4,050)
Family 2+3	6,619 (increase of 3,084)
Tour groups	3,351 (increase of 9)
School groups	1,821 (increase of 1,125)

Overall, 25,753 more people than Rye 2007.

A survey of attendees was conducted on a voluntary basis over the 10 week period with a total of 346 completed surveys received.

The key objectives of the survey conducted over the 10 week period were to:

- i. Profile members of the public who attended the event using demographic and behavioural data
- ii. Determine their motivations and perceptions in relation to the event
- iii. Provide data to assist in further developing the event
- iv. Provide data to assist in streamlining the marketing of the event

The majority of survey respondents were aged between 26 to 40 years (33%) and 41-60 years (33%).

Of those people surveyed,

52% came from the Melbourne metro area

12% were local

8% from interstate/overseas

7% from Mornington Peninsula,

6% from regional Victoria (Note, surveys were not distributed to bus groups so actual numbers from regional Victoria would have been higher than this)

Of those people surveyed:

32% read about the event via local and metro newspapers

26% heard about the event via word of mouth

18% through the Bayside Shopping Centre promotions

19% picked up brochures and fliers

12% learnt about the event via websites

9% heard about the event on radio

A high 79% of those surveyed, indicated that their primary reason for visiting Frankston was to attend the Sand sculpting Exhibition.

Chairperson's Initials.....

10% of these visitors stayed for at least one night in Frankston. Of these, 42.5% were staying with friends and relatives and 15% in hotel/motel/apartment accommodation and a further 22.5% staying elsewhere on the Mornington Peninsula.

93% of those surveyed stated that they would recommend the event to others and 78% rated the event value for money. 83.8% were satisfied/very satisfied with the event overall.

Over 65% of respondents intended doing something else while they were in Frankston, with many of those doing more than one thing.

63.1% intended going to the beach.

27.5% intended dining at a local restaurant.

24.9% were going shopping.

14.22% intended to visit a park or garden.

2.2% intended visiting McClelland Gallery.

92.5% of respondents drove to the Frankston Waterfront with 61% stating they had no difficulty in parking their car. 24% stated that parking was "average" and only 12% having difficulty in finding a car space.

5.2% used public transport to visit the event.

27% of respondents had been to one or more Sand sculpting events held in Rye therefore over 71% were first time visitors to the Sand sculpting Exhibition.

2556 people purchased tickets via the Frankston Visitor Information Centre. Ticket sales were as follows:

40% pay by cash.

Credit card payment 32%.

On line 2%.

Eftpos 26%.

14,900 concession tickets were sold – Sand sculpting Australia will be researching further as to what type of people were deemed as "concession" with a view of establishing a special "Seniors Day" for 2009 as well as special pricing for children, weekend pricing for the children's activities.

### **Options Available**

Sand sculpting Australia proposes to open the Exhibition on Boxing Day – 26 December 2008 and extend their season through until Anzac Day – 25 April 2009 opening daily from 10.00 a.m.

By opening on 26 December 2008, provides visitors and residents an event to enjoy over the New Year period.

Over the School holidays, the event will remain open until 9.00pm during Daylight Savings Hours.

Chairperson's Initials.....

The event will stay open until 9.00pm Saturday evenings and 6.00pm every other day.

Sand sculpting Australia propose to conduct an International Sand sculpting Competition from Boxing Day 2008 for ten days which would be open for visitors and residents to view and possibly include a People's Choice Award.

### **Financial Implications**

In accordance with the Funding Agreement it is anticipated that Frankston City will receive approximately \$6000 return from the 2008 event.

### **Environmental Implications**

Sandstorm Events worked closely with Council's Environmental and Parks and Leisure Units in order to ensure that the event was sensitive to the local environment. At the conclusion of the event, all sand was shifted to Council's tip where it will be stored and re used again in 2009.

### **Social Implications**

With the arrival of Sandsculpting Australia to Frankston, the event has been able to participate in a number of community activities.

Sandsculpting Australia formed a close relationship with Bayside Shopping Centre who agreed to change their traditional Christmas decorations to a giant sand Christmas tree along with other Christmas installations scattered throughout the centre.

Frankston Business Chamber conducted a family beach Sand sculpting competition during the March school holidays.

Frankston Alive organised three major sand sculptures installed into local retailers as part of a school holiday children's program.

Frankston Civic Centre and the Visitor Information Centre each had a specific sand sculpture on display.

Sandsculpting Australia conducted free children's workshops at the I Love Frankston Cup Day and the annual Sea Festival.

### **Consultation**

Regular consultation with Council departments and Tungsten prior to the opening, during and post event ensured a smooth operation of the event over the 10 week period.

### **Conclusion**

The event achieved specific goals as part of the Agreement which included:

- Attracting 71,000 visitors to Frankston.
- Attracting significant metro media – The Age, Herald Sun, Leader Newspaper group, Melbourne's Child, Good Life, Baystyle Magazine, ABC TV, Channel 9, 10, 31, MIX FM, 3AW.

Chairperson's Initials.....

The event also attracted international media – New Tang Dynasty TV, Hong Kong Travel Magazine, Holland Focus, Nichigo Press (which attributed to large numbers of Japanese visitors to the event and the Visitor Information Centre).

The event was featured with Hocking Stuart, Ray White and Stockdale & Leggo property magazines, mobile billboards on Streets Ice cream vans.

**Recommendation (GMC)**

That the report be noted and permission be granted for Sandsculpting Australia Exhibition 2009 to extend the exhibition period from Boxing Day 26th December 2008 through to Anzac Day 25th April 2009.

**MOVED: CR. AITKEN SECONDED: CR. MCCLELLAND  
THAT THE RECOMMENDATION BE ADOPTED.**

**CARRIED UNANIMOUSLY**

**2. Community Grants to Community Groups and Organisations**

(A519906) (JA:GMCorp)

**Purpose**

The purpose of this report is to present to Council the recommendations for the 2008/09 Community Grants.

**Council Plan Objectives**

This report is consistent with Theme 1 – Building community partnerships and a sense of belonging.

**Background**

Community grants provide a significant source of funding for many local community organisations. These groups contribute significantly to the well-being and interests of the local community.

**Issues**

Of the initial 90 applications received, a minority either did not meet the eligibility criteria or were not recommended for funding. The remaining organisations are recommended to receive various degrees of funding in respect to their applications.

**Discussion**

Each of the grants recipients is required to follow the guidelines in their application which includes acknowledgement of the Council's support. An accountability form must be submitted, detailing the expenditure of the organisations funds granted through this scheme, prior to future grants being allocated.

Each application was assessed according to the Community Grant Guidelines. Evidence of any annual financial statement and annual reports was also required.

Consideration was given to the community benefit derived from the project and the ability to carry out the intended project.

Chairperson's Initials.....

The tabulated information **distributed under separate cover** to the agenda titled "Community Grants 2008/2009 - Summary" includes a list of applicants, the amount requested, the intended project and committee recommendations.

A summary of the criteria for each of the grants is also included and has been **distributed under separate cover** to the agenda.

### **Options Available**

In consideration of the funding requests, the options of fully or partially allocating a grant were assessed for those applications that meet the guidelines.

### **Financial Implications**

The Community Grants budget allocation for 2008/2009 is as follows:

46316 - Service Development	52,400
46317 - Specific Purpose Grants	70,000
46318 - Strategic Initiative Grants	20,000
46319 - Cultural Grants	15,400
46320 - Foster Parents Plan	1,000
46322 - Seaford Lifesaving Club	2,000
46326 - McClelland Gallery	45,000
46331 - SES - Building Maintenance	5,800
46332 - SES - Vehicle Maintenance	7,400
46333 - SES - Contribution to Operations	39,100
46344 - Peninsula Legal Centre	35,000
46352 - Miscellaneous Grants & Contributions	20,000
46353 - Frankston Lifesaving Club	10,000
46355 - Sponsorship	30,000
<b>Grand Total</b>	<b>353,100</b>

### **Environmental Implications**

A number of the applications to be funded will have a positive impact on the environment.

### **Social Implications**

Each of the grants will result in a social benefit to a community group within the city. Collectively, the grants enable a substantial level of community support work to be undertaken by predominately volunteer groups.

### **Consultation**

The Community Grants for 2008/09 opened 1 November and closed 29 February 2008. They were advertised in the local papers from October 2007 and throughout the application period. The Administration Officer for the Grants, Committee members and any other relevant Council officers were available, and sought, for advice and consultation at any time throughout this period.

The approval process was the same as previous years. The evaluation panel consisted of Council officers and all interested Councillors and they met on Monday 30 June 2008.

Chairperson's Initials.....

Assistance was provided by Community Grants Committee – the General Manager of Corporate, the Parks and Leisure Manager, Family Services Manager, Aged Services Manager, Environment Manager, Cultural Development Co-ordinator, Recreation Development Officer, recreation, Development Coordinator, Community Projects Manager, Compliance and Safety Manager, Events Coordinator, Events Officer and Executive Assistant the General Manager of Corporate (Administration Officer for the Grants).

### Conclusion

90 applications were received for the 2008/09 Community Grants Scheme, at a total value of \$172,800.

### Recommendation (GMCorp)

That Council approve the recommendations of the evaluation panel contained in the Community Grants summary document distributed under separate cover to the agenda.

**MOVED: CR. HAMPTON SECONDED: CR. MCCLELLAND  
THAT THE RECOMMENDATION BE ADOPTED.**

**CARRIED UNANIMOUSLY**

## 1. Frankston Bypass - Environmental Effects Statement - Progress Update

(A518487) (KP:GMA)

### Purpose

The purpose of this report is to provide Council with an update of the progress of the Frankston Bypass EES process.

### Council Plan Objectives

This report is consistent with Council Plan Objectives to ensure ease of access to Frankston and its environs.

