



COUNCIL SPECIAL MEETING AGENDA 2019/SP2 Wednesday 8 May 2019



COUNCIL CHAMBERS

Dennis Hovenden Chief Executive Officer	Cr Michael O'Reilly Mayor	Tim Frederico Director Corporate Development
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EA to Mayor & Councillor Business Support Officer	Council Core Business Support Coordinator	Prue Digby Municipal Monitor
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Cr. McCormack

Cr. O'Connor

Cr. Cunial

Cr. Hampton

Cr Bolam

Cr. Mayer

Cr. Aitken

Cr. Toms

EMT

EMT

Guest Speaker

MEDIA

MEDIA

Gallery



THE COUNCIL MEETING

Welcome to this Meeting of the Frankston City Council

The Council appreciates residents, ratepayers and other visitors taking their places in the Public Gallery, as attendance demonstrates an interest in your Council and community affairs. Community spirit is encouraged.

This information sheet is designed to help you to understand the procedures of Council and help you to gain maximum value from your attendance.

The law regarding the conduct of Council meetings enables the public to observe the session. However, to ensure the manageability of Council meetings, opportunities for public participation are limited to Question Time and registered submissions in accordance with Council's guidelines, which are available from Council's Councillors Office (call 9768 1632) and on our website, www.frankston.vic.gov.au. It is not possible for any visitor to participate in any Council debate unless specifically requested by the Chairperson to do so.

If you would like to have contact with Councillors or Officers, arrangements can be made for you to do so separately to the meeting. Call Frankston City Council on 9768 1632 and ask for the person you would like to meet with, to arrange a time of mutual convenience.

When are they held?

Generally speaking, the Council meets formally every three (3) weeks on a Monday and meetings start at 7.00 pm, unless advertised otherwise.

Council meeting dates are posted in the Davey Street and Young Street entrances to the Civic Centre (upper level) and also on our website, www.frankston.vic.gov.au.

Governance Local Law No. 1 – Meeting Procedure

34. Chair's Duty

Any motion which is determined by the Chair to be:

- (1) defamatory of or embarrassing to any Councillor, member of Council staff or other person;*
- (2) abusive or objectionable in language or nature;*
- (3) a direct negative of the question before the Chair;*
- (4) vague or unclear in intention;*
- (5) outside the powers of Council; or*
- (6) irrelevant to the item of business on the agenda and has not been admitted as Urgent Business, or purports to be an amendment but is not,*

must not be accepted by the Chair.

88. Chair May Remove

- (1) *The Chair may order and cause the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction, or cause the removal of any object or material that is deemed by the Chair as being objectionable or disrespectful.*
- (2) *Any person removed from the meeting under sub-clause (1) must not return to the meeting without the approval of the Chair or Council.*

It is intended that this power be exercisable by the Chair, without the need for any Council resolution. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threatens his or her authority in chairing the meeting.

- (3) *In the event the Chair causes the removal of a Councillor from a meeting, the Chair must specify the period of time for which the removal will take effect.*

The Penalty for an offence under this clause is 2 penalty units which is \$200

Live Streaming of Council Meetings

Frankston City Council has been Live Streaming Council Meetings from Monday 29 January 2018.

Live Streaming allows you to watch and listen to the meeting in real time, giving you greater access to Council decision making and debate and improving openness and transparency.

There are three (3) fixed cameras in the Council Chambers and it is intended that the cameras will only provide vision of the Councillors who are present at the meeting.

Every care will be taken to maintain privacy and as far as practically possible, it is not intended that there be either live or recorded footage of the public or Media personnel, however, there might be incidental capture; for example footage of a person exiting the building depending on which camera is being used at the time, or audio recording of a person who interjects the meeting. Council officers who address Council will be heard on the live audio stream, and audio of them speaking will be recorded.

Archives of meetings will be published on Council's website generally within three (3) business days after the meeting date for the public's future reference. Council will make every reasonable effort to ensure that a live stream and recording is available. However technical difficulties may arise in relation to live streaming or access to Council's website.

Appropriate signage will be placed at the entrance to the meeting location notifying all attendees that the meeting will be streamed live and recorded.

It is not intended that public speakers will be visible in a live stream of a meeting. Cameras are to be positioned so that these members of the public are not visible. If you do not wish to be recorded you will need to contact the Councillors Office on telephone (03) 9768 1632 or via email councillors.office@frankston.vic.gov.au to discuss alternative options prior to the meeting.

