



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE FRANKSTON ARTS CENTRE, CNR DAVEY AND YOUNG STREETS,
FRANKSTON
ON 29 JUNE 2020 at 7.00PM**

PRESENT	Cr. Sandra Mayer (Mayor) Cr. Colin Hampton (by Zoom) Cr. Michael O'Reilly Cr. Glenn Aitken Cr. Brian Cunial (by Zoom) Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam (by Zoom) Cr. Lillian O'Connor (by Zoom)
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Ms. Kim Jaensch, Chief Financial Officer Dr. Gillian Kay, Director Communities Mr. Cam Arullanantham, Director Infrastructure and Operations Ms. Shweta Babbar, Director Business Innovation and Culture Ms. Brianna Alcock, Manager Governance and Information Mr. Doug Dickins, Manger Engineering Services Ms. Michelle Tipton, Coordinator Governance Mr. Stuart Caldwell, Acting Manager Planning & Environment Ms. Clare Warren, Coordinator Environmental Planning Mr. Taylor McVean, Coordinator Communications Ms. Vera Roberts, Executive Assistant to Chief Financial Officer Ms. Bronwyn Mason, Councillor Support Officer Mr. Peter Gent, System Support Officer Mr. Rhys Parson, Frankston Arts Centre Tech Support Mr. Glenn Parry, Frankston Arts Centre Tech Support Mr. Simon Thompson, Frankston Arts Centre Tech Support
EXTERNAL REPRESENTATIVES:	Dan Thorne (Orange Elephant Productions) James Bertschik (Orange Elephant Productions)

PROCEDURAL STATEMENT

The Mayor made the following statement:

This meeting is being live streamed for public viewing in accordance with section 66(3) of the Local Government Act 2020. In the event Council encounters technical issues with the streaming, the meeting will be adjourned for up to 30 minutes until the matter is resolved. If the matter cannot be resolved, the meeting will be postponed to another evening.

Chairperson's initials *S. Mayer*

COUNCILLOR STATEMENT

Councillor Aitken made the following statement:

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

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

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

PRAYER

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

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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1. PRESENTATION TO COMMUNITY GROUPS**1.1 Certificate of Appreciation to the Sikh Volunteers Australia**

The Mayor presented a certificate of appreciation to the Sikh Volunteers Australia for their continual support and generosity in providing meals and food deliveries to those in need.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM8 held on 15 June 2020.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor O'Reilly

That the minutes of the Ordinary Meeting No. OM8 held on 15 June 2020 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Nil

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Cr Hampton informed the Chair that he had an indirect interest with a matter relating to Urgent Business. Cr Hampton advised that he had notified the Chief Executive Officer, Mr Phil Cantillon, of his interest.

5. PUBLIC QUESTION TIME

No persons submitted questions to Council.

6. HEARING OF PUBLIC SUBMISSIONS

Ms. Jenny Alexander made a submission to Council regarding Item 12.15: Urban Forest Action Plan;

Councillor Hampton left the meeting at 7.06pm

Councillor Hampton returned to the meeting at 7.06pm

Mr. Rob Thurley made a submission to Council regarding Item 12.19: Update on New Signature Event; and

Mr. Phil Carter, on behalf of the Kananook Creek Association, made a submission to Council regarding Item 12.22: Kananook Creek Governance and Dredging Investigation at the Entrance.

Councillor Hampton left the meeting at 7.15pm

Councillor Hampton returned to the meeting at 7.15pm

7. ITEMS BROUGHT FORWARD**Council Decision****Moved: Councillor O'Reilly****Seconded: Councillor McCormack**

That Items:

12.15: Urban Forest Action Plan;

12.19: Update on New Signature Event; and

12.22: Kananook Creek Governance and Dredging Investigation at the Entrance
be brought forward.**Carried Unanimously****8. PRESENTATIONS / AWARDS**

Nil

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

10. DELEGATES' REPORTS*Councillor Cunial left the meeting at 7.20pm***General Motion****Council Decision****Moved: Councillor Toms****Seconded: Councillor Hampton**

That the verbal submissions made by:

- The Mayor, Cr Sandra Mayer on the South East Councils Climate Change Alliance – Councillor Advisory Group held on 4 June 2020; and
- Cr Quinn McCormack on the Westernport Biosphere held on in May 2020.

be accepted.

Carried Unanimously

ITEMS BROUGHT FORWARD**12.15 Urban Forest Action Plan**

(SC Communities)

Councillor Cunial returned to the meeting at 7.22 pm

Councillor Bolam left the meeting at 7.28 pm

Councillor Bolam returned to the meeting at 7.29pm

Recommendation (Director Communities)

That Council:

1. Notes that the Urban Forest Action Plan was publicly exhibited for a period of five (5) weeks and twenty four (24) written submissions were received;
2. Adopts the Urban Forest Action Plan, noting Officers will advise the submitters of its decision accordingly; and
3. Refers the amount of \$101,000 to the 2020/21 Mid-Year Budget for consideration for the delivery of the year 1 Implementation plan specifically:
 - a) \$20,000 to develop an Urban Forest Local Area Plan for Carrum Downs to identify planting sites, including potential locations for bulk planting (S1a);
 - b) \$6,000 to develop an online portal to track tree planting across the Municipality (S11);
 - c) \$10,000 to review the ongoing decline of *Eucalyptus scoparia* and plan for their replacement (S13);
 - d) \$10,000 to investigate the decline of *Banksia integrifolia* within the Seaford Foreshore (S15);
 - e) \$15,000 to make an ongoing commitment to Resilient Melbourne and the delivery of the Metropolitan Urban Forest Strategy (O10); and
 - f) \$40,000 to commence a review of the Significant Tree Register (L5A).

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Toms

That Council:

1. Notes that the Urban Forest Action Plan was publicly exhibited for a period of five (5) weeks and twenty four (24) written submissions were received;
2. Adopts the Urban Forest Action Plan, noting Officers will advise the submitters of its decision accordingly; and
3. Refers the amount of \$121,000 to the 2020/21 Mid-Year Budget for consideration for the delivery of the year 1 Implementation plan specifically:
 - a) \$20,000 to develop an Urban Forest Local Area Plan for Carrum Downs to identify planting sites, including potential locations for bulk planting (S1a);
 - b) \$6,000 to develop an online portal to track tree planting across the Municipality (S11);
 - c) \$10,000 to review the ongoing decline of *Eucalyptus scoparia* and plan for their replacement (S13);
 - d) \$10,000 to investigate the decline of *Banksia integrifolia* within the Seaford

Chairperson's initials *S. Mayer*

Foreshore (S15);

- e) \$15,000 to make an ongoing commitment to Resilient Melbourne and the delivery of the Metropolitan Urban Forest Strategy (O10);
- f) \$40,000 to commence a review of the Significant Tree Register (L5A); and
- g) \$20,000 to develop an Urban Forest Local Area Plan for Seaford to identify planting sites, including potential locations for bulk planting (S1a).