### Background

At Ordinary Meeting 143 held on 27 March 2006 Council considered a report on the Frankston Bypass and resolved, inter-alia:

“ *That Council in conjunction with Mornington Peninsula Shire Council (MPSC), seek an urgent meeting with the Minister for Transport to discuss ways of progressing the Frankston Bypass, and request State Government commitment to conducting an EIS and to have the Bypass included in the upcoming Transport and Liveability Statement.*”

At Ordinary Meeting 148 held on 18 September 2006 Council considered a report calling for a campaign for the Bypass and resolved:-

*That Council endorse a campaign in conjunction with the Mornington Peninsula Shire Council and other stakeholders to raise the profile of the need to construct the Frankston Bypass.*

Chairperson's Initials.....

At Ordinary Meeting 162 held on 17 November 2007 Council considered the Final MPAMS report and resolved inter-alia:

“ *That Council adopt the Final Report of the Mornington Peninsula Access and Mobility Study; and*

*That Council commence lobbying for State and Federal Funding and works as recommended in the report.”*

Following these resolutions of both Mornington Peninsula and Frankston Councils in 2006 and 2007, strongly urging the State Government to construct a Bypass to alleviate severe congestion on Council’s road systems predicted by the MPAMS study, the State Government committed \$5M for an Environmental Effects Statement (EES) of the Frankston Bypass. SEITA was commissioned by the Government to carry out the EES with the process being run by the Department of Sustainability and Environment. This commenced in July 2007 and is expected to be completed by November 2008. SEITA is continuing excellent progress with the Environment Effects Statement process for the Frankston Bypass.

#### **Issues**

The design has progressed since the last Public Consultation open days in April. After seeking public comment on three options, a preferred route alignment option has been finalised – generally along the existing Reserve Corridor with the exception of the Pines reserve area. Further studies have been completed on a number of environmental and social issues, such as Geotechnical, Cultural Heritage, groundwater, noise and social impacts with more information still being sought on flora and fauna, groundwater and heritage issues.

Design work is also proceeding on the vertical alignment for the Bypass.

This critical design area will determine the gradeline of the main carriageways plus the types of interchanges at major cross roads. The current design envisages the following at Frankston’s roads:

- At Lathams Road – Lathams Road OVER freeway – no on / off ramps.
- At Dandenong Road – freeway OVER Dandenong Road – full on / off ramps in both directions.
- At Ballarto Road – Ballarto Road OVER freeway – no on / off ramps.
- At Skye Road – Skye Road OVER freeway – partial on / off ramps to the north.
- At Cranbourne Road – freeway UNDER Cranbourne Road – full on / off ramps in both directions.
- At Crib Point Railway line – freeway UNDER rail.
- At Robinsons Road – Robinsons Rd OVER freeway – no on / off ramps.
- At Golf Links Road – freeway UNDER Golf Links Road – full on / off ramps in both directions.
- At Baxter-Tooradin Road – freeway UNDER Baxter-Tooradin Road – no on / off ramps.
- At Frankston Flinders Road - freeway UNDER Frankston Flinders Road – full on / off ramps in both directions.

Chairperson's Initials.....

The proposed interchange plans for the Frankston area will be available for perusal at the meeting.

### **Discussion**

Much work has still to be done to satisfy the defined scoping requirements which were set by the Minister at the commencement of the EES. The Greater Pines reserve is still the focus of work to minimise the effects of a freeway standard road on the flora and fauna of the reserve. The design has incorporated several innovations in order to achieve this, including moving the alignment further east away from significant vegetation to the more degraded sections of the old Keith Turnbull Research Institute land and elevating the road by means of a bridge of some 70 metres in length to provide a significant fauna corridor under the freeway. The proposed plans for the Pines area will be available for perusal at the meeting.

Council's previous commitment to the Bypass EES study has been significant. The repeated lobbying has achieved the current Government commitment of \$5 million and support to the EES process.

### **Financial Implications**

It is imperative that the EES process is completed as soon as possible so that the best options for dealing with projected traffic volumes can be determined that provides the best economic, environmental and social outcomes to our region.

At a recent Councillor briefing, Councillors indicated that consideration needs to be given to:

- Providing more information on the discounted option of an elevated ramped structure at the end of the Frankston Freeway.
- The imposition of 'no tolls' (a letter has also been received from the Mornington Peninsula Ratepayers Association – McCrae Action Group requesting Council support for 'no tolls')
- Completing the environmental, social and economic studies particularly considering the impact on vulnerable species, local residents and local businesses.

### **Environmental Implications**

The studies being conducted as part of the EES will provide further information on environmental issues.

### **Social Implications**

The studies being conducted as part of the EES will provide further information on social issues.

### **Consultation**

For the Bypass EES, several public meetings have already been conducted with the community groups connected with the Pines reserve as well as the December and April Public Displays. All main stakeholders are on either the Technical or Community Reference Groups which meet regularly and have opportunities to input into the ongoing design process.

Chairperson's Initials.....

## Conclusion

SEITA is on track to complete the EES by November 2008. Following this there will be a further process for the Minister to seek public submissions and convene a Panel to hear these submissions. It is anticipated that this will take up to six months, with a result expected by mid 2009.

### Recommendation (GMA)

That Council give qualified support to the Frankston Bypass preferred Route Option 1 pending the outcomes of the EES process satisfactorily resolving the environmental, social and technical issues associated with the chosen route.

or

That Council note the current progress of the Frankston Bypass EES and the SEITA preference for a full length Bypass predominantly along the Freeway Reserve and provide a letter to SEITA encouraging them to complete the EES expediently and judiciously with particular consideration for;

- Providing more information on the discounted option of an elevated ramped structure at the end of the Frankston Freeway;
- The imposition of 'no tolls'; and
- Completing the environmental, social and economic studies particularly considering the impact on vulnerable species, local residents and local businesses.

**MOVED: CR. HAMPTON SECONDED: CR. MCCLUSKEY**

**THAT COUNCIL GIVE QUALIFIED SUPPORT TO THE FRANKSTON BYPASS PREFERRED ROUTE OPTION 1 PENDING THE OUTCOMES OF THE EES PROCESS SATISFACTORILY RESOLVING THE ENVIRONMENTAL, SOCIAL AND TECHNICAL ISSUES ASSOCIATED WITH THE CHOSEN ROUTE.**

**PROCEDURAL MOTION**

**MOVED: CR. MCCLUSKEY SECONDED: CR. MCCLELLAND**

**THAT AN EXTENSION OF TIME BE GIVEN FOR FURTHER DISCUSSION.**

**CARRIED**

**THE MOTION WAS PUT AND CARRIED**

*For the Motion: Crs McClelland, Hampton, McCluskey and Trewitt.*  
*Against the Motion: Crs Aitken and Wardle.*

## 2. Eddington Report – An Analysis by South Eastern Integrated Transport Group (SEITA)

(A519833) (KP:GMA)

### Purpose

To inform Council of the transport issues identified in the East West Links Needs Assessment commonly known as the Eddington Report by the South East Integrated Transport Group (SEITG) which Frankston is a member of and get endorsement of the recommendations of SEITG and highlight additional recommendations from Frankston to enable future lobbying to take place.

Chairperson's Initials.....

### **Council Plan Objectives**

This report is consistent with Council Plan Objectives to ensure ease of access to Frankston and its environs.

### **Background**

The State Government commissioned Sir Rod Eddington to carry out the East-West Links Needs Assessment (EWLNA) study to analyse the current deficiencies in all transport systems between the eastern and western halves of Melbourne.

The Eddington EWLNA is a significant milestone in transport planning in Metropolitan Melbourne. Recommendations from the study reflect the need for improved linking of the two most important regions in Melbourne, the South East and West. A copy of the Report is available for perusal at the meeting as **Supporting Information**.

The SEITG has had several sessions to analyse the Report and has come up with a set of recommendations which are outlined below.

### **Issues**

The major findings of the study are as follows:

- Travel demand across Melbourne will increase by 34% to 2031 with the greatest impacts being on the inner city, west and south of the city
- Public transport use will continue to grow (15% based on historical trends); however the overall demand for car travel will increase by 30% by 2031.
- The growing demand for train travel is straining the rail network Melbourne is over-reliant on the West Gate Bridge.
- Road congestion is growing.
- There is no connected east-west link across the north of the city.
- Transport issues are more pressing in the west.
- The freight task is growing rapidly – forecast growth is 50% by 2020.
- Connections to the City's airports are becoming more critical.
- Public transport services to Doncaster need improving.
- Commuter cycling is booming and should be encouraged.

A summary of the 20 main recommendations are as follows:

- Approximately \$20B investment.
- 17km Metro rail tunnel linking western and south-eastern suburbs.
- 18km cross city road connection extending from western suburbs to Eastern Freeway.
- Freight terminals – north of the city and intermodal hub network.
- Strategy for low emission vehicles for Melbourne.
- Reevaluate road tolling policy.
- Single statutory body to deliver ENWLA.

## Discussion

SEITG believes greater consultation with local government is required for a number of recommendations, these being:-

### Recommendation 1

A new 17 kilometre Melbourne Metro rail tunnel linking Melbourne's booming western and south-eastern suburbs.

*Clearly the demand for public transport is growing not only in the South East but across Melbourne and the capacity of our heavy rail network is "hitting the capacity wall". The proposal to double the capacity of the heavy rail network by an extra 40,000 commuters per hour, to increase services to Pakenham and Cranbourne, to cater for increased rail freight from the South East, and to address some of the at-grade crossings associated with the third rail is strongly supported broadly but does not specifically increase capacity for the Frankston Line*

### Recommendation 12

The Port of Melbourne Corporation should be given overall responsibility for implementing an intermodal hub network in Melbourne, including responsibility for achieving the Government's revised rail freight target

*Council should express support for the Port of Melbourne being made responsible for implementing an inter-modal hub network in Melbourne including the Government's revised port rail freight target and suggest there would be merit in a close liaison with the Port of Hastings for the proposed SE Freight Hub.*

### Recommendation 13

High productivity freight vehicles on designated routes.