The Formal (Ordinary) Meeting Agenda

The Council meeting agenda is available for public inspection immediately after it is prepared, which is normally on the Thursday afternoon four (4) clear days before the meeting. It is available from the Reception desk at the Civic Centre (upper level), on our website www.frankston.vic.gov.au or a copy is also available for you in the chamber before the meeting.

The following information is a summary of the agenda and what each section means:-

- **Items Brought Forward**

These are items for discussion that have been requested to be brought forward by a person, or a group of people, who have a particular item on the Agenda and who are present in the Public Gallery.

- **Presentation of Written Questions from the Gallery**

Question Time forms are available from the Civic Centre and our website, www.frankston.vic.gov.au. Questions may also be submitted online using the Question Time web form. "Questions on notice" are to be submitted and received by Council before 12 noon on the Friday before the relevant Ordinary Meeting.

"Questions without notice" may be submitted in the designated Question Time box in the public gallery on the evening of the meeting, just prior to its commencement. Forms are available in the Council Chamber.

A maximum of 3 questions may be submitted by any one person at one meeting. There is no opportunity to enter into debate from the Gallery.

More detailed information about the procedures for Question Time is available from Council's Councillors Office (call 9768 1632) and on our website, www.frankston.vic.gov.au.

- **Presentation of Petitions and Joint Letters**

These are formal requests to the Council, signed by a number of people and drawing attention to matters of concern to the petitioners and seeking remedial action from the Council. Petitions received by Councillors and presented to a Council meeting are usually noted at the meeting, then a report is prepared for consideration at the next available meeting.

- **Presentation of Reports**

Matters requiring a Council decision are dealt with through officer reports brought before the Council for consideration. When dealing with each item, as with all formal meeting procedures, one Councillor will propose a motion and another Councillor will second the motion before a vote is taken.

- **Presentation of Delegate Reports**

A Councillor or member of Council staff who is a delegate may present to Council on the deliberations of the external body, association, group or working party in respect of which he or she is a delegate or an attendee at a Council approved conference / seminar.

- **Urgent Business**

These are matters that Councillors believe require attention and action by Council. Before an item can be discussed, there must be a decision, supported by the majority of Councillors present, for the matter to be admitted as "Urgent Business".

- **Closed Meetings**

Because of the sensitive nature of some matters, such as personnel issues, contractual matters or possible legal action, these matters are dealt with confidentially at the end of the meeting.

- **Opportunity to address Council**

Any person who wishes to address Council must pre-register their intention to speak before 4.00pm on the day of the meeting, by telephoning the Councillors Office (call 9768 1632) or by submitting the online web form or by using the application form both available on the website, www.frankston.vic.gov.au.

The submissions process is conducted in accordance with guidelines which are available from the Councillors Office and on our website. All submissions will be limited to 3 minutes in duration, except for Section 223 submitters, who have a maximum of 5 minutes. No more than ten (10) members of the public are to be permitted to address the Council. Further speakers will be permitted to address the meeting at the discretion of the Chair. All speakers need to advise if they are speaking on behalf of an organisation and it is deemed that they have been appropriately authorised by that said organisation.

Public submissions and any subsequent discussion will be recorded as part of the meeting, and audio recordings of Council meetings will be made available to members of the public. If a submitter does not wish to be recorded, they must advise the Chair at the commencement of their public submission.

Disclosure of Conflict of Interest

If a Councillor considers that they have, or might reasonably be perceived to have, a direct or indirect interest in a matter before the Council or a special committee of Council, they will declare their interest and clearly state its nature before the matter is considered. This will be done on every occasion that the matter is considered by the Council or special committee.

If a Councillor has an interest in a matter they will comply with the requirements of the Local Government Act, which may require that they do not move or second the motion and that they leave the room in which the meeting is being held during any vote on the matter and not vote on the matter.

If a Councillor does not intend to be at the meeting, he or she will disclose the nature of the interest to the Chief Executive Officer, Mayor or Chairperson prior to the meeting commencing.

Agenda Themes

The Council Agenda is divided into four (4) themes which depict the Council Plan's Strategic Objectives, as follows:

1. A Planned City
2. A Liveable City
3. A Well Governed City
4. A Well Managed City

MAYOR



NOTICE PAPER

ALL COUNCILLORS

NOTICE is hereby given that a Special Meeting of the Council will be held at the Civic Centre, Davey Street, Frankston, on 8 May 2019 at 7.00pm.

COUNCILLOR 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 in the debate or vote on the issue.