Carried Unanimously

12.19 Update on New Signature Event

(AM Communities)

Recommendation (Director Communities)

That Council:

1. Notes progress on the development of a new Signature Event for Frankston;
2. Supports the Arts, Culture and Heritage multi-layer concept to the new Signature Event; and
3. Approves the extension of the Community Major Event grant funding to Frankston Music Festival ("FMF") group for the 2021 festival, due to COVID19 impacts.

Councillor Bolam left the meeting at 7.30pm

Councillor Bolam returned to the meeting at 7.31pm

Councillor Cunial left the meeting at 7.31pm

Councillor Cunial returned to the meeting at 7.31pm

Council Decision

Moved: Councillor Toms

Seconded: Councillor Aitken

That Council:

1. Notes progress on the development of a new Signature Event for Frankston;
2. Supports the concept of the Arts, Culture and Heritage multi-layer new signature event to enable the preparation of the EOI documentation, which will identify local content for the new Signature Event. Noting the event is anticipated to commence no later than May – August 2022.
3. Supports a confidential report to the 21 September 2020 Ordinary Meeting detailing the festival design, timing and budget noting timing is subject to COVID-19 restrictions should they continue; and
4. Due to COVID19 impacts on 2020 festivals and events approves the extension of the Community Major Event grant funding to Frankston Music Festival ("FMF") group for a 2021 festival and notes Council has the capacity to provide limited programming funds for additional performances in support of the Frankston Music Festival 2021.

Carried Unanimously

12.22 Kananook Creek Governance and Dredging Investigation at the Entrance

(DD Infrastructure and Operations)

Recommendation (Director Infrastructure and Operations)

That Council:

1. Notes the historical, cultural, recreational and economic value of the Kananook Creek as a well-used and valued community asset;
2. Notes the previous lack of governance and management of Kananook Creek and Council takes the lead role in stewarding a future governance model for Kananook Creek on behalf of the community.
3. Invites key state government departments including DELWP, Parks Victoria, Better Boating Victoria and Melbourne Water, along with key community groups to be part of the Kananook Creek Governance Group;
4. Nominates Councillor Aitken and Councillor Toms to represent Council at the Kananook Creek Governance Group;
5. Notes Terms of Reference will be agreed at the first meeting of the Kananook Creek Governance Group and will be reported to Council no later than September 2020; and
6. Notes the update regarding a trial dredging program to manage sediment at the entrance to Kananook Creek and will receive a further update by Memorandum.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Council:

1. Notes the historical, cultural, recreational and economic value of the Kananook Creek as a well-used and valued community asset;
2. Notes the previous lack of governance and management of Kananook Creek and Council takes the lead role in stewarding a future governance model for Kananook Creek on behalf of the community.
3. Invites key state government departments including DELWP, Parks Victoria, Better Boating Victoria and Melbourne Water, along with key community groups to be part of the Kananook Creek Governance Group;
4. Nominates Councillor Aitken and Councillor Toms to represent Council at the Kananook Creek Governance Group;
5. Notes Terms of Reference will be agreed at the first meeting of the Kananook Creek Governance Group and will be reported to Council no later than September 2020; and
6. Notes the update regarding a trial dredging program to manage sediment at the entrance to Kananook Creek and provide a report to Council by October 2021, on the outcomes and recommendations and include any funding opportunities for Council.

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

That Cr Aitken be granted an extension of time.

Carried

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

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

*Councillor Cunial left the meeting at 7.40pm**Councillor Cunial returned to the meeting at 7.41pm***The Motion was then Put
and Carried Unanimously**

11. CONSIDERATION OF TOWN PLANNING REPORTS**11.1 Planning Permit Application 38/2019/P - 383-389 Nepean Highway Frankston - Construction of a nine (9) storey building with basement for use as a Food and Drink premises, office and accommodation (110 apartments); and a reduction in car parking requirements of Clause 52.06.**

(SC Communities)

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

That Council resolves to issue Notice of Refusal to Grant a Planning Permit in respect to Planning Permit Application number 38/2019/P for the construction of a nine (9) storey building with basement for use as a Food and Drink premises, office and accommodation (110 apartments) and a reduction in car parking requirements of Clause 52.06 at 383-389 Nepean Highway Frankston on the following grounds:

1. The scale, mass and height of the proposed development is not consistent with the preferred maximum building heights and setbacks for Precinct 5 of the Frankston Metropolitan Activity Centre Structure Plan, May 2015 and the Design and Development Overlay – Schedule 5 of the Frankston Planning Scheme.
2. The architectural resolution and design response of the proposed development does not represent an appropriate urban design response consistent with the aspirations of Clause 15.01-1S Urban design; Clause 15.01-2S Building design and Clause 21.10 Built Environment and Heritage of the Frankston Planning Scheme, the Frankston Metropolitan Activity Centre Structure Plan, May 2015, the Mixed Use Zone, the Design and Development Overlay – Schedule 5 and the Frankston Metropolitan Activity Centre Illustrative Guidelines, May 2018.
3. The podium carpark public realm interface with O’Grady Street does not achieve the urban design objectives of the Frankston Metropolitan Activity Centre Structure Plan, May 2015, the Design and Development Overlay – Schedule 5 and the Frankston Metropolitan Activity Centre Illustrative Guidelines, May 2018.
4. The proposed development fails to provide an acceptable response to the public realm and at the height and scale proposed would unreasonably impact on the public realm amenity of Evelyn Street Park as a result of overshadowing.
5. The proposal does not comply with the car parking requirements of Clause 52.06 – Car parking and clause 45.09 Schedule 1 of the Frankston Planning Scheme.

Carried Unanimously

11.2 Town Planning Application 99/2013/P/C - 25 Oliphant Way Seaford - To amend the planning permit to increase the patron numbers, change the operating hours of the existing restricted recreation facility and use the land for the sale and consumption of liquor (restaurant and cafe licence).

(SC Communities)

Council Decision

Moved: Councillor Bolam

Seconded: Councillor O'Reilly

That Council resolves to issue a Notice of Decision to Grant an Amended Planning Permit in respect to Planning Permit Application number 99/2013/P/C to Use the land for a restricted recreation facility (trampolining and laser tag), sale and consumption of liquor (restaurant and café licence), construction of a mezzanine floor, display of advertising signs and reduction of bicycle facilities, subject to the following conditions:

Amended Plans

- 1) Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application but modified to show:
 - a) Provision for at least 5 staff bicycle spaces and 10 visitor bicycle spaces.
 - b) A clearer plan to show the proposed red line area, including the labeling of all the spaces of the floor area.
 - c) A Venue/Patron management plan in accordance with Condition 7.