*Council should recommend this be done in conjunction with local government to ensure local amenity issues are taken into account.*

### Recommendation 14

The Government should continue to implement Melbourne 2030 and take stronger action to accelerate the development of vibrant suburban hubs in Melbourne's west, particularly Footscray, Sydenham, Sunshine and Werribee

*Council should recommend that Frankston and Dandenong should be being added to the priorities*

### Recommendation 18

The Victorian Government should consider a funding structure for the proposed new Metro rail tunnel that includes contributions by beneficiaries (including public transport users and property owners across Melbourne).

*We need to hear more public debate before supporting a proposition that public transport users or property owners across Melbourne pay for the Metro Rail Tunnel.*

Other concerns for Frankston Council include:

- The Study is Western and Inner suburbs centric. Is there are need for a larger more encompassing study? How will this be funded and by whom?
- Important for long term planning of Melbourne but the costs could mean less funding for local projects eg Frankston Bypass.
- The Linking of East Link with Western Ring road is important to our region.
- Need for a transport Hub but how will this be funded and by whom? Do we need a better strategic approach to freight planning?
- Freight is the major challenge and needs a more coordinated approach. The Port of Hastings infrastructure needs to be planned and provided and how will this be funded and by whom?
- More attention needs to be put into reducing travel demand, improving public transport and alternative transport options.

### **Options Available**

Not applicable.

### **Financial Implications**

There is some concern about the financial implications of recommendation 18 and we need to seek more information and public debate.

### **Environmental Implications**

Implementation of these findings will help improve the quality of the environment as more efficient travel routes will reduce the level of vehicle greenhouse gas emissions.

### **Social Implications**

The projects have the potential to deliver a greater diversity of living environments through major improvements in people's mobility and access to places of employment, leisure and recreational opportunities, training, education and research.

### **Consultation**

The SEITG will make representations to Federal and State Ministers once the member Councils have endorsed the above recommendations.

### **Conclusion**

The combined lobbying power of the SEITG member Councils will enable the region's needs to be put to the State Government in a more comprehensive manner.

### **Recommendation (GMA)**

- A. That Frankston City Council provides a submission to the Eddington Report strongly supporting:
  - Metro rail tunnel linking Caulfield & Footscray Stations which will significantly increase rail capacity for passengers and freight in the South Eastern Region and address some of the at-grade crossings issues.

Chairperson's Initials.....

- The freight Terminal Concept with rail access into both the ports of Melbourne and Hastings and planning reservation for such a terminal in our region.
- A cross city road connection connecting the Eastern Freeway with the western region catering for public transport, freight and motor vehicles.

B. That Council endorse the joint recommendations espoused by SEITG as follows:

Recommendation 1

The proposal to double the capacity of the heavy rail network by an extra 40,000 commuters per hour, to increase services to Pakenham and Cranbourne, to cater for increased rail freight from the South East, and to address some of the at-grade crossings associated with the third rail from Caulfield to Dandenong is strongly supported broadly but Council advocates for increase in capacity for the Frankston Line as well.

Recommendation 12

Council should express support for the Port of Melbourne being made responsible for implementing an inter-modal hub network in Melbourne including the Government's revised port rail freight target and suggest there would be merit in a close liaison with the Port of Hastings for the proposed SE Freight Hub.

Recommendation 13

Council should recommend this be done in conjunction with local government to ensure local amenity issues are taken into account.

Recommendation 14

Council should recommend that Frankston and Dandenong should be being added to the priorities.

Recommendation 18

Council should advocate for more public debate before supporting a proposition that public transport users or property owners across Melbourne pay for the Metro Rail Tunnel.

C. That Council highlights that the Eddington Study and State Government program needs to better address;

- Reducing overall travel demand
- Improving public transport and alternative transport options
- A more coordinated strategic approach to freight
- The impacts of rising petrol prices and the imperative need to reduce greenhouse gas emissions.

*Cr Trehitt left the Chamber at 7:46 p.m.  
Cr Trehitt returned to the Chamber at 7:49 p.m.*

Chairperson's Initials.....

**MOVED: CR. HAMPTON SECONDED: CR. MCCLELLAND**

**A THAT FRANKSTON CITY COUNCIL PROVIDES A SUBMISSION TO THE EDDINGTON REPORT STRONGLY SUPPORTING:**

- **METRO RAIL TUNNEL LINKING CAULFIELD AND FOOTSCRAY STATIONS WHICH WILL SIGNIFICANTLY INCREASE RAIL CAPACITY FOR PASSENGERS AND FREIGHT IN THE SOUTH EASTERN REGION AND ADDRESS SOME OF THE AT-GRADE CROSSINGS ISSUES.**
- **THE FREIGHT TERMINAL CONCEPT WITH RAIL ACCESS INTO BOTH THE PORTS OF MELBOURNE AND HASTINGS AND PLANNING RESERVATION FOR SUCH A TERMINAL IN OUR REGION.**
- **A CROSS CITY ROAD CONNECTION CONNECTING THE EASTERN FREEWAY WITH THE WESTERN REGION CATERING FOR PUBLIC TRANSPORT, FREIGHT AND MOTOR VEHICLES.**

**B THAT COUNCIL ENDORSE THE JOINT RECOMMENDATIONS ESPOUSED BY SEITG AS FOLLOWS:**

**RECOMMENDATION 1**

**THE PROPOSAL TO DOUBLE THE CAPACITY OF THE HEAVY RAIL NETWORK BY AN EXTRA 40,000 COMMUTERS PER HOUR, TO INCREASE SERVICES TO PAKENHAM AND CRANBOURNE, TO CATER FOR INCREASED RAIL FREIGHT FROM THE SOUTH EAST, AND TO ADDRESS SOME OF THE AT-GRADE CROSSINGS ASSOCIATED WITH THE THIRD RAIL FROM CAULFIELD TO DANDENONG IS STRONGLY SUPPORTED BROADLY BUT COUNCIL ADVOCATES FOR INCREASE IN CAPACITY FOR THE FRANKSTON LINE AS WELL.**

**RECOMMENDATION 12**

**COUNCIL SHOULD EXPRESS SUPPORT FOR THE PORT OF MELBOURNE BEING MADE RESPONSIBLE FOR IMPLEMENTING AN INTER-MODAL HUB NETWORK IN MELBOURNE INCLUDING THE GOVERNMENT'S REVISED PORT RAIL FREIGHT TARGET AND SUGGEST THERE WOULD BE MERIT IN A CLOSE LIAISON WITH THE PORT OF HASTINGS FOR THE PROPOSED SE FREIGHT HUB.**

**RECOMMENDATION 13**

**COUNCIL SHOULD RECOMMEND THIS BE DONE IN CONJUNCTION WITH LOCAL GOVERNMENT TO ENSURE LOCAL AMENITY ISSUES ARE TAKEN INTO ACCOUNT.**

**RECOMMENDATION 18**

**COUNCIL SHOULD ADVOCATE FOR MORE PUBLIC DEBATE BEFORE SUPPORTING A PROPOSITION THAT PUBLIC TRANSPORT USERS OR PROPERTY OWNERS ACROSS MELBOURNE PAY FOR THE METRO RAIL TUNNEL.**

**C. THAT COUNCIL HIGHLIGHTS THAT THE EDDINGTON STUDY AND STATE GOVERNMENT PROGRAM NEEDS TO BETTER ADDRESS:**

- REDUCING OVERALL TRAVEL DEMAND;
- IMPROVING PUBLIC TRANSPORT AND ALTERNATIVE TRANSPORT OPTIONS;
- A MORE COORDINATED STRATEGIC APPROACH TO FREIGHT; AND
- THE IMPACTS OF RISING PETROL PRICES AND THE IMPERATIVE NEED TO REDUCE GREENHOUSE GAS EMISSIONS.

**CARRIED UNANIMOUSLY**

**MOVED: CR. MCCLUSKEY SECONDED: CR. HAMPTON**

**RECOMMENDATION 14**

**COUNCIL SHOULD RECOMMEND THAT FRANKSTON AND DANDENONG SHOULD BE BEING ADDED TO THE PRIORITIES.**

**CARRIED**

*For the Motion:*

*Crs. Hampton, McCluskey, McClelland, Trehitt and Wardle.*

*Against the Motion:*

*Cr. Aitken*

**Preserving and Enhancing Our Natural Environment**

**1. Tree Protection Local Law - fees**

(A516250) (CH:GMD)

**Purpose**

To set fees for the newly implemented Tree Protection Local Law (Local Law 14).

**Council Plan Objectives**

3.7.1 – Strengthen Council's role in educating, enabling and responding to the community to promote ecologically sustainable development.

**Background**

Council resolved to introduce the new Tree Protection Local Law (Local Law 14) at Ordinary Meeting 168 on 2 June 2008, and expressed a wish to review the fee structure for permits under the Local Law.

**Issues**

Several councillors expressed an interest in setting fees for permits under the Tree Protection Local Law (Local Law 14), and potentially introducing discounts for dead trees.

Chairperson's Initials.....

### Discussion

Most applications are likely to require an inspection by a council vegetation protection officer. A commercial arborist inspection would be expected to cost a minimum of \$100, with a written report costing a minimum of \$300. Town Planning application fees are comparable being over \$90. From a Trade Practices and cost recovery point of view, a minimum fee of \$90 is recommended, and this would allow for the inspection of multiple trees.

It is likely that additional staff (1 arborist + admin support) will be required to administer the Local Law at a cost to council of at least \$80,000pa. This will be a cost-neutral if fees are set at an appropriate level, based on an estimated 1000 applications per year. The estimate of 1000 applications is based on the number of applications received at Kingston, Bayside, Yarra Ranges and Boroondara Councils. If fees are set too low, or waived, there will be an additional cost to Council above current budget provisions.