OPENING WITH PRAYER

Almighty God, we ask for your blessing upon this Council. Direct and prosper its deliberations to the advancement of your glory and the true welfare of the people of Frankston City. Amen.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We respectfully acknowledge that we are situated on the traditional land of the Boon Wurrung and Bunurong in this special place now known by its European name, Frankston. We recognise the contribution of all Aboriginal and Torres Strait Islander people to our community in the past, present and into the future.

BUSINESS

1. APOLOGIES

Nil

2. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

3. ITEMS BROUGHT FORWARD

4. CONSIDERATION OF REPORTS OF OFFICERS

4.1 Hearing of submitters – proposed Annual Budget 2019-20202

5. LATE REPORTS

Nil

6. URGENT BUSINESS

Dennis Hovenden

CHIEF EXECUTIVE OFFICER

6/05/2019



Executive Summary**4.1 Hearing of submitters – proposed Annual Budget 2019-2020**

Enquiries: (Kim Jaensch: Corporate Development)

Council Plan

Community Outcome:	4. A Well Managed City
Strategy:	4.3 Resources
Priority Action	4.3.1 Continue to maintain a financially sustainable Council by advocating for operational grant funding from other tiers of Government to deliver services required by the community, ensure funding decisions are based on Council's priorities, seek alternative revenue sources and ensure the operations of Frankston Regional Recycling and Recovery Centre are financially sustainable

Purpose

To provide Council with public submissions relating to the proposed 2019-2020 Annual Budget for consideration prior to adoption of this document.

Recommendation (Director Corporate Development)

That Council hears and considers the public submissions relating to the proposed 2019-2020 Annual Budget prior to its adoption.

Key Points / Issues

- At its meeting of 8 April 2019, Council resolved to commence the statutory process to make the proposed 2019-2020 Annual Budget available for public comment.
- A public notice was placed in The Age and Frankston Standard Leader inviting public submissions and stating that Council will consider all written and verbal submissions at its Special Meeting held on 8 May 2019.
- At the time of writing this report Council has received four (4) written submissions, and two (2) have confirmed that they wish to address Council at the Hearing of Public Submissions on 8 May 2019. A copy of the written submissions are attached as Supporting Information to the Agenda. Should Council receive any further submissions, these will be distributed under separate cover.
- The proposed/amended 2019-2020 Annual Budget will be presented to Council for adoption at its Special Meeting held on 20 May 2019.

Financial Impact

The Victorian Government introduced the "Fair Go Rates" system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council's major source of income, Council's capacity to continue to deliver services and fund its capital programme will be severely restricted.

4.1 Hearing of submitters – proposed Annual Budget 2019-2020**Executive Summary****Consultation****1. External Stakeholders**

At its Special Meeting on 8 April 2019, Council resolved to advertise its proposed 2019-2020 Annual Budget seeking submissions from interested parties. A hearing of submitters meeting has been scheduled for Wednesday 8 May 2019 to consider submissions and to hear from any person or organisation wishing to be heard in support of their written submission.

Proposed 2019-2020 Annual Budget

Four (4) written submissions were received with two (2) submitters requesting to be heard to support their submission in relation to the meeting held on Wednesday, 8 May, 2019.

Proposed 2019-2020 Annual Budget	Issue	Request to be heard? (5 Minutes)
Submission 1	Ms. Cristina Emmanuel Requesting further funding for upgrades in Frankston North including nature strips	No
Submission 2	Mr. Kayden Crombie Requesting the Youth Council be given land to provide short overnight accommodation for homeless.	Yes
Submission 3	Ms. Kerry Margalit Requesting more funding for street tree plantings.	No
Submission 4	Mr. Geoffrey Crowder Various issues including: - Olivers Hill Breakwater and Coastguard - Frankston Yacht Club - Sale of Council Assets - Industrial Land Rezoning - Nepean Highway Boulevard Plan - Commercial/Industrial Differential Rates	Yes

2. Other Stakeholders

The Executive Management Team has been consulted in the lead up to the preparation of the 2019-2020 Annual Budget. Council's Audit and Risk Committee will be provided with a copy of the documents at their next scheduled meeting.

Analysis (Environmental / Economic / Social Implications)

Economic implications in regards to this report are detailed under Section 'Financial Implications' above. The 2019-2020 Annual Budget allocates significant resources to the implementation of the Council Plans Key Community Outcomes.

4.1 Hearing of submitters – proposed Annual Budget 2019-2020**Executive Summary**

The 2019-2020 Annual Budget recognises the leadership role Council has within the community to actively promote sound environmental outcomes and to facilitate other levels of government and the community to act in a similar vein.