No Alteration or Changes

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

Hours of operation

- 3) The use permitted by this permit must not operate outside the hours of:
 - Monday to Sunday 10:00am to 11.00pm

Number of customers

- 4) Maximum number of patrons may be present on site at any one time is as follows:
 - Monday to Friday from 10am to 5pm – Maximum patron numbers 110.
 - Monday to Friday from 5pm to 11pm - Maximum patron numbers 200.
 - Saturday and Sunday – from 10am to 11pm - Maximum patron numbers 200.

Liquor License Requirements

- 5) The sale and consumption of alcohol must only take place at the premises during the following hours:
 - Anzac Day and Good Friday 12 midday to 11pm
 - Any other day 11am to 11pm.
- 6) Not more than 60 patrons may be present within the designated red line area at any one time.

Chairperson's initials *S. Mayer*

Patrons/Venue Management Plan

- 7) Prior to the commencement of the sale and consumption of alcohol within the site, a venue management plan is to be submitted to and approved by the Responsible Authority that details (but is not limited to) the following:
- a) Measures taken to manage the number of patrons admitted on the designated area at any one time;
 - b) Venue shut down procedures to encourage the patrons to leave the premises sporadically.
 - c) Signage to be used to encourage responsible off-site patron behaviour;
 - d) Measures to prevent vandalism and antisocial behaviour;
 - e) Details to address waste including bottles, rubbish and reduce generated by the use;
 - f) Standard procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an 'authorised officer' of the Responsible Authority, or an officer of Liquor Licensing Victoria.
 - g) Details of training provided for bar staff in the responsible serving of alcohol, and the management of patron behaviour;
 - h) Lighting within the boundaries of the site., security lighting outside the premises.
 - i) Measures taken to have a passive surveillance within the site and particularly at the time when the patrons leave the site.

All of the above is to be to the satisfaction of the Responsible Authority. Once approved the plan must be implemented to the satisfaction of the Responsible Authority.

Lighting

- 8) Exterior lights must be installed in such positions to effectively illuminate all pathways, car parks and other public areas to the satisfaction of the Responsible Authority.
- 9) Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

Advertising Signs

- 10) The location and details of sign(s) *including those of the supporting structure*, as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 11) The sign(s) hereby permitted must not:
 - a. be animated;
 - b. be illuminated;
 - c. be moving or rotating;
 - d. contain any flashing or intermittent light.
- 12) All signs must be located wholly within the boundary of the land.
- 13) The sign(s) hereby permitted must be constructed to the satisfaction of the Responsible Authority, and must be maintained to the satisfaction of the Responsible Authority.

Car parking

- 14) Before the use allowed by this permit starts, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be :-
- a. Constructed to the satisfaction of the Responsible Authority.
 - b. Properly formed to such levels that they can be used in accordance with the plans.
 - c. Surfaced with an all-weather sealcoat *or surfaced with crushed rock or gravel.*
 - d. Drained and maintained to the satisfaction of the Responsible Authority.
 - e. Line-marked to indicate each car space, loading bay and all access lanes and if necessary, the directions in which vehicles are to travel to the satisfaction of the Responsible Authority.

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

- 15) All car parking spaces must at all times be available for use by customers and staff of the proposed use.

Amenity

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

Permit Expiry

- 18) This permit will expire if one of the following circumstances applies:
- The development is not commenced within two (2) years of the date of this permit.
 - The development is not completed within four (4) years of the date of this permit.
 - The use is not commenced within five (5) years of the date of this permit.
 - The use is discontinued for a continuous period of two (2) years.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three (3) months afterwards.

Note

- A. Any request for time extension or variation / amendment of this Permit or any condition must be lodged with the relevant fee.

Chairperson's initials *S. Mayer*

- B. The owner/applicant of the subject site should join and comply with the Frankston Liquor Industry Accord, which requires the member to serve liquor in a responsible manner.

Carried

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

Against the Motion: Cr Hampton

**11.3 Amendment to the approved development plan in accordance with Clause 43.04
Development Plan Overlay - Schedule 1 - Carrum Downs Outline Development
Plan**

(SC Communities)

Recommendation (Director Communities)

That should a review not have been lodged under s149 of the Planning and Environment Act at the Victorian Civil and Administrative Tribunal, Council would have resolved to approve the amended development plan in accordance with Clause 43.04-4 – Development Plan Overlay – Schedule 1 Carrum Downs to remove the notations for a shop, an infant welfare centre, a pre-school and a road connection to the south.

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

That should a review not have been lodged under s149 of the Planning and Environment Act at the Victorian Civil and Administrative Tribunal, Council would have resolved to refuse to amend the development plan in accordance with Clause 43.04-4 – Development Plan Overlay – Schedule 1 Carrum Downs to remove the notations for a shop, an infant welfare centre, a pre-school and a road connection to the south, for the reason that the applicant had not sufficiently and suitably demonstrated through evidence that the specified facilities and infrastructure were no longer necessary to achieve orderly planning of the Carrum Downs area.

Carried Unanimously

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

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

- 11.4 Draft Industrial Land Strategy Review, November 2019 - Frankston City Industrial Precincts;
- 11.5 May 2020 Planning and Environment Progress Report;
- 12.1 Council Resolution Status Update for 29 June 2020;
- 12.2 Re-appointment of a Senior Officer to the Board of Management for Frankston Football Club Incorporated;
- 12.3 External Committee Minutes for the Executive Management Team;
- 12.4 Minutes of the Frankston Arts Board - February, April and May 2020;
- 12.5 Instrument of Delegation S6 from Council to members of Council staff;
- 12.6 Long Term Financial Plan 2020-2030;
- 12.7 Rating Strategy 2020-2021;
- 12.9 Procurement Policy 2020/21;
- 12.10 Draft Appointments and Authorisations Policy;
- 12.12 Implementation of Local Government Act 2020: draft Council Expenses Policy and draft Public Transparency Policy;
- 12.13 Implementation of Local Government Act 2020: draft Governance Rules;
- 12.17 Asset Management Strategy (2020 - 2024);
- 12.18 Update on Coronavirus (COVID-19) - 29 June 2020;
- 12.20 Update of South East Melbourne (SEM) group discussions and City Deal development;
- 12.21 Further Community Consultation for Sweetwater Precinct Local Area Traffic Management Study;
- 12.23 Sport and Recreation Sport Stimulus Funding; and
- 13.2 Response to 2019/NOM25 - Council Recycled Water Scheme Projects

Carried Unanimously

11.4 Draft Industrial Land Strategy Review, November 2019 - Frankston City Industrial Precincts

(SC Communities)

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

That Council:

1. Notes the findings and recommendations of the draft Industrial Land Strategy Review – Frankston City Industrial Precincts prepared by Charter Keck Cramer. The key recommendations are:
 - a) Review the land use zoning of the Frankston East industrial precinct.
 - b) Develop a strategic vision and program of actions to facilitate the renewal of aged industrial stock and ageing precincts.
 - c) Develop urban design guidelines that encompass directions for the management of front setbacks, the improvement of streetscapes, the management of waste and storage.
 - d) Implement the 2009 urban design vision for Lathams Road as a high amenity gateway with extensive landscaping and high quality cycling and pedestrian infrastructure.
 - e) Engage with Public Transport Victoria and the Department of Transport to advocate for a review of bus service frequencies and routes for buses that service industrial precincts, the provision of new bus stops in the northern portion of Carrum Downs, more direct public transport connectivity from and to Cranbourne and other suburbs east of the municipality.
 - f) Develop a shared cycle route through Lathams Road that connects with the Peninsula Link Trail.
 - g) Develop east west cycling connectivity that supports accessibility from Cranbourne.
 - h) Investigate the prevalence and impact of non-traditional industrial uses in industrial locations.
 - i) Address issues of disorderly industrial sites via local law enforcement.
 - j) Ensure that vegetation at the ground plane at pedestrian access points into and from industrial precincts is maintained to avoid safety risks;
2. Releases the draft Industrial Land Strategy Review – Frankston City Industrial Precincts for public exhibition for a period of 6 weeks; and;
3. Notes that a report will be brought back to Council no later than the 21 September 2020 Ordinary Meeting, on the outcomes of the public exhibition and future steps.

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item is block resolved.

Chairperson's initials *S. Mayer*

11.5 May 2020 Planning and Environment Progress Report
(SC Communities)

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Toms

That Council receives the May 2020 Planning and Environment Progress Report.

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item is block resolved.

12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Council Resolution Status Update for 29 June 2020**

(BA Chief Financial Office)

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

That Council:

1. Receives the Notices of Motion Report for 29 June 2020;
2. Receives the Urgent Business Status Update for 29 June 2020;
3. Notes nine (9) Notice of Motion has been reported as being complete:
 - NOM1376 - Inconsistencies of Clause 52.48 - Bushfire Protection Exemptions (Known as the 10/30 Right)
 - 2018/NOM65 - New Bylaws
 - 2019/NOM22 - Save our Red Gums
 - 2019/NOM29 - Public Art Murals
 - 2019/NOM38 - Economic Incentives
 - 2019/NOM40 - Trial Program
 - 2019/NOM52 - Kananook Creek Arboretum
 - 2019/NOM54 - Mass Tree Planting Program
 - 2019/NOM62 - Hoon Driving Report
4. Notes the reports listed below will not be presented back to Council by its advised date and a detailed explanation is provided in the body of the report:
 - Response to 2019/NOM37 – Overport Park Masterplan – Preliminary Consultation Summary
 - Response to 2019/NOM65 - Cemetery Caretaker Provisions
5. Notes, since the Ordinary Meeting held on 1 June 2020, 30 resolutions have been completed, as listed in the body of the report.

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item is block resolved.

Chairperson's initials *S. Mayer*

12.2 Re-appointment of a Senior Officer to the Board of Management for Frankston Football Club Incorporated

(BA Chief Financial Office)

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

That Council:

1. Appoints the Manager Community Strengthening as Council's member to the Board of Management (Board) for Frankston Football Club Incorporated for the remaining interim arrangements, until 27 December 2020;
2. Notes the Manager Community Strengthening replaces the Director Business Innovation and Culture as Council's member on the Board; and
3. Notes that a further report will be considered at the December 2020 Ordinary Meeting, to decide whether Council's membership on the Board should continue in a non-voting capacity once the interim arrangements cease.

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item is block resolved.

12.3 External Committee Minutes for the Executive Management Team

(BA Chief Financial Office)

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

That Council receives the Minutes of the following external Committees:

- Customer Consultative Committee – 29 October 2019 (CEO)
- Frankston Football Club Inc. - 20 March 2020 (A_DBIC)
- Frankston Football Club Inc. – 17 April 2020 (A_DBIC)

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item is block resolved.

12.4 Minutes of the Frankston Arts Board - February, April and May 2020

(AM Communities)

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

That Council:

1. Receives the Minutes of the Frankston Arts Board meeting of 18 February 2020 and:
 - a) notes the resignation of Board Member Jenni Colwill - Item 1.4
 - b) notes FAB response to Council urgent business item relating to sculptures - Item 2.4
2. Receives the Minutes of the Frankston Arts Board meeting of 27 April 2020; and
3. Receives the Minutes of the Frankston Arts Board meeting of 26 May 2020 and approves the Board's recommendation to expend \$10,000 from the Frankston Library & Theatre Trust (- Item 2.3) as seed funding for a Frankston Art and Cultural History book.

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item is block resolved.

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

(BA Chief Financial Office)

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

That Council:

1. In the exercise of power conferred by Section 11 (1) of the *Local Government Act 2020* and the other legislation referred to in *S6. Instrument of Delegation - Council to members of Council staff*, resolves that these powers, duties and functions be delegated to staff. This is subject to the conditions and limitations specified in the Instrument of Delegation;
2. Notes the Instrument of Delegation referred to above:
 - (i) Be signed and sealed;
 - (ii) Come into force immediately that the Common Seal of Council is affixed to the Instrument; and
 - (iii) Remain in force until Council determines to vary or revoke the Instrument.
3. On the coming into force of the Instrument, notes the previous Instrument which was adopted by Council on 20 April 2020 is revoked; and
4. Notes the duties and functions set out in the Instrument of Delegation are performed and the powers, duties and functions be executed in accordance with any guidelines or policies that Council may from time to time adopt.

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item is block resolved.

12.6 Long Term Financial Plan 2020-2030

(KJ Chief Financial Office)

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

That Council:

1. Adopts the Long Term Financial Plan 2020-2030; and
2. Notes the immediate and short-term financial impacts of the COVID-19 are incorporated in the Long Term Financial Plan and responds to the needs of the community by setting aside \$6.434 million as a once-off care package available from the 2020-2021 financial year; and
3. Notes the funds set aside for the care package are based on the immediate and short term needs and may need to be reviewed pending the future impacts of COVID-19

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item is block resolved.

12.7 Rating Strategy 2020-2021

(NA Chief Financial Office)

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

That Council

1. Adopts the Rating Strategy 2020-2021; and
2. Notes that the Rating Strategy applies the differential rates for Acacia Heath and Springhill properties, however the application of the differential rates is intended to be reviewed at each Budget in the future.

Carried Unanimously**Note:** Refer to Page 17 of the Minutes where this item is block resolved.