The fees charged by various councils are highly variable. Some councils charge a lower fee for pruning permits than for removal permits. This is worth considering as they may encourage more active tree management and retention instead of removal. Exemptions for pruning under the new Local Law 14 mean that there are likely to be few applications for pruning alone.

It is expected that most permits for removal will include a condition requiring replanting and establishment of new canopy trees on the same property.

### Options Available

Two options for fee structures are presented below. Table 1 has a simple easy to understand graduated fee structure based on number of trees to be inspected and a discounted fee for pruning only. This fee structure is estimated to make administration of the Local Law cost neutral.

*Table 1 – Proposed fees*

Action	Fee
Tree pruning (any number of trees)	\$50
Tree removal (up to 3 trees)	\$90
Tree removal (4 or more trees)	\$30 per tree

Table 2 is similar to Table 1 but also includes a discounted fee for dead trees. A discount for dead trees is not recommended as council must still bear the cost of inspection. The discount would also provide an incentive to poison trees to receive a discount, and proving poisoning can be very difficult. The dead tree discount would probably cause the administration of the local law to be a nett cost to council.

Chairperson's Initials.....

*Table 2 – Proposed fees with dead tree discount*

<b>Action</b>	<b>Fee</b>	<b>Comment</b>
Tree pruning (any number of trees)	\$50	
Tree removal (up to 3 trees)	\$90	
Tree removal (4 or more trees)	\$30 per tree	
Tree removal (dead trees)	\$20 per tree	If tree dead by natural causes

To benchmark the proposed fee structure with other Melbourne area councils, below is a list of associated fees, including our fees under the previous Tree Protection Local Law (Local Law 6).

*Table 3 – Sample fees*

<b>Council</b>	<b>Base Fee</b>	<b>Modifiers</b>
Frankston (LL6)	\$90	1 trees, (for multiple trees up to 4 trees an extra \$30/tree or \$60/tree if indigenous species)
	\$210	More than 4 trees base rate + \$20/tree or \$40/tree if indigenous
	\$30	If application accompanied with arboricultural report (\$70/tree if indigenous)
Kingston	\$30	per tree
Boroondara	no charge	
Bayside (LL & planning)	\$60	pruning 2 trees \$11 per tree over 2
	\$120	removal 2 trees, \$27 per tree over 2
Banyule (planning)	\$50	Pruning
	\$100	Removal up to 3 trees
	\$100	Development must include arborist report
Yarra Ranges	\$80	up to 3 trees, \$20/tree over 3

**Financial Implications**

It is likely that additional staff (1 arborist + admin support) will be required to administer the Local Law at a cost to Council of at least \$80,000pa.

*Table 4 – Estimated income from various fee structures*

<b>Fee structure</b>	<b>Estimated applications</b>	<b>Estimated income</b>
Proposed (Table 1)	100 pruning, 900 removal	\$86,000
Proposed (Table 2)	100 pruning, 700 removal, 200 dead	\$72,000

Chairperson's Initials.....

**Environmental Implications**

The fully implemented Local Law 14 will lead to greater protection of tree canopy and help cool the atmosphere during summer. The fee structure which provides for a lower Tree Pruning fee will provide incentives to property owners to retain their trees.

**Social Implications**

The Local Law 14 has been adopted and the fee structure will potentially have implications for property owners.

**Consultation**

Consultation has been undertaken with Governance and Customer Relations Department and various councils in the Melbourne area.

**Conclusion**

Council needs to be mindful of Trade Practice legislation and the need to offer expert advice at reasonable market rates. The fee structure (Table 1 below) that covers council's costs for inspection and advice is recommended.

Action	Fee
Tree pruning (any number of trees)	\$50
Tree removal (up to 3 trees)	\$90
Tree removal (4 or more trees)	\$30 per tree

**Recommendation (GMD)**

1. That the fee structure in Table 1 of this report be adopted, and
2. That the fees be reviewed in accordance with Council's Funding Policy and reviewed on an annual basis in conjunction with Council's budget process .
3. Proceed to employ an arborist to respond to applications in accordance with the bylaw.

**MOVED: CR. AITKEN**

1. THAT THE FEE STRUCTURE IN TABLE 2 OF THIS REPORT BE ADOPTED, AND
2. THAT THE FEES BE REVIEWED IN ACCORDANCE WITH COUNCIL'S FUNDING POLICY AND REVIEWED ON AN ANNUAL BASIS IN CONJUNCTION WITH COUNCIL'S BUDGET PROCESS .
3. PROCEED TO EMPLOY AN ARBORIST TO RESPOND TO APPLICATIONS IN ACCORDANCE WITH THE BYLAW.

**THE MOTION LAPSED FOR WANT OF A SECONDER**

**MOVED: CR. HAMPTON SECONDED: CR. MCCLUSKEY**

**THAT THE ITEM BE DEFERRED FOR A BRIEFING AND FURTHER INFORMATION.**

**CARRIED UNANIMOUSLY**

Chairperson's Initials.....

## 2. Trapping of Indian Mynas

(A516156) (CH:GMD)

### Purpose

This report is in response to the following Notice of Motion from Cr. Conroy:

“ A full report be prepared by the relevant Council Officers on the suitability and cost of setting up traps for the Indian Myna birds which pose a real threat to our native wildlife.”

### Council Plan Objectives

3.1.1 Actively lead in protecting and conserving biodiversity, including the increased level of native vegetation, and providing and enhancing habitats for native plants and wildlife whilst controlling pest plants and animals.

### Background

The Common or Indian Myna (*Acridotheres tristis*) is a medium-sized chocolate brown bird, about 12 cm tall. The Indian Myna can be identified by its black head and neck and its yellow beak, eye patch, feet and legs. White wing patches are obvious when the birds are flying. Juvenile mynas look slightly different but are also easily recognisable as Indian Mynas. The Indian Myna is not to be confused with the native Noisy Miner (*Manorina melanocephala*), a mostly light grey colour.

Indian Mynas originate in eastern and southern Asia and were brought to Melbourne in 1862 to control insect pests in market gardens, but even though they were not successful at this, they were taken from Melbourne to many other places in Australia, including north Queensland, where it was thought they would control insect pests of sugar cane. Cane Toads were introduced to Queensland for the same reason and have also become pests. Indian Mynas have established feral populations in many parts of the world.

Indian Mynas can be an economic problem because they damage fruit and grain crops and their noise and smell can be annoying where they are in large numbers. Mynas can also spread mites and they have the potential to spread disease to people and domestic animals. Mynas become quite fearless of people if they are not hassled and can be a problem in outdoor eating areas by stealing food off people's plates. There are a few records of mynas attacking people, but this is not common.

Perhaps the Indian Myna's most serious "crime" is that it competes aggressively, due to their territorial nature, with native wildlife for food and nesting hollows. The myna out competes both hollow-nesting birds and mammals for tree hollows, disrupting breeding seasons and preying on and evicting eggs and young. Hollows abandoned by the mynas are avoided by native wildlife. Indian Mynas are communal birds that nest in tree hollows, or places like them, such as holes in roofs. Suitable tree hollows are in short supply over much of Australia because of clearing of old growth forests for agriculture.

(excerpts from <http://fennerschool-associated.anu.edu.au//myna/index.html> )

Chairperson's Initials.....

### Discussion

There are several humane commercial myna feeding traps available. The research available suggests that trapping alone is not effective at controlling mynas except where they occur in low numbers. Where they are widespread trapping would need to be undertaken on a broad scale on a regular basis. The effectiveness of the backyard feeding traps is reported as highly variable, with some local research showing them to be potentially ineffective (Hunt, Chisholm TAFE).

Current control measures are now targeted at minimising roosting and nesting sites for the species. There is some further work being done by ANU in Canberra and Cairns on trapping by using the roosting calls of the species to attract larger numbers of the birds. Myna roosts are locations where these birds sleep in large groups at night. Roosts can be identified by looking for large groups of mynas just before dusk. Mynas roost in trees, palms, and sometimes buildings. They may contain dozens, or sometimes hundreds of birds.

(<http://www.arf.net.au/mynabird/myna.htm>).

### Options Available

Any effective pest control measure needs to begin with a survey and monitoring program to establish the extent of the problem. This information can be used to effectively target appropriate control measures in the most efficient manner. There is currently no scientific data on the distribution or abundance of Myna populations within Frankston municipality. It would be necessary to undertake some baseline work to be able to monitor the efficacy and cost effectiveness of any control measures put in place. Establishing baseline data on the population within Frankston could be undertaken by engaging specialist consultants, or potentially through supporting a university/TAFE research program, or through community action.

The current trend in Myna control is to identify and minimise Myna roosts and nesting sites through public awareness and education. This is well demonstrated by the Canberra Indian Myna Action Group Inc (<http://www.indianmynaaction.org.au>).

Public education can be effective in reducing nesting sites and available food through encouraging community member to cover gaps in houses and sheds and to avoid feeding the birds directly or leave pet food out that the birds can scavenge. Community members can also assisting in reporting communal roost sites.

Community support would be essential in any effective control program. Starting an awareness campaign, coupled with a monitoring program coordinated by Council but undertaken by community members, would establish the level of community support for the program, and if support is good, would also provide the essential baseline data on which to base a control program. If there is a strong response from the public on the issue, and baseline data is collected that shows a significant problem, a community trapping program or roost trapping program, supported and coordinated by Council, may be an option. It would also be advantageous to encourage neighbouring municipalities to adopt similar projects to strength the final result.

Chairperson's Initials.....

### Financial Implications

An initial three year program to implement and evaluate a control program is shown below. This could then be extended if found to be effective.