The 2019-2020 Annual Budget contains financial resourcing for a wide range of programs that deliver important community services to the Frankston community. The 2019-2020 Annual Budget is based on the principle of maintaining services that are presently available to the community with some minor service growth to meet service demands.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

The proposed 2019-2020 Annual Budget is prepared in accordance with the *Local Government Act* 1989 and relevant Australian Accounting Standards.

Policy Impacts

Nil.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

There are no direct risk implications arising from this report.

ATTACHMENTS

- Attachment A:[↓](#) Submission 1
- Attachment B:[↓](#) Submission 2
- Attachment C:[↓](#) Submission 3
- Attachment D:[↓](#) Submission 4

Email from General Enquiries page

Contact Name: Cristina Emmanuel

Comment: I would like to see some upgrades and funding put into Frankston North the forgotten suburb. I wonder how I can drive through my suburb and 'feel' that we are under funded looking at the exterior experience of the suburb as a whole. Would prefer a little thought put into the nature strip.

Would you like a Council Officer to contact you directly to discuss this submission: Yes

Email from General Enquiries page

Contact Name: Kayden Crombie

Comment: Is there a possibility that Youth Council could have some land that could be converted to some short overnight accommodation to fight against homelessness.

Would you like a Council Officer to contact you directly to discuss this submission: Yes

Email from General Enquiries page

Contact Name: Kerry Margalit

Comment:

I wish to request much greater funding to be allocated to street tree plantings. Many streets are only very partially planted. Trees are frequently not staked, mulched or pruned. Any tree is planted rather than moving toward avenues of trees. Frankston would greatly improved by green and leafy streets and negative attitudes to Frankston would start to change as people compete to live in such attractive spaces. It is really reprehensible that such neglect has been allowed to continue for so long and in comparison with plantings in other suburbs, residents here are poorly served. Please avoid removing established trees as occluded near PARC but build on existing plantings. Filling in the gaps of flowering gums planted along Neapean Highway would be great start. Please provide substantially greater funds this year and subsequent years to produce a green and attractive suburb. An audit of the numerous homes without a tree on the verge would show massive, long term underfunding.

Would you like a Council Officer to contact you directly to discuss this submission:

Yes

2nd May 2019

██████████
██████████

URGENT

Mayor and Councillors
Dennis Hovenden
C.E.O
Frankston City Council

Draft Budget 2019/2020

Dear Dennis,

I have read through the Draft Budget for 2019/20 and make the following comments:

Olivers Hill Breakwater and Coastguard

In Council schedule of Capital Works delivery as at 31st December 2018 there is an item of \$260,707 for concept designs. There are amounts of \$120,000, \$50,000 and \$50,000 in the Draft Budget. Has the \$260,707 been spent and shouldn't the amounts in the Draft Budget be deleted in light of the decision to investigate alternatives

Frankston Yacht Club

In Council schedule of Capital Works delivery as at 31st December 2018 there is an amount of \$1,340,000 for Council contribution to the fit out of the restaurant, function centre and kitchen. In the Draft Budget there is a figure of \$830,000. Which one is correct? How much has been spent or committed for the proposed tenants and is it true that they will pay no rent for some time. The terms of lease should be made available to Ratepayers.

Sale of Council Assets

There are several references to alternative revenue sources, asset sales as a source for delivery of infrastructure, options for a 5-star hotel and relocation of Council offices. There is an amount of \$1,230,000 from asset sales. Was this the off market sale of land next to the Police Station?

All sorts of rumours float around about Council property that might be available, and enquiries that are dealt with and pursued by Council staff. It would be more appropriate for Council to be more open with Ratepayers, and instead of constantly engaging City based Agents and Consultants, recognise that there are highly qualified Estate Agents who have their businesses in this City, pay rates, and are in a position to give the very best advice.

Industrial Land Rezoning

Item 10 on page 27 refers to reviewing land zonings to encourage renewal of Industrial areas to attract Investment and new employment opportunities. Council is a member of the Committee for Greater Frankston, and has been involved in considering the rezoning of land on Frankston-Dandenong Road from Wedge Road to Thompsons Road, Carrum Downs. This should be at the top of the list.

Our supply of Industrial land has almost run out, and if we don't push hard now, Dandenong will creep closer and closer to Carrum Downs which will lessen our chances. We need the Investment and jobs in our City, and this could be the showpiece of Victoria if properly planned. A few years ago I tried to get South East Water to bring "A Grade" recycled water into the Carrum Downs Industrial area. In spite of the short distance from The Eastern Treatment Plant in Thompsons Road, they wouldn't do it. Why? Sewerage in is Melbourne Water, treated water out is South East Water, they would not pay for line unless a Business Case showed that they would make money. The more recycled water used by industry, the less potable water sold and they make more money out of that. In the meantime, millions of litres are discharged into Bass Strait every day. So much for the environment and an organisation that I thought was Government and not profit driven. At the time I had a Federal Government Department very excited about the idea, and they took early steps to develop a huge Solar Panel Farm on the flat wasteland next to the Freeway with a view to generating electricity to feed into the Industrial area.