12.8 Amendment to Rates and Charges Hardship Policy

(NA Chief Financial Office)

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

That Council:

1. Notes the support mechanisms for ratepayers who are in need of financial assistance during a State of Emergency such as the COVID-19 pandemic, which are now included in the Rates and Charges Hardship Policy; and
2. Adopts the amended Rates and Charges Hardship Policy which reflects the process during a declared pandemic.

Carried Unanimously

12.9 Procurement Policy 2020/21

(MP Chief Financial Office)

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

That Council:

1. Notes the requirement for a Procurement Policy to be reviewed annually under Section 186A of the Local Government Act 1989;
2. Endorses the draft Procurement Policy 2020/2021 (Policy), in particular the updates relating to the:
 - a. Introduction of a Supplier Code of Conduct;
 - b. Introduction of the awarding of contracts in Open Council;
 - c. Introduction of publication of awarded contracts on Council's website; and
 - d. Development of a Social Procurement Strategy.
3. Endorses the Policy to be advertised for public exhibition for period of four (4) weeks;
4. Seeks a report back no later than August 2020, to adopt the Policy, taking into account any submissions received, and
5. Notes that the report back is subject to Council's response to the COVID-19 pandemic.

Carried Unanimously**Note:** Refer to Page 17 of the Minutes where this item is block resolved.

12.10 Draft Appointments and Authorisations Policy

(BA Chief Financial Office)

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

That Council:

1. Notes the draft Appointments and Authorisations Policy (Policy);
2. Endorses the Policy and agrees for it to be publicly exhibited for a period of six (6) weeks; and
3. Seeks a report no later than 21 September 2020 Council Meeting, to adopt the Policy, taking into account any feedback received by the community.

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item is block resolved.

12.11 Councillor Expense Reimbursement Policy and Protocol

(BA Chief Financial Office)

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

That Council:

1. Notes the Councillor Expense Reimbursement Policy (Policy) and Councillor Expense Reimbursement Protocol (Protocol) was publicly exhibited for a period of six (6) weeks and no written submissions were received;
2. Notes the new form, the claiming of meals and reference to the Protocol are the only updates to the Policy;
3. Adopts the Policy and Protocol;
4. Notes that a separate report is being tabled on the draft Council Expenses Policy, to reflect the requirements under the new Local Government Act 2020; and
5. Notes the Policy will be superseded by the Council Expenses Policy from 1 September 2020.

Carried Unanimously

12.12 Implementation of Local Government Act 2020: draft Council Expenses Policy and draft Public Transparency Policy

(BA Chief Financial Office)

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

That Council:

1. Notes the draft Council Expenses Policy and draft Public Transparency Policy;
2. Endorses the draft Council Expenses Policy and draft Public Transparency Policy to be publicly exhibited for a period of four (4) weeks;
3. Seeks a report back no later than the 31 August 2020 Ordinary Council Meeting to adopt both Policies, taking into account any feedback received by the community;
4. Notes that a separate report is being tabled which seeks to amend and adopt the Councillor Expense Reimbursement Policy and Protocol, following an internal audit;
5. Notes Section 41 and Section 57 of the Local Government Act 2020 requires both Policies to be adopted on or before 1 September 2020; and
6. Notes the Council Expenses Policy, once adopted, will supersede the Councillor Expense Reimbursement Policy from 1 September 2020.

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item is block resolved.

12.13 Implementation of Local Government Act 2020: draft Governance Rules

(BA Chief Financial Office)

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

That Council:

1. Notes the draft Governance Rules;
2. Endorses the draft Governance Rules to be publicly exhibited for a period of four (4) weeks;
3. Seeks a report back no later than 31 August 2020, to adopt the Governance Rules, taking into account any submissions received;
4. Notes that a separate report is being tabled on the draft Councillor Expenses Policy and draft Public Transparency Policy, which are to be considered separately due to the significance of the draft Governance Rules; and
5. Notes Section 60(7) of the Local Government Act 2020 requires the first Governance Rules to be adopted on or before 1 September 2020.
6. Notes a report will be provided at the 20 July Ordinary Meeting, to publicly exhibit a draft Local Law, which captures penalty provisions and the use of the common seal, to complement the draft Governance Rules.

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item is block resolved.

12.14 Accountability and Transparency Reform Update

(BA Chief Financial Office)

Councillor Toms left the meeting at 8:13 pm.

Councillor Toms returned to the meeting at 8:16 pm.

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

That Council:

1. Notes the updates in the Accountability and Transparency Reform (ATR) document;
2. Notes the items in the ATR have been actioned or will be in place by December 2020, as detailed in the ATR document;
3. Notes the items that have an ongoing obligation, will be raised within Council's Legislative Compliance system and a summary provided in the CEO's report, to ensure these continue to be actioned; and
4. Resolves that this is the final update to Council on the ATR document.

Carried Unanimously

12.16 Long Term Infrastructure Plan

(LU Infrastructure and Operations)

Recommendation (Director Infrastructure and Operations)

That Council:

1. Adopts the Long Term Infrastructure Plan 2020-2030;
2. Notes the following projects are nominated to be submitted for a government sponsored low rate loan, as part of the Victorian Government's Community Sports Infrastructure Loans Scheme in the Long Term Infrastructure Plan:
 - a. Eric Bell Reserve Pavilion Redevelopment - \$6.25M (total project cost - \$6.75M);
 - b. Kevin Collopy Pavilion Works - \$3.0M;
3. Notes the following projects are proposed to be funded as part of standard loan borrowing, consistent with the Long Term Financial Plan:
 - a. Belvedere Bowls Club Pavilion - \$1.98M (total project cost of \$2.3M);
 - b. Pat Rollo Reserve Pavilion - \$2.844M;
4. Notes the following projects are proposed to be funded as part of the Council's Strategic Funding Reserve, consistent with the Long Term Financial Plan:
 - a. Langwarrin Football and Cricket Pavilion - \$3.5M (total project cost - \$6.5M);
 - b. Monterey Reserve Soccer Pavilion - \$3.33M (total project cost - \$3.93M);
 - c. Belvedere Reserve Linen House - \$2.9M;
5. Commits to fund the Eric Bell Pavilion (\$6.25M) and Kevin Collopy Pavilion (\$3.0M) as part of standard loan borrowings should the application to the Victorian Government's Community Sports Infrastructure Loans Scheme be unsuccessful; and
6. Notes officers are currently exploring a further opportunity through the Sports and Recreation Stimulus program to apply for funding for Monterey Reserve Soccer Pavilion and Pat Rollo Reserve Pavilion.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Council:

1. Adopts the Long Term Infrastructure Plan 2020-2030;
2. Notes the following projects are nominated to be submitted for a government sponsored low rate loan, as part of the Victorian Government's Community Sports Infrastructure Loans Scheme in the Long Term Infrastructure Plan:
 - a. Eric Bell Reserve Pavilion Redevelopment - \$6.25M (total project cost - \$6.75M);
 - b. Kevin Collopy Pavilion Works - \$3.0M;
3. Notes the following projects are proposed to be funded as part of standard loan borrowing, consistent with the Long Term Financial Plan:
 - a. Belvedere Bowls Club Pavilion - \$1.98M (total project cost of \$2.3M);
 - b. Pat Rollo Reserve Pavilion - \$2.844M;
4. Notes the following projects are proposed to be funded as part of the Council's Strategic Funding Reserve, consistent with the Long Term Financial Plan:

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- a. Langwarrin Football and Cricket Pavilion - \$3.5M (total project cost - \$6.5M);
 - b. Monterey Reserve Soccer Pavilion including Public Toilet - \$3.33M (total project cost - \$3.93M);
 - c. Belvedere Reserve Linen House - \$2.9M;
5. Commits to fund the Eric Bell Pavilion (\$6.25M) and Kevin Collopy Pavilion (\$3.0M) as part of standard loan borrowings should the application to the Victorian Government's Community Sports Infrastructure Loans Scheme be unsuccessful; and
 6. Notes officers are currently exploring a further opportunity through the Sports and Recreation Stimulus program to apply for funding for Monterey Reserve Soccer Pavilion and Pat Rollo Reserve Pavilion.

Extension of Time**Moved: Councillor Hampton****Seconded: Councillor Aitken**

That Cr Bolam be granted an extension of time.

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

12.17 Asset Management Strategy (2020 - 2024)

(LU Infrastructure and Operations)

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

That Council:

1. Notes the Asset Management Strategy (2020-2024) (the Strategy) was publicly exhibited for a period of six (6) weeks and no written submissions were received; and
2. Adopts the Strategy.

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item is block resolved.

12.18 Update on Coronavirus (COVID-19) - 29 June 2020

(PC Chief Executive Office)

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

That Council:

1. Notes this report that outlines its response to the impacts of the Coronavirus (COVID-19); and
2. Notes that an update will be provided to each Council meeting for the foreseeable future during this Pandemic.

Carried Unanimously**Note:** Refer to Page 17 of the Minutes where this item is block resolved.

12.20 Update of South East Melbourne (SEM) group discussions and City Deal development

(SJ Business Innovation and Culture)

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

That Council:

1. Supports the progress to date and continued participation in the proposed South East Melbourne region City Deal;
2. Notes the attached draft of SEM Jobs City Deal paper; and
3. Notes the draft list of ideas/ projects for Frankston City Council are to remain confidential, until the SEM City Deal paper is formally released.

Carried Unanimously**Note:** Refer to Page 17 of the Minutes where this item is block resolved.

12.21 Further Community Consultation for Sweetwater Precinct Local Area Traffic Management Study

(DD Infrastructure and Operations)

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

That Council:

1. Notes the results and summary of further community consultation carried out between 27 February 2020 and 20 March 2020 regarding the Sweetwater Precinct Local Area Traffic Management (LATM) Plan;
2. Adopts the revised LATM treatments for the Sweetwater Precinct as detailed in Sweetwater Precinct Revised LATM Plan - May 2020;
3. Notes a total budget of \$806,000 will be available in the Capital Works Program to implement the treatments in 2020/21 as per the Revised LATM Plan;
4. Supports monitoring traffic speeds and behaviour for a period of 12 months after its implementation; and
5. Continues to promote the use of Crime Stoppers as an effective tool to reduce incidents of irresponsible and anti-social driving behaviour in the precinct.

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item is block resolved.

12.23 Sport and Recreation Sport Stimulus Funding*(TB Communities)***Council Decision****Moved: Councillor Aitken****Seconded: Councillor Toms**

That Council:

1. Notes the funding commitments in the Long Term Infrastructure Plan 2020-2030 for the following projects:
 - a. Monterey Soccer Pavilion - \$3,900,000; and
 - b. Pat Rollo Pavilion - \$2,750,000.
2. Notes the updated cost estimates for these projects and approves the funding applications that were submitted to the 2020-2021 Community Sports Infrastructure Stimulus Program for the following projects (applications closed 19 June 2020):
 - a. Monterey Soccer Precinct – pavilion \$3,930,000 and sports lighting \$654,050 with a total cost of \$4,584,050:
 - o \$3,529,050 grant application;
 - o \$600,000 previous Victorian Government Funding 2018 (stage 1)
 - o \$455,000 Council contribution.
 - b. Pat Rollo Pavilion – pavilion \$2,844,000:
 - o \$2,544,000 grant application
 - o \$300,000 Council contribution
 - c. BMX Track Redevelopment - \$1,700,000:
 - o \$1,062,000 grant application,
 - o \$100,000 previous Victorian Government Funding 2016/17 (stage1)
 - o \$538,000 Council contribution

Carried Unanimously**Note:** Refer to Page 17 of the Minutes where this item is block resolved.

12.24 Response to Urgent Business – Casey City Council Corruption allegations

(KJ Chief Financial Office)

Council Decision**Moved: Councillor Hampton****Seconded: Councillor O'Reilly**

That Council:

1. Receives and notes the internal audit report on planning processes relative to the Casey City Council IBAC investigation.
2. Publishes a separate report highlighting the key outcomes of the internal report through Council's website.

Carried Unanimously

13. RESPONSE TO NOTICES OF MOTION**13.1 Response to NOM 1389 – Ballam Park Precinct Improvements - Progress Update**
(VG Infrastructure and Operations)**Recommendation (Director Infrastructure and Operations)**

That Council:

1. Notes the progress update report in response to NOM 1389 Ballam Park Precinct Improvements;
2. Notes the positive outcome of community consultation undertaken over a period of six (6) weeks in relation to the proposed Entrance Precinct improvement works at Ballam Park;
3. Notes Council has been successful in securing \$3 million for the proposed Entrance Precinct improvement works as part of Community Infrastructure Loan Scheme and works will now proceed to develop further detail designs as part of the FY2020/21 Capital Works Program;
4. Notes the outcome of the assessment in relation to feasibility of the implementation of the Ballam Park Integrated Water Treatment and endorse Option 4 as the preferred option for the treatment;
5. Authorises Council officers to undertake community consultation on the proposed Ballam Park Integrated Water Treatment as part of a second round of consultation on the proposed Entrance Precinct improvement works at Ballam Park; and
6. Notes a future report in early 2021 will provide an update on the outcome of further community consultation on the proposed Entrance Precinct improvement works.