Program element		Estimated cost	Timing
<b>Phase 1</b>	Community awareness campaign (media, fact sheets, community recruitment)	\$3,000	Month 1 – 12
	Community monitoring program (web-based database for recording info)	\$3,000	Month 4 – 36
<b>Phase 2</b>	Roost control (targeted tree netting, pruning & removal on public & private land)	\$20,000	Month 13 – 24
	Trapping & euthanasia program (trap purchase, clearing and bird disposal)	\$30,000	Month 13 – 24
<b>Phase 3</b>	Program evaluation (data collation and analysis, possibly a student project)	\$2,000	Month 25 – 36
<b>Total program cost</b>		<b>\$58,000</b>	

As this is a staged program, Phase 1 could be implemented at relatively low cost to assess the need for and potential effectiveness of later stages. It needs to be said that Phase 3 is unlikely to be the final phase with ongoing control required as new Indian Mynas move into the area take up any remaining available resources.

### Environmental Implications

Mynas reduce biodiversity by aggressively competing for food and tree for hollows with native birds like rosellas, destroying their eggs and chicks and stopping them from breeding. Indian Mynas are capable of evicting even large birds such as kookaburras and dollar birds from their nests. They also evict small mammals, like sugar gliders from hollows – which commonly means a death sentence for the gliders because they have nowhere else to go. It is not uncommon for groups of mynas to mob other birds and mammals like possums.

(quoted from <http://fennerschool-associated.anu.edu.au//myna/index.html> )

It is worth considering that foxes and weeds (and possibly bell miners) are greater threats to biodiversity in Frankston than the Mynas. Additional funding for biodiversity conservation would be beneficial for targeting these pests as well as the Indian Mynas.

### Social Implications

There is community concern about the loss of biodiversity, although the awareness of this problem in the community appears to be low. This could be a useful tool in the overall raising of awareness of the threats to biodiversity. Potentially there may be some concern about humane euthanising of the birds, but programs elsewhere have shown community acceptance to be high.

### Consultation

Parkland Services, also see reference cited in report.

Chairperson's Initials.....

### Conclusion

Indian Mynas are a serious threat to biodiversity in Australia, and it is likely that they are, or could be, a problem in Frankston. Trapping of mynas could be effective, but only if undertaken as part of a science-based, large-scale, community-supported program.

### Recommendation (GMD)

1. That Phase 1 of the Indian Myna Control Program be implemented and that the Program be allocated funding of \$6,000 in 2008/2009.
2. That Phase 2 and 3 of the Indian Myna Control Program be considered if there is a demonstrated need and strong community support established in Phase 1.

**MOVED: CR. HAMPTON SECONDED: CR. AITKEN**

**THAT THE REPORT BE RECEIVED AND REPRESENTATIONS BE MADE TO STATE AND FEDERAL GOVERNMENTS.**

**CARRIED UNANIMOUSLY**

### 3. Response to petition – Tree removal - Wilbraham Court

(A516389) (CH:GMD)

#### Purpose

To respond to a petition requesting removal of a tree at 9 Wilbraham Court, Karingal.

#### Council Plan Objectives

3.1.1 Actively lead in protecting and conserving biodiversity, including the increased level of native vegetation, and providing and enhancing habitats for native plants and wildlife whilst controlling pest plants and animals.

4.1.5 Encourage high quality, environmentally-sensitive designs and building practices and enhance streetscapes.

#### Background

Council has received a petition with five signatures requesting the removal of an allegedly hazardous gum tree outside 9 Wilbraham Court, Karingal.

Wilbraham Court contains 15 properties, of which 10 have a direct, clear view of the tree and would be affected by its removal.

#### Issues

Council has received multiple requests for removal of this tree over an extended period of time (5 years or more) from the owner of 9 Wilbraham Court. Records from previous customer request systems are not readily available to document these fully. Typically the concerns have been falling debris and minor surface roots. No significant concerns have been identified on the multiple occasions the tree has been inspected by council arborists, or through council's two yearly street tree audit undertaken by council's tree maintenance contractor, The Tree Doctor.

Chairperson's Initials.....

### **Discussion**

The recent request regarding a fallen limb was found to be a small branch that was shed during strong winds. This minor damage to the tree has been rectified. There is no evidence that other branches, or the tree itself, pose an unreasonable risk.

The petition requests that the tree actually be removed and located "to a more appropriate setting". While technically feasible, this would require excavation of a significant proportion of the road and the adjoining private property, and would cost \$50,000 or more, so it is not a reasonable prospect.

This species, Smooth-barked Apple (*Angophora costata*) is an Australian native species in the palette adopted by Council in the Street Tree Master Plan and is a recommended species for this part of the city. The tree's situation in the nature strip, with no adjacent footpath, and well clear of the neighbouring dwelling, is appropriate. (See photo in supplementary information.)

### **Options Available**

Retain the tree or remove the tree.

The tree has already been inspected and pruned by council since receipt of the petition to help mitigate the concerns of the residents.

### **Financial Implications**

Council's adopted Amenity Tree Valuation Method values the tree at \$23,876.

Removal of the tree and replanting would cost an estimated \$600 in direct costs. An annual benefit of \$54 over the 20 or more years of useful life left to the tree in its location would also be foregone. The actual financial loss to the community from removal of the tree would therefore be estimated at \$1,680.

Total value loss of the removal of the tree would be over \$25,000.

### **Environmental Implications**

Mature street trees improve biodiversity and deliver real benefits to the broader community through air and water purification, wind reduction, shade and amenity.

### **Social Implications**

Mature trees in our urban environments have been shown to have positive social benefits including improved health, better mental wellbeing and reduced crime.

### **Consultation**

Council arborists have liaised with the owner of 9 Wilbraham Court on multiple occasions, including following the receipt of the petition in question.

### **Conclusion**

The tree is in good condition and does not meet Council's policy criteria for street tree removal. Removal of the tree would also be contrary to the goals of the Council Plan and the Street Tree Master Plan. The petition only has the support of half of the affected residents. Retention of the tree is recommended.

Chairperson's Initials.....

**Recommendation (GMD)**

1. That the tree be retained.
2. That the head petitioner be advised accordingly.

**MOVED: CR. MCCLUSKEY SECONDED: CR. MCCLELLAND**

1. THAT THE TREE BE REMOVED.
2. THAT THE HEAD PETITIONER BE ADVISED ACCORDINGLY.

**THE MOTION WAS NOT PUT****MOVED: CR. HAMPTON SECONDED: CR. TREWHITT****THAT THE ITEM BE DEFERRED TO ALLOW FOR FURTHER INVESTIGATION AND REPORT.****CARRIED UNANIMOUSLY***The meeting was adjourned at 8:05 p.m.**The meeting resumed at 8:15 p.m.**Present: Councillors Wardle, Aitken, Hampton, McClelland, Trehitt and McCluskey***Shaping the Urban Environment****1. Drainage Asset Management Plan (DAMP) - Endorsement of Plan**

(A513743) (AM:GMA)

**Purpose**

The purpose of this report is to provide information about and seek endorsement of the Drainage Asset Management Plan for Councils drainage assets.

**Council Plan Objectives**

This report is consistent with Council Plan Theme 4 – Shaping the Urban Environment and the objective of Asset Management.

**Background**

The purpose of the Drainage Asset Management Plan (DAMP) is to clearly document Council's current asset management practises and present a lifecycle management strategy for the drainage network for the next 20 years. See **Supporting Information** for a copy of the DAMP.

The Infrastructure Departments Asset Planning team are also preparing Asset Management Plans for roads, parks, facilities and plant which will be presented to Council for endorsement.

Chairperson's Initials.....

**Issues**

Some of the important issues identified by the DAMP as needing action include:

- Establish operational service levels (inspections and cleaning) for drainage and pits in backyards (easements). This will require additional resources.
- Obtain agreement with Melbourne Water on the 60ha limit for Council's drainage responsibility.
- Map in detail all overland flow paths within the municipality.
- Implementation of the AMIS (Asset Management Information System) stormwater drainage module.

**Discussion**

The current critical challenge for managing drainage assets is not on renewing due to age or condition, but rather because the assets no longer meet the required flood protection level of service, and/or are under capacity. The plan provides detail on how Council plans to reduce risks by using flood mitigation as the basis for prioritising capital works projects.

Planning for renewal however, is essential to identify the optimum long term financial solution for replacing/rehabilitating the assets before a large proportion reach intervention age in 30 to 40 years' time.

The plan is intended as a working document for the use of Frankston City Council staff which is updated on a regular basis, with a formal review every three years.

**Financial Implications**Short term

Issues are addressed in the plan by way of an Improvement Program. Most items are covered by existing operational budgets. Those that are not include:

Inspection and cleaning for drainage and pits in backyards. \$185,000 pa.

- Map in detail all overland flow paths within the municipality. \$10,000 (2009/10).

These have been identified as Improved Service Opportunities and will be nominated for consideration as part of future annual budgeting processes.

Long term

Operations and maintenance costs will rise as the asset base grows, and ages. Data from financial forecasting suggests the current rate based funding scenario is adequate.

Expenditure requirements for renewing old drainage assets will rise significantly in 30 to 40 years' time.

**Environmental Implications**

The plan establishes several key tactical levels of service to advance the use of assets that improve the quality of stormwater runoff to Kananook Creek and Port Phillip Bay.

They are as follows:

- Appropriate and effective use of Water Sensitive Urban Design.
- Appropriate and effective use of Gross Pollutant Trap's.
- Development of Water Harvesting Options.

### Consultation

The DAMP has been produced with input from staff in Physical Services, Environment and Infrastructure. A brief summary of the DAMP was provided in the Councillor Bulletin on 28 February 2008 It will be published on the Council website for public information after being endorsed by Council.

### Conclusion

The DAMP is an important tool for documenting current practises, improving processes, and assessing future requirements for drainage assets in the municipality. The Plan will be regularly reviewed and updated as our drainage data and knowledge improves.

#### Recommendation (GMA)

That Council receive and endorse the Drainage Asset Management Plan (DAMP).