So if the land was rezoned, it could have unlimited recycled water, cheap power, National Broadband and relatively cheap land. Industrial and hi-tech parks, a Tafe College to train potential staff, and a Research and Development precinct. It would be special.

Nepean Highway Boulevard Plan

There has been talk over many years about a Boulevard on the Highway which would include taking away a traffic lane. There is \$70,000 in the Budget for a plan. Can you please advise what this is for so that we can keep our clients informed?

Commercial/Industrial Differential Rates

Several years ago Council decided to place an additional rate of 25% on all Commercial properties, to make up for revenue lost by removing on street parking metres which were ruining our traders.

Flushed with that success, 6 years ago Council decided to do the same for all Industrial properties. Total Rates from Industrial will be \$4,463,623 which is up 16.86% due to the revaluation.

The additional 25% amounts to \$922,000 and once again nothing in the Budget for any Capital Works except \$30,000 for "Local area Traffic Management, Hartnett Drive".

"The differential rate will be used to fund some of those items of expenditure described in the budget. The level of differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Since the differential rate was applied, not one cent has been allocated for work in the Industrial areas, but plenty allocated everywhere else. Because the CAA continues its struggle to survive, vast sums of money continue to be poured in on "window dressing", trying to reinvigorate a town that cannot make up for bad decisions of the past.

Our Industrial areas are our greatest employer, invisible to most, just quietly goes about its business, so it gets nothing.

My submission to last year's Budget, referred to the two Organisations that were promoting our Businesses, The Frankston Business Chamber and the Committee for Greater Frankston. I was shocked to see the Business Chamber lost its battle to survive. It was established in 1955 to promote our City, organise promotions and networking events. It spent most of its time raising money from Memberships and Events, struggling to get money for two part-time people and pay the rent on a modest office.

The Committee for Greater Frankston was established to professionally pursue major zoning and infrastructure projects, vital to our City. They have already had great success and can claim the credit for Vic Roads commitment to widen Latham's Road, and a major part in the electrification and duplication of the railway line to Langwarrin and Baxter.

The Committee only became possible with the substantial contribution of \$10,000 per year by a number of our local businesses, of which Council is now one. It will only survive if those contributions continue each year.

I notice that Question 26 of Council Business Survey asks, "would your business benefit from a peak business body being established?" You already have one! I have been on every Committee established by Council over the last 40-50 years. The last one was the Committee for Economic Development and Tourism which was dynamic and constructive. The trouble was that we asked too many questions on issues, particularly car parking, trafficking and South East Water Building. We were promptly disbanded by the Mayor. What this highlights is that any organisation such as the Committee for Greater Frankston, must maintain its independence, not worried about being critical, or offend, pursuing issues deemed to be contrary to Council Policy, where funding could be cut and destroy the organisation.

Mornington Peninsula Shire Council have a special promotional fund levied on businesses in Mount Eliza, Mornington and Hastings. Support is given to the Chambers of Commerce through this fund.

In Mount Eliza the levy is \$394.20 per property, and Council have just initiated a similar fund for Rosebud under S163 of the Local Government Act. The charge will be either \$244 or \$420 per property in the Commercial area depending on location. The scheme will run initially for 7 years; money will be distributed quarterly to the Chamber of Commerce.

There are 2920 Industrial Ratepayers contributing \$4,463,623p.a at an average of \$1,528 each. If a flat rate of \$75 was allocated to each property it would amount to \$219,000p.a which would provide something tangible for the extra 25% Differential Rate.

The money would not be wasted, it would go towards the cost of their office and staff, and also the specialist Consultants they need to lobby projects with all 3 tiers of government. If they are to continue to pursue vital infrastructure projects for our City, the pressure has to be taken off raising money to survive. Sponsors who contribute are already Ratepayers, they employ our residents and devote their time, energy and knowledge to an organisation that was badly needed to focus on issues that demanded dedicated time and expertise beyond Council resources.

It is vital that the Committee for Greater Frankston survive and flourishes, and I encourage Council to set aside \$200,000 in this year's Budget to support their work, while pursuing action under the local Government Act to implement a levy on all Commercial and Industrial properties to give permanency and certainty.



Geoffrey K. Crowder