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

That Council:

1. Notes the progress update report in response to NOM 1389 Ballam Park Precinct Improvements;
2. Notes the positive outcome of community consultation undertaken over a period of six (6) weeks in relation to the proposed Entrance Precinct improvement works at Ballam Park;
3. Notes Council has been successful in securing \$3 million for the proposed Entrance Precinct improvement works as part of Community Infrastructure Loan Scheme and works will now proceed to develop further detail designs as part of the FY2020/21 Capital Works Program;
4. Notes the outcome of the assessment in relation to feasibility of the implementation of the Ballam Park Integrated Water Treatment and endorse Option 4 as the preferred option for the treatment;
5. Authorises Council officers to undertake community consultation on the proposed Ballam Park Integrated Water Treatment as part of a second round of consultation on the proposed Entrance Precinct improvement works at Ballam Park;
6. Notes a future report in early 2021 will provide an update on the outcome of further community consultation on the proposed Entrance Precinct improvement works and Ballam Park Integrated Water Treatment improvement works;

Chairperson's initials *S. Mayer*

7. Notes a 'History Trail' component is to be explored as part of the Entrance Precinct Improvement works. Consultation on what this could entail is to occur with the Frankston Arts Board, the Frankston Library and the Frankston Historical Society;
8. Notes all existing rotunda built by local Rotarians are to be preserved in the face of future changes to the park. However some funding from the Entrance Precinct Improvement works are to be diverted to these rotunda - in consultation with the local Rotary groups - to beautify and future proof where needed;
9.
 - a) Notes the CEO is to engage with the Bureau of Meteorology regarding its installation of an information panel at the site of the new weather station at Ballam Park. This was a requirement as part of locating the weather station to Ballam Park. The Council expectation is that this panel is installed by the end of July 2020; and
 - b) Notes the CEO is to explore, with his Council Communications team, positive future news coverage given the regional nature of this new weather station (ie. television weather reports mentioning the weather station at Ballam Park, live reports from the weather station at Ballam Park etc;

Carried Unanimously

13.2 Response to 2019/NOM25 - Council Recycled Water Scheme Projects

(LU Infrastructure and Operations)

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

That Council:

1. Notes the key learning outcomes from the evaluation of Robinsons Road Recycled Water Scheme (Stage 1) and the findings of the feasibility study and recommendations of future projects;
2. Commits to participating in the development of the business case with South East Water for Tyabb and Somerville Recycled Water Scheme (Option 2), as the preferred option for providing recycled water to Lawton Reserve;
3. Notes that should the Tyabb and Somerville Recycled Water Scheme (Option 2) not materialise and/ or meet Council's needs, that Council reprioritises Robinsons Road Recycled Water Scheme -Stage 2 (Option 1) for providing recycled water to Lawton Reserve;
4. Notes that \$50,000 has been included in the 2020/21 Capital Works Budget to undertake planning and design for the preferred recycled water scheme; and
5. Notes that estimated funding of \$600,000 has been allocated in the draft Long Term Infrastructure Plan (2022/23 and 2023/24) for construction of the preferred recycled water scheme for Lawton Reserve.

Carried Unanimously

Note: Refer to Page 17 of the Minutes where this item is block resolved.

Chairperson's initials *S. Mayer*

13.3 Response to 2019/NOM33 – Investigation into the Sale of Evelyn Street
(KJ Chief Financial Office)

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Toms

That Council:

1. Receives and notes the proposed sale of Evelyn Street internal audit report.
2. Publishes a separate report highlighting the key outcomes of the internal report through Council's website.

Carried Unanimously

13.4 Response to 2019/NOM60 - Two Storey Limitation in Seaford Township
(SC Communities)

Councillor Cunial left the meeting at 8:40 pm.

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

That Council:

1. Notes this report responds to Notice of Motion (2019/NOM60) seeking costs associated with a potential planning scheme amendment to introduce a two storey mandatory height limit in Seaford Township;
2. Refers an amount of \$40,000 to the 2020/21 Mid-year Budget review for consideration, for completion of a built form analysis of the Seaford Township as outlined in the report.

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

That Cr Aitken be granted an extension of time.

Carried

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

Against the Motion: Cr Hampton and O'Connor

Absent: Cr Cunial

Councillor Cunial returned to the meeting at 8:44 pm.

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

That Cr Bolam be granted an extension of time.

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

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

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

14. NOTICES OF MOTION

Nil

15. LATE REPORTS

Nil

16. URGENT BUSINESS

Cr Hampton declared an indirect interest in the Urgent Business matter and advised that he would not leave the meeting during discussion and voting. The Chief Executive Officer had been informed of this interest prior to the meeting.

Urgent Business**Council Decision****Moved: Councillor O'Reilly****Seconded: Councillor McCormack**

That the matter of Appointment of Councillor Representative to Belvedere Precinct Facility as a Council Delegate be accepted as urgent business.

Carried Unanimously

Urgent Business**Council Decision****Moved: Councillor O'Reilly****Seconded: Councillor McCormack**

That Council:

1. Notes Cr Hampton has withdrawn from serving as an appointed Councillor Representative on the Council delegation regarding the lease/licencing arrangements for the Belvedere Precinct Facility; and
2. Appoints Cr Aitken as the new Councillor Representative on the Council delegation up until 22 September 2020.

Carried Unanimously

17. CONFIDENTIAL ITEMS

Section 3(1) of the Local Government Act 2020 enables the Council to close the meeting to the public if the meeting is discussing any of the following:

- (a) Council business information that would prejudice the Council's position in commercial negotiations if prematurely released;
- (b) Security information that is likely to endanger the security of Council property or the safety of any person;
- (c) Land use planning information;
- (d) Law enforcement information;
- (e) Legal privileged information;
- (f) Personal information;
- (g) Private commercial information;
- (h) Internal arbitration information;
- (i) Councillor conduct panel information
- (j) Information prescribed by the regulations to be confidential information for the purposes of this definition;
- (k) Information that was confidential information for the purposes of section 77 of the Local Government Act 1989
- (l) A resolution to close the meeting to members of the public pursuant to section 66(2)(a).