**MOVED: CR. AITKEN SECONDED: CR. TREWHITT**

**THAT THE RECOMMENDATION BE ADOPTED.**

**CARRIED UNANIMOUSLY**

## 2. **School Crossing Supervision – Intersection of McCormick's and Ballarto Roads - Petition seeking Reinstatement of Supervisor**

(A517897) (GC: GMD)

### Purpose

The purpose of this report is to consider a petition from residents seeking reinstatement of the school crossing supervisor at the intersection of McCormick's and Ballarto Roads.

### Council Plan Objectives

This report is supported by Council plan objective 4.7 Shaping the Urban Environment – *'Hazard management to minimise risk to life, property and community'*.

### Background

Road works associated with the development of the recently opened Shopping Centre at the corner of McCormick's and Ballarto Road required the closure of the nearby manned school crossing in McCormick's Road. As part of these works traffic lights were installed at the intersection. An east – west pedestrian crossing is now incorporated at the intersection.

The previous school crossing was situated some 50 metres north of the intersection and provided crossing supervision for children residing south and west of this point. It had been in operation for at least the past decade and at last the count conducted on 4 November 2004, 75 students were using the crossing and 620 vehicles passed through the crossing during the scheduled operating time of one hour, which qualifies the crossing for a state subsidy.

Chairperson's Initials.....

The majority of children using this crossing attend Skye Primary School which is located in Ballarto Road, east of the intersection.

Following completion of the road works supervision of the relocated crossing point was withdrawn on the basis that a pedestrian crossing is technically not a "school crossing" and a supervisor working at such a crossing has no legal power to direct traffic.

It was intended that a crossing supervisor be stationed at the lights for the first fortnight of their operation to familiarise the children with the operation of the lights. In response to community concerns the supervisor has not been withdrawn pending assessment of the situation by Council's Road Safety Officer.

Noting that both McCormick's and Ballarto Roads are Vic Roads controlled roads, representations were made to VicRoads within the first two weeks of the operation of the intersection for suggested safety improvements to the pedestrian environment at the crossing. These included a pedestrian barricade on the east side of the crossing and another advisory traffic sign to motorists to beware of pedestrians crossing at this intersection (left hand turn Ballarto to McCormick's).

Historically Council has a number of school crossing supervisors stationed at Pedestrian and Traffic Lights throughout the municipality. However there are also many similarly controlled crossings where no supervisors are stationed including, the Ballarto Road and McClelland Drive intersection which is 100 metres west of the Ballarto and McCormick's Roads intersection.

In determining the need for the presence of a supervisor, consideration is given to the number of students using the pedestrian crossing and the complexity of the intersection and number of safety measures incorporated at that site.

### **Issues**

The safety of students, who are primarily primary school students, needs to be taken into consideration.

The complexity of the movement of vehicles through the intersection and how they may impact on the safety of students is critical to the assessment.

### **Discussion**

The issues referred to above and contained in the petition are matters for referral for consideration by Council's Road Safety Officer as part of an assessment of the necessity to provide pedestrian supervision at controlled crossings. This study would incorporate both intersections referred to on Ballarto Road.

If Council endorses the proposal to conduct a study, then the petitioners will be informed of this process through the Skye Primary School community.

### **Options Available**

To be determined by the proposed study.

### **Financial Implications**

To be determined. Costs for the current supervisor are provided in the 2008/09 budget.

Chairperson's Initials.....

**Environmental Implications**

Nil

**Social Implications**

The safety of pedestrians is of paramount consideration at all times.

**Consultation**

VicRoads, Schools, Council's School Crossing Coordinator.

**Conclusion**

The proposed study of the pedestrian and vehicle activities referred to in the report will provide future direction regarding school crossing services at the two locations referred to in the report.

**Recommendation (GMD)**

That the:

1. Matter be referred to Council's Road Safety Officer for investigation; and
2. Head petitioner and Skye School community be advised accordingly.

**MOVED: CR. MCCLUSKEY SECONDED: CR. TREWHITT**

**THAT THE:**

1. **MATTER BE REFERRED TO COUNCIL'S ROAD SAFETY OFFICER FOR INVESTIGATION;**
2. **HEAD PETITIONER AND SKYE SCHOOL COMMUNITY BE ADVISED ACCORDINGLY; AND**
3. **MATTER BE TREATED AS URGENT.**

**CARRIED UNANIMOUSLY**

**Governance and Organisational Strength**

**1. Council Resolutions - Responses Back to Council**

(A514444) (CM:CEO)

**Purpose**

The purpose of this report is to inform Council on actions taken by officers on Council decisions.

**Council Plan Objectives**

The issues raised within the report cover the full ambit of the Council Plan.

**Background**

Council resolved at its meeting held on 26 June, 2000 that this report should be part of the **Supporting Information** to the agenda for each Ordinary meeting of Council.

**Environmental Implications**

Council resolutions are made in accordance with Council's Strategic directions for environmental initiatives.

Chairperson's Initials.....

**Social Implications**

The reporting of Council resolutions is in line with enhancing communications within Council and the local community and is in accordance with the vision and values as outlined in the Council Plan.

**Recommendation (CEO)**

That the report be received.

**MOVED: CR. AITKEN SECONDED: CR. HAMPTON  
THAT THE RECOMMENDATION BE ADOPTED.**

**CARRIED UNANIMOUSLY**

**2. Delegated Powers & Closed Council Contract Decisions**

(A515026) (LF:GMCorp)

**Purpose**

To advise Council in the exercise of delegated authority in accordance with the terms of Council's policy on reporting back and to report on contracts now entered, following decisions by Council in meetings closed to members of the public.

**A. Approval of contracts valued between \$50,000 & \$100,000**

Contract	Contractor	Budget Provision	Actual	Expected Project Cost
Nil.				

**B. Approval of variations to contracts which have not been advertised that increase the value to above \$50,000**

Contract	Contractor	Budget Provision	Original Contract Amount	Varied Contract Amount
Nil.				

**C. Approval of variations to any contracts where the value of the variation is greater than \$50,000**

Contract	Contractor	Budget Provision	Original Contract Amount	Varied Contract Amount
Nil.				

Chairperson's Initials.....

**D. Contracts now entered, following Closed Council decisions**

The following contracts have now been signed following earlier decisions by Council made in meetings closed to members of the public (and generally delegating authority to the CEO to finalise negotiations and seal contract).

<b>Contract</b>	<b>Contractor</b>	<b>Value (Indicate if estimate)</b>	<b>Date of Initial Council Decision</b>
Parking enforcement services – implications of Council employing enforcement staff and contract award.	Tenix Solutions P/L		7 April 2008
Tender evaluation report – provision of pound services contract No: 2007/08-3.	Lost Dogs Home	\$169,000	7 April 2008
Tender evaluation report collection of ticket monies contract No: 2007/08-2.	Care Park	\$47K	7 April 2008
Debt collection – Contract.	ML & C collections		5 May 2008
White Street Mall – Streetscape construction stages 2A & 2B Frankston CAD.	Streetscape upgrade and associated works.	\$306,082 ex GST	2 June 2008
Electricity and associated services for all sites.	AGL		2 June 2008

**E. Approval of any Managerial consultancy with a cost value greater than \$10,000 where the consultancy may relate to major policy or strategic matters which will have an impact on the operation of Council**

<b>Contract</b>	<b>Contractor</b>	<b>Expected Project Cost</b>
Nil.		

**F. Legal advice obtained during the period expected to cost in excess of \$5,000**

<b>Matter</b>	<b>Budget Provision</b>
Nil.	

Chairperson's Initials.....

**G. General Issues**

The following operational payments over \$100,000 have been made, which need to be ratified by Council

Contract	Budget Provision
Nil.	

**H. Staff Achieving Service Milestones**

Nil.		
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**I. Details of any gifts devised to the Council and conditions attached (S188 Local Government Act 1989)**

Nil.
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**J. Decision to prohibit use of a road by vehicles of a certain size or weight (CI 12 (2), Schedule II, Local Government Act, 1989)**

Nil.
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**K. Leases / Licences**

The following leases/licences have been signed by the General Manager, Assets, pursuant to the authority granted by Council at the Ordinary Meeting 118, held on 26 April, 2004.

Leases	Term of Lease	Premises
Nil.		
Licenses	Term of Licence	Premises
Nil.		

**L. Closed Council decisions to be made public**

The following is a list of Council reports adopted by Council in Closed Council and Council resolved to make the report public following this meeting.

Report	Recommendation to be released	Date of Initial Council Decision
Nil.		

Chairperson's Initials.....

**M. Community Grants – Miscellaneous Grants (up to March 2008)**

<b>Recipient</b>	<b>Purpose</b>	<b>Amount</b>
Nil.		

**Environmental Implications**

The decisions made under Delegations are done so in accordance with Council's strategic directions for environmental initiatives.

**Social Implications**

The exercising of delegations is undertaken on the basis that such decisions must contribute to the building of the local community and its social capacity. All decisions are made in accordance with the strategic directions articulated in the Council Plan.

**Recommendation (GMCorp)**

That the report be received.

**MOVED: CR. AITKEN SECONDED: CR. HAMPTON  
THAT THE RECOMMENDATION BE ADOPTED.**

**CARRIED UNANIMOUSLY**

**3. Documents for Sealing**

(A515025) (LF:GMCorp)

**A. Section 173 Agreement – 65 Armstrongs Road, Seaford, 3198**

(A508779)(LR:GMD)

**Background**

Council issued Planning Permit No. 526/2007/P on the 1 February 2008 for a two (2) lot subdivision.

Condition 3 of Planning Permit No. 526/2007/P requires the permit holder to enter into a Section 173 agreement with Council in relation to the following:

- Future development of the site must be in accordance with Planning Permit 522/2006/P issued on 5 June 2007 which allows for the construction of a second dwelling beside the existing dwelling.

The property owner is responsible for all legal costs for the Section 173 agreement, which has been prepared by Council's Solicitor and is now ready for sealing by Council.

Chairperson's Initials.....

**B. Section 173 Agreement – 1 Warringa Road, Frankston South 3199**

(A516777) (LC:GMD)

**Background**

Council issued Planning Permit No. 13/2008/P on 16 January 2008 for a two (2) lot subdivision.

Condition 2 of Planning Permit No. 13/2008/P/A requires the permit holder to enter into a Section 173 agreement with Council in relation to the following:

- Future Development of the site must be in accordance with Planning Permit 692/2006/P issued on 13 June 2007 which allows for the construction of two (2) two storey dwellings.

The property owner is responsible for all legal costs for the Section 173 agreement, which has been prepared by Council's Solicitor and is now ready for sealing by Council.

**C. Section 173 Agreement – 335 Ballarto Road, Carrum Downs 3201**

(A520010) (MC:GMD)

**Background**

Planning Permit 040609 was issued on 10 December 2005 at the direction of the Victorian Civil and Administrative Tribunal (VCAT) to allow for the use and development of the site at 335 Ballarto Road, Carrum Downs for a shopping centre. On 3 October 2007 VCAT amended the planning permit to include Condition 24A(b) which requires a Section 173 agreement to be entered into with Melbourne Water and the Responsible Authority:

As such the Section 173 agreement has been prepared and requires the following:

- The owner covenants that all engineering requirements relating to the provision of a bund, wall or other flood obstructions around the site which provides protection to buildings during a flood event must be maintained to the satisfaction of the Responsible Authority and the Melbourne Water Corporation.

The property owner is responsible for all legal costs for the Section 173 agreement, which has been reviewed by Council's Solicitor and is now ready for sealing by Council.

**D. Surrender of Lease - 7R Keys Street, Frankston**

(A514098) (BM:GMCorp)

**Background**

In April 2007, Council purchased property at 5-7R Keys Street, Frankston, with a view to providing public toilets at 5R Keys Street.

Council "inherited" a lease of 7R Keys Street, the tenant being Beleza Pty Ltd. At the time of purchase, the tenant was informed of Council's intended use of 5R Keys Street.

Chairperson's Initials.....

Council recently commenced works at 5R Keys Street.

Prior to works commencing, Lawyers acting for the tenant indicated the works would adversely interfere with their client's use of 7R Keys Street, due to noise, vibration and dust during the construction period. Arrangements were made for the Contractor to program works to minimise any interference.

Following commencement of works, the Lawyers referred the matter to the Small Business Commissioner with the remedy sought being termination of the lease, which was due to expire in April 2009.

Rather than become involved in a costly legal process, which may have resulted in a delay in completion of the toilets, surrender of the lease was agreed to – with a surrender date of 1 June 2008. A Deed of Surrender of Lease has been prepared and is submitted for execution by Council.

The tenant has vacated the premises and has met lease obligations, which included payment of rent of \$1384.23 per month.

**Recommendation (GMCorp)**

That the documents referred to in A to D (inclusive) above be signed and sealed.

**MOVED: CR. AITKEN SECONDED: CR. MCCLELLAND**

**THAT THE RECOMMENDATION BE ADOPTED.**

**CARRIED UNANIMOUSLY**

**4. Petition regarding proposed prohibition of Temporary Signage**

(A517068) (SJ:GMD)

**Purpose**

To respond to a petition relating to the proposed prohibition of temporary signage.

**Council Plan Objectives**

The consideration of the petition is consistent with the following objectives of the *2007-2012 Frankston City Council Plan*:

- Council's leadership makes accountable and transparent decisions by engaging and communicating with the community.
- Plan, coordinate and promote local services and public places that are accessible to all people.
- Promote Frankston as a dynamic and vibrant place to do business.
- Encourage business to operate in a socially sustainable and environmentally sensitive manner.

**Background**

Frankston City Council has received a petition from businesses within the Frankston City Centre who are concerned about the prohibition of temporary signage (including a-frame signage) proposed as part of the Draft Kerbside Trading Guidelines.

Chairperson's Initials.....

The Petition is comprised of 153 individually signed pro-forma letters. The letters state:

“ *I wish to voice my concern over Council’s proposal to ban sandwich-board signs on footpaths in Frankston CBD.*

*I understand Frankston Council is very positive in promoting business growth in our city and see this as a serious hindrance to this end.*

*For any business to have no presence out on the footpath would even send businesses to the wall; particularly if they are down arcades, laneways or up stairs in buildings.*

*I have faith you will consider the grave impact this proposal will have on Frankston’s oldest and respected businesses and not proceed with this decision.”*

### **Issues**

The petitioners have raised concerns that the proposed prohibition of temporary signage will result in extreme hardship for the business community (particularly to those traders that do not have a ‘main street’ frontage).

### **Discussion**

This issue needs to be considered more fully in light of all of the proposals within the Draft Kerbside Trading Guidelines.

There does not appear to be a lead/covering letter attached to the petition. There was an article in the *Independent* (Tuesday, 20 May 2008) showing the Mayor, Cr Wardle, receiving a petition from Elizabeth Tracey of Clipper Classics – so it could be assumed that Ms Tracey is the originator of the petition.

However, of the 153 pro-forma letters, 119 of them are from identifiable businesses. A response letter could be sent to each of these 119 petitioners – this would be consistent with the extensive consultation process that has been undertaken as part of the process of developing the Kerbside Trading Guidelines. This may also be an opportunity to explain to businesses in arcades and upstairs premises that the current controls do permit them to have signage, while also outlining that Council will be considering alternative signage solutions as part of the implementation of the Kerbside Trading Guidelines.

All submissions received on the Kerbside Trading Guidelines will be assessed in June, with a report being presented to Council in August 2008.

### **Options Available**

1. Respond to the petition in isolation.
2. Respond to the issues raised in the petition as part of the process evaluating feedback on the Draft Kerbside Trading Guidelines – Discussion Paper.

### **Financial Implications**

Nil.

### **Environmental Implications**

Nil.

Chairperson's Initials.....

### Social Implications

Nil.

### Consultation

The petition has been generated as a result of the consultation process being undertaken by Council when considering implementing the Kerbside Trading Guidelines.

### Conclusion

The Petition has been generated as a result of the consultation process for the Kerbside Trading Guidelines, therefore it is appropriate that further consideration of the petition and the issues that it raises, be referred as part of this process.

### Recommendation (GMD)

1. That consideration of the issues raised in the petition be undertaken as part of the consideration of feedback of the draft Kerbside Trading Guidelines – Discussion Paper.
2. That a report be presented to Council at the August Council Meeting.

**MOVED: CR. MCCLELLAND SECONDED: CR. TREWHITT  
THAT THE RECOMMENDATION BE ADOPTED.**

**CARRIED UNANIMOUSLY**

## 5. **Abandonment of Discontinuance Procedure and Commencement of Fresh Discontinuance Procedure – Part of High Street Road Reserve, Frankston**

(A518553) (LB:GMCorp)

### Purpose

This report proposes that the discontinuance procedure commenced in accordance with the resolution from Ordinary Meeting 167 on 5 May 2008 be abandoned due to errors in the advertised plan M752, and a fresh discontinuance procedure be commenced.

It is proposed that the fresh procedure will relate to the same area of land as in the procedure to be abandoned, but with corrections made to the discontinuance plan and description of the area to be discontinued. The amended description of the area is: “part of the road reserve on High Street, Frankston, between Bay Street South and Yuille Street, with the land to the west of Young Street to become part of the Frankston Park Reserve, and the land to the east to become part of the Beauty Park Reserve.” The amended plan, M752A is attached as **Supporting Information**, together with a copy of the plan M752A superimposed over an aerial photograph of the area.

### Council Plan Objectives

This report supports Goal 6 of the Council Plan: “Build a strong, flexible and forward-thinking Council that sets the benchmark for good governance.”

The report also raises issues that are relevant to Strategy 4.3.2: “Develop and maintain a network of active and passive parks and reserves that contribute to the health and well being of our community and the image of Frankston City.”

Chairperson's Initials.....

## **Background**

At Ordinary Meeting 167 on 5 May 2008, Council resolved to commence the statutory procedures for discontinuance of an area of High Street road reserve, Frankston. The statutory procedure was commenced following the meeting, with the proposed discontinuance being advertised in the Frankston Standard Leader on 26 May 2008, and letters being sent to High Street residents and property owners advising of the right to make a submission in response to the proposal.

## **Issues**

A submission in response to the proposal was received from Mr Andrew Webster on 10 June 2008. The submission alerted Council officers to some technical errors in the plan M752 which had been advertised. Mr Webster was given the opportunity to speak in support of his submission but elected not to, on the basis that Council would abandon the current advertised proposal. Accordingly Council officers recommend that the current discontinuance procedure be abandoned, and a fresh discontinuance procedure be commenced.

## **Discussion**

The proposal involves:

- Section of road reserve west of Young Street to be consolidated with Frankston Park Reserve;
- Section of road reserve east of Young Street to be consolidated with Beauty Park Reserve; and
- Both areas to then be managed by Council as Committee of Management.

The area of road reserve to the west of Young Street proposed for discontinuance is currently being used for car parking; it contains 90 degree angle parking spaces. The area to the east of Young Street currently forms part of the Beauty Park Reserve.

High Street is a Government Road, and accordingly support of the Department of Sustainability and Environment will be required. Discussions with a representative of the Department of Sustainability and Environment have indicated that the Department will fully support the proposed discontinuance.

If the proposed discontinuance proceeds, it would not affect the use of High Street as a road upon which traffic can travel in both directions. The discontinuance process would only serve to change the legal status of the area shown hatched on plan M752A to the west of Young Street from "road reserve" to "public park recreation reserve" and the hatched area to the east of Young Street from "road reserve" to "public park and recreation reserve".