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Hampton

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

C.1 Outcomes of the Audit and Risk Committee meetings

Agenda Item C.1 Outcomes of the Audit and Risk Committee meetings is designated confidential on the grounds that it contains information that was confidential information for the purposes of section 77 of the Local Government Act 1989;

C.2 Award of Contract - Rubber Under Surfacing

Agenda Item C.2 Award of Contract - Rubber Under Surfacing is designated confidential on the grounds that they contain Council business information, being information that would prejudice the Council's position in contractual matters;

C.3 Award of Contract 2020/21 - 005 Material Supply for LED Street Light Bulk Changeover

Agenda Item C.3 Award of Contract 2020/21 - 005 Material Supply for LED Street Light Bulk Changeover is designated confidential on the grounds that they contain Council business information, being information that would prejudice the Council's position in contractual matters;

C.4 Proposed Lease of Crown Land - Redeveloped Frankston Yacht Club Building (Ground Floor) Frankston Foreshore - JB Pakenham Pty Ltd

Agenda Item C.4 Proposed Lease of Crown Land - Redeveloped Frankston Yacht Club Building (Ground Floor) Frankston Foreshore - JB Pakenham Pty Ltd is designated confidential on the grounds that they contain private commercial information, being information provide by or relating to a business, commercial or financial undertaking;

Chairperson's initials *S. Mayer*

C.5 Peninsula Leisure Pty Ltd - Performance report for six months ended 31 March 2020

Agenda Item C.5 Peninsula Leisure Pty Ltd - Performance report for six months ended 31 March 2020 is designated confidential on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking;

C.6 Online Learning Technology (OLT) Youth Grants Program 2020

Agenda Item C.6 Online Learning Technology (OLT) Youth Grants Program 2020 is designated confidential on the grounds that they contain personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;

C.7 Migration of Council websites to new platform

Agenda Item C.7 Migration of Council websites to new platform is designated confidential on the grounds that they contain Council business information, being information that would prejudice the Council's position in contractual matters;

C.8 Peninsula Leisure P/L - Financial Sustainability of Company

Agenda Item C.8 Peninsula Leisure P/L - Financial Sustainability of Company is designated confidential on the grounds that they contain Council business information, being information that would prejudice the Council's position in contractual matters; and

C.9 Debrief of Ordinary Council Meeting

Agenda Item C.9 Debrief of Ordinary Council Meeting is designated confidential on the grounds that it contains information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

Carried Unanimously

18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS**C.5 Peninsula Leisure Pty Ltd - Performance report for six months ended 31 March 2020 (considered at this meeting)**

(KJ Chief Financial Office)

Council Decision**Moved: Councillor Hampton****Seconded: Councillor O'Reilly**

That Council:

1. Receives and notes the Peninsula Leisure (PL) performance report for six months ending 31 March 2020.
2. Releases the resolution as part of the public minutes of this meeting and the report remains confidential indefinitely.

The motion was put and Carried

C.6 Online Learning Technology (OLT) Youth Grants Program 2020 (considered at this meeting)

(TB Communities)

Council Decision**Moved: Councillor Hampton****Seconded: Councillor O'Reilly**

That Council:

1. Notes there were 26 applications to the 2020 Online Learning Technology Youth Grants Program (Program), with a total funding pool of \$10,500, that were assessed by the Frankston Youth Council Committee;
2. Approves the Frankston Youth Council Committee's recommendations to fund the selected 22 applicants of the Program for a total amount of \$10,845; and
3. Resolves to release the recommendation, including the Program Selection Recommendations and the Program Guidelines in relation to all approved Online Learning Technology Youth Grant Program recipients immediately after this meeting.

The motion was put and Carried

C.9 Debrief of Ordinary Council Meeting (considered at this meeting)

(BA Chief Financial Office)

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

That Council:

1. Notes an assessment of the Ordinary Council Meeting held on 29 June 2020 was made based on the following eight (8) pillars identified in the Framework for Good Governance Commission of Inquiry into Greater Geelong City Council:
 - Direction and Leadership
 - Culture and Behaviour

Chairperson's initials *S. Mayer*

- Structure, Systems and Policies
 - Decision making
 - Communication and community engagement
 - Capability
 - Risk and Compliance; and
 - Monitoring and Review
2. Confirms the Good Governance Debrief Notes made at the Ordinary Council Meeting held on 1 June 2020 and 15 June 2020; and
 3. Notes the recommendation will be published as part of the public minutes of this meeting.

The motion was put and Carried

The meeting was closed to the public at 9.04 pm

CONFIRMED THIS

DAY OF

2020

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Sandra Mayer, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday 29 June 2020, confirmed on Monday 20 July 2020.

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

Dated this

day of

2020

QUESTION TIME

These Questions With Notice were presented at the Ordinary Meeting 2020/OM8 – 15 June 2020. Due to the COVID-19 pandemic, all Ordinary Meetings have been closed to the public, and all submitter(s) have been contacted directly with a response to their question. In accordance with the Public Submissions and Question Time Policy, the questions and response(s) are published at the next Ordinary Council Meeting Minutes.

Michele McKinlay

Question 1

Would Council consider a re-configuring of the parking bays at the Olivers Hill boat ramps so that the many visitors who like to spend a short time enjoying the views from their cars could park adjacent to the sea wall rather than having the prime viewing spots reserved for empty trailers?

Response by Director Infrastructure and Operations

The parking area at Oliver's Hill boat ramps was constructed to allow vehicles with trailers to conveniently access the boat facility in a safe manner. The current arrangement has parking for 48 single car spaces in addition to 46 car and trailer spaces. Out of the 48 single car spaces, only 5 spaces do not face the beach. Hence it is not proposed to reconfigure the parking at this facility.

Philip Moore

Question 1

Having read Colin Hamptons Councillor Column, I am upset thinking about his supposed good governance. My question is why were his fee's not paid by the Council?

Response by Director Chief Financial Office

Council resolved to reimburse Cr Hampton's legal fees at its meeting in Closed Council on 18 November 2019. The resolution was released with the minutes as follows:

"That Council:

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

A rescission motion was raised by Cr McCormack within three (3) days of this resolution, which is within the provisions of the Governance Local Law Meeting Procedures. The 2019/NOM56 - Notice of Rescission - Item C.4: Local Government Inspectorate Investigation Outcome which was subsequently considered by Council at its meeting on 16 December 2019, was as follows:

"I, Councillor McCormack, hereby give notice that at the next appropriate meeting of Council, I will move that the following decision of Council made at Ordinary Meeting 2019/OM14 held on Monday 18 November 2019 regarding Part 2 be rescinded:

2. Approves for the legal fees to the sum of \$3,630 being the actual expense incurred by Councillor Hampton to be reimbursed, in accordance with the 2018 Councillor Expense Reimbursement Policy.

Should this be carried, we intend to move the following motion:

Council determines that in accordance with section 18.1 of the Councillor Reimbursement Policy it is not appropriate for public funds to be used to settle or defend proceedings in relation to Councillor Colin Hampton.”

Question 2

Surely denying to pay his legal fees is against the act?

Response by Director Chief Financial Office

A liability to pay legal fees is within the scope of Section 76 of the Local Government Act 1989. Whilst Council retains a discretion to reimburse legal expenses, it is under no duty to do so.

Thus, it is not against the Act for Council to determine not to pay Councillor Hampton’s legal fees.

Question 3

If the Council won’t pay his legal fees, they will be contradicting the act?

Response by Director Chief Financial Office

As per the response to Question 2, Council has the discretion to reimburse legal expenses and is under no duty to do so.

On this basis, Council will not be contradicting the Local Government Act 1989.