Discontinuance of the "road status" of the area to the west of Young Street will enlarge the Frankston Park Reserve and will assist with the development of facilities on the reserve whilst also retaining existing car parking.

Discontinuance of the "road status" of the area to the east of Young Street will enlarge Beauty Park Reserve. It would in fact protect the area to be discontinued from possible future use as a road. The discontinuance would also enable Council's property database to more accurately reflect long term and current land use, because Beauty Park currently incorporates part of the High Street road reserve.

Chairperson's Initials.....

Council commissioned a report on parking and traffication within the Frankston Park precinct, which has recommended that there are a number of options available to increase parking within the precinct, including the creation of 90 degree angle parking along High Street between Kars Street and Yuille Street within the road reserve. Should Council determine at a future date to provide additional 90 degree angle parking in High Street, such parking would be within the road reserve. Council is yet to give this matter formal consideration.

Formal statutory procedures will need to be followed to achieve the discontinuance, which include notice in a local newspaper, notices to adjoining property owners and consultation with service authorities in regard to services that may exist in the area.

#### **Options Available**

Council could resolve to proceed with the current discontinuance procedure, which would entail a risk that a legal challenge could be made to the validity of the discontinuance. Particularly given the verbal advice given by the Mayor at the Planning and Submissions Meeting 125 on 16 June 2008 that Council would abandon the current proposal, it is therefore recommended that Council adopt the cautious approach, and resolve to abandon the current discontinuance procedure, and recommence a fresh discontinuance procedure based on the amended discontinuance plan and description of area.

#### **Financial Implications**

The costs involved in the discontinuance procedure can be met from the current budget.

#### **Environmental Implications**

Nil.

#### **Social Implications**

Nil.

#### **Consultation**

The proposal has been discussed with officers from the Department of Sustainability and Environment. Internally, consultation has been undertaken with Council's Infrastructure department.

Should Council resolve that the statutory procedures for discontinuance be commenced, public consultation will take place in accordance with the provisions of the Local Government Act.

#### **Conclusion**

The area of High Street road reserve shown hatched on plan M752A is not required by Council for road purposes, and it is best for the "road status" to be removed. This can be achieved by undertaking the formal road discontinuance procedure. Once discontinued, there will be no requirement for the area to be included in the Road Management Plan and the land will be used and managed by Council.

**Recommendation (GMCorp)**

1. That the statutory procedure for the discontinuance of part of High Street road reserve, which was commenced on the basis of a resolution of Council made at Ordinary Meeting 167 on 5 May 2008, be abandoned due to errors in the advertised plan.
2. That Mr Andrew Webster be advised of Council's decision and the reasons for the decision.
3. That a fresh statutory procedure be commenced for the discontinuance of the area of High Street road reserve, Frankston, which is shown hatched on plan M752A, with a view to the land being consolidated with Frankston Park and Beauty Park.

**MOVED: CR. AITKEN SECONDED: CR. TREWHITT  
THAT THE RECOMMENDATION BE ADOPTED.**

**CARRIED**

*For the Motion:*

*Crs McClelland, Hampton, Trehwitt Wardle and Aitken.*

*Against the Motion:*

*Cr McCluskey.*

**PETITIONS AND JOINT LETTERS**

Cr. Hampton presented two joint letters from Edna Howells and Jeff Symons regarding community support for the Frankston Bypass.

**MOVED: CR. MCCLELLAND SECONDED: CR. TREWHITT  
THAT THE JOINT LETTERS BE RECEIVED AND LAY ON THE TABLE.**

**CARRIED UNANIMOUSLY**

**DELEGATES REPORTS & COMMITTEE MINUTES****Delegates Reports & Committee Minutes****1. Committee Minutes & Delegate Reports**

(A514440) (CM:CEO)

**Purpose**

To convey to Council, minutes of meetings of committees to which Council has appointed delegates or deemed to be significant internal or external committees.

**Council Plan Objectives**

This report will assist Council in furthering its representation and advocacy of the community in accordance with the Council Plan.

Chairperson's Initials.....

**Background**

Council resolved at its meeting on 29 March, 2004 to require minutes of internal or external committees deemed significant, to be tabled at future Council meetings for reviewing to improve the information flow to Councillors

**Conclusion**

The following minutes of committees are included in the Supporting Information to the Agenda.

- Frankston 2025 Advisory Committee – 8/5/08
- MAV – Strategic Environment Advisory Group – 5/6/08
- Disability Access and Inclusion Committee – 3/6/08
- Frankston 2025 Advisory Committee – 12/6/08
- Local Government Waste Forum – 12/6/08
- Planning & Submissions Meeting – 16/06/08

Cr Hampton advised about the Eastlink Committee Meetings and that there are still two to go.

**Recommendation (CEO)**

That the minutes of these committees be received.

**MOVED: CR. MCCLELLAND SECONDED: CR. TREWHITT**

**THAT THE MINUTES OF THESE COMMITTEES AND CR HAMPTON'S VERBAL REPORT BE RECEIVED.**

**CARRIED UNANIMOUSLY**

**NOTICES OF MOTION**

**2. NOM585 – Logging in Catchment Areas**

(A516952)

On Monday 16 June, 2008, Councillor Judy Wachendorfer gave notice of her intention to move the following motion:

1. To improve the overall water security for residents and ratepayers of Frankston and greater Melbourne, the Frankston City Council makes a public statement opposing logging in the Melbourne water supply catchments because:
  - Logging has a dramatic and detrimental effect on water yield in catchments.
  - Young re-growth trees need more water to grow thus releasing less water into catchments.
  - Logging reduces stream flow and yields to water catchments.
  - It can take 150 years for water yields to return to their pre-logged status.

Chairperson's Initials.....

- It is poor water policy to continue to log our water catchments.
  - Logging of water catchments adversely affects water quality through increasing sediment, as does road construction through logging coupes.
2. Council to make representation to the Premier, the Minister for Environment and Minister for Water urging the State government to consider a policy of no logging in water catchments.
  3. Council to write to Local Members of parliament seeking their support for such a statement.

#### General Manager Development Comments:

It is not considered appropriate to make a public statement on the issue at this time as it was not endorsed as a Local Government position at the MAV Conference.

It would be appropriate to write to the Minister for Environment and the Local Members of Parliament on this issue.

**MOVED: CR. WARDLE SECONDED: CR. MCCLUSKEY  
THAT THE MOTION AS WRITTEN BE ADOPTED.**

**MOVED: CR. AITKEN SECONDED: CR. MCCLELLAND  
THAT THE MATTER BE DEFERRED.**

**THE MOTION WAS LOST ON THE CASTING VOTE OF THE MAYOR**

*For the Motion:* Crs Aitken, McClelland and Trehwitt  
*Against the Motion:* Crs Hampton, McCluskey, and Wardle.

**THE ORIGINAL MOTION WAS PUT AND CARRIED UNANIMOUSLY**

### 3. NOM586 – Skye Recreation Reserve Pavilion Extension

(A518558)

On Monday 23 June, 2008, Councillor Colin Hampton gave notice of his intention to move the following motion:

Council's contribution of \$400,000 for the proposed extensions to the Skye Recreation Reserve Pavilion be given a high priority for consideration in the 2008/09 mid-year budget review  
Work on the design plans continue and be finalised with input from the Skye Cricket Club and Carrum Downs Soccer Club

#### A/Infrastructure Manager Coments

The estimated cost of the project is \$500,000 based on the current design plans. Parts of the existing pavilion will be retained and an extension incorporating new change rooms and toilets will be constructed under a whole new roof. This figure includes contributions from both tenant clubs in line with Council's Capital Works Contribution policy.

Chairperson's Initials.....

Frankston City Council	\$400,000
Skye Cricket Club	\$50,000
Carrum United Junior Soccer Club	\$50,000

The project was deferred to the 2009/10 Capital Works Program to enable plans to be finalised and the Club to raise sufficient funds to meet their obligations.

**MOVED: CR. HAMPTON SECONDED: CR. MCCLUSKEY  
THAT THE MOTION AS WRITTEN BE ADOPTED.**

**CARRIED UNANIMOUSLY**

**URGENT BUSINESS**

**1. 40kmh Electronic Speed Signs – Kananook Primary School**

**MOVED: CR. AITKEN SECONDED: CR. MCCLELLAND**

**THAT THE MATTER OF ELECTRONIC SPEED SIGNS AT KANANOOK PRIMARY SCHOOL BE ACCEPTED AS URGENT BUSINESS.**

**CARRIED UNANIMOUSLY**

**MOVED: CR. AITKEN SECONDED: CR. MCCLELLAND**

**THAT COUNCIL SEND A LETTER TO VICROADS THANKING THEM FOR AGREEING TO INSTALL 40 KPH ELECTRONIC SPEED SIGNS OUTSIDE KANANOOK PRIMARY SCHOOL IN THE 2008/2009 YEAR BUT REQUEST THAT THEY GIVE THE INSTALLATION URGENT PRIORITY AND THAT THE SIGNS BE INSTALLED WITHIN THE NEXT TWO (2) MONTHS, DUE TO PERSISTENT EXCEEDING OF THE SCHOOL SPEED LIMIT.**

**CARRIED UNANIMOUSLY**

**MOVED: CR. MCCLELLAND SECONDED: CR. TREWHITT**

**THAT THE MEETING BE CLOSED TO MEMBERS OF THE PUBLIC, PURSUANT TO SECTION 89(2) OF THE LOCAL GOVERNMENT ACT 1989, DUE TO CONSIDERATION OF PERSONNEL MATTERS, CONTRACTUAL MATTERS, LEGAL MATTERS, WHICH THE COUNCIL CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON.**

**CARRIED UNANIMOUSLY**

**The meeting closed to the public at 8:40 p.m.**

**CONFIRMED, APPROVED AND ADOPTED  
ON 4 AUGUST 2008**

.....  
**Chairperson**

Chairperson's Initials.....