



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD VIRTUALLY VIA ZOOM  
ON 10 AUGUST 2020 at 7.00PM**

PRESENT	Cr. Sandra Mayer (Mayor) Cr. Colin Hampton Cr. Michael O'Reilly Cr. Glenn Aitken Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam Cr. Lillian O'Connor
APOLOGIES:	Cr. Brian Cunial
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. Martin Poole, Manager Commercial Services Ms. Michelle Tipton, Coordinator Governance Mr. Stuart Caldwell, Acting Manager Statutory Planning Mr. Taylor McVean, Coordinator Communications Ms. Tenille Craig, Councillor Support Officer Mr. Glenn Parry, Frankston Arts Centre Tech Support Mr. Lucas Dawe, Systems Support Officer
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 Bolam read the Opening Prayer.

**ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

Councillor Toms 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.

<b>1. PRESENTATION TO COMMUNITY GROUPS.....</b>	<b>3</b>
Nil	
<b>2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....</b>	<b>3</b>
Ordinary Meeting No. OM10 held on 20 July 2020. ....	3
<b>3. APOLOGIES.....</b>	<b>3</b>
<b>4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST .....</b>	<b>3</b>
<b>5. PUBLIC QUESTION TIME.....</b>	<b>3</b>
<b>6. HEARING OF PUBLIC SUBMISSIONS .....</b>	<b>3</b>
<b>7. ITEMS BROUGHT FORWARD .....</b>	<b>4</b>
<b>8. PRESENTATIONS / AWARDS.....</b>	<b>4</b>
<b>9. PRESENTATION OF PETITIONS AND JOINT LETTERS.....</b>	<b>4</b>
Nil	
<b>10. DELEGATES' REPORTS .....</b>	<b>5</b>
10.1 Delegate Report by the Mayor, Deputy Mayor and Cr Toms - Bullying and Harassment Workshop Learning Outcome .....	5
<b>ITEMS BROUGHT FORWARD.....</b>	<b>6</b>
14.2 2020/NOM18 - COVID-19 Recovery Initiatives.....	6
<b>11. CONSIDERATION OF TOWN PLANNING REPORTS .....</b>	<b>8</b>
11.1 Town Planning Application 21/2020/P - To construct an eight (8) storey mixed use building and carry out works in a Commercial 1 Zone (C1Z) and Special Building Overlay (SBO) and to provide some of the car parking spaces on another site at 12 Balmoral Walk Frankston 3199.....	8
<b>12. CONSIDERATION OF REPORTS OF OFFICERS.....</b>	<b>10</b>
12.1 Council Resolution Status Update for 10 August 2020 .....	10
12.2 Update on Coronavirus (COVID-19) - 10 August 2020.....	11
12.3 Draft Councillor Induction Policy .....	12
12.4 Frankston City Community Engagement .....	13
12.5 Domestic Animal Management Plan 2020-2024.....	14
12.6 Adoption of Paths Development Plan 2020 .....	15
12.7 Biodiversity Action Plan - Community Engagement Plan .....	16
12.8 Adoption of Audit and Risk Committee Charter .....	17
12.9 Draft Property Strategy .....	18

12.10	Visitor Information Centre - 2019-2020 Performance Report.....	19
12.11	Hartnett Precinct Local Area Traffic Management Study.....	20
12.12	Downs Estate - Business Case for Dwelling.....	21
12.13	Level Crossing Removal Projects Asset Handover .....	22
12.14	Award of Contract No 2019/20-77 - Lawton Reserve No 2 Soccer Pitch Reconstruction.....	23
12.15	Joint Submission of the Regional Local Government Charter Group to the Australian Government's Inquiry into Homelessness in Australia.....	24
12.16	Response to Petition - 6 Leisureland Drive, Langwarrin.....	25
<b>13.</b>	<b>RESPONSE TO NOTICES OF MOTION .....</b>	<b>26</b>
13.1	Response to 2020/NOM9 - Creation of Employment Opportunities .....	26
<b>14.</b>	<b>NOTICES OF MOTION .....</b>	<b>27</b>
14.1	2020/NOM17 - Park Bench Memoriam for Pat Bentley .....	27
<b>15.</b>	<b>LATE REPORTS .....</b>	<b>28</b>
<b>16.</b>	<b>URGENT BUSINESS.....</b>	<b>28</b>
<b>17.</b>	<b>CONFIDENTIAL ITEMS .....</b>	<b>29</b>
C.1	Outcomes of the Audit and Risk Committee meeting .....	29
C.2	Peninsula Leisure P/L - Strategic Plan, Business Plan and draft 2020/21 Annual Budget.....	29
C.3	Debrief of Ordinary Council Meeting.....	29
<b>18.</b>	<b>OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS .....</b>	<b>30</b>
C.3	Debrief of Ordinary Council Meeting (considered at this meeting).....	30

**1. PRESENTATION TO COMMUNITY GROUPS**

Nil

**2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Ordinary Meeting No. OM10 held on 20 July 2020.

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Aitken**

That the minutes of the Ordinary Meeting No. OM10 held on 20 July 2020 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

**Carried Unanimously**

**3. APOLOGIES**

Apology

**Council Decision**

**Moved: Councillor Hampton**

**Seconded: Councillor O'Reilly**

That the apology be received and Councillor Cunial be granted leave from the meeting.

**Carried Unanimously**

**4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST**

Nil

**5. PUBLIC QUESTION TIME**

Three (3) people submitted questions to Council. Due to the COVID-19 pandemic, the questions will not be read out during the meeting by a separate response will be provided separately. The questions and response will be included in the next Ordinary Council Meeting minutes.

**6. HEARING OF PUBLIC SUBMISSIONS**

Ms Ginevra Hosking, on behalf of Committee for Greater Frankston, made a submission to Council regarding Item 14.2: 2020/NOM18 – COVID-19 Recovery Initiatives;

*Councillor Hampton left the meeting at 7:21 pm.*

*Councillor Hampton returned to the meeting at 7:21 pm.*

*Councillor O'Connor left the meeting at 7:28 pm.*

*Councillor O'Connor returned to the meeting at 7:28 pm.*

**7. ITEMS BROUGHT FORWARD**

Items Brought Forward

**Council Decision**

**Moved: Councillor Hampton**

**Seconded: Councillor Bolam**

That Item 14.2: 2020/NOM18 – COVID-19 Recovery Initiatives be brought forward.

**Carried Unanimously**

**8. PRESENTATIONS / AWARDS**

Nil

**9. PRESENTATION OF PETITIONS AND JOINT LETTERS**

Nil

**10. DELEGATES' REPORTS****10.1 Delegate Report by the Mayor, Deputy Mayor and Cr Toms - Bullying and Harassment Workshop Learning Outcome**

*(BA Chief Financial Office)*

**Recommendation (Chief Financial Officer)**

That Council receives the Delegates Report by the Mayor, Deputy Mayor and Cr Steve Toms who participated in either coaching sessions or a workshop on Bullying and Harassment.

**Carried Unanimously**

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Toms**

That Council:

1. Receives the Delegates Report by the Mayor, Deputy Mayor and Cr Steve Toms who participated in either coaching sessions or a workshop on Bullying and Harassment; and
2. Receives the verbal submission provided by the Mayor with an update on ABM Committee activities and the MAV Mayoral forum held on Thursday 30 July 2020.

**Carried Unanimously**

**ITEMS BROUGHT FORWARD****14.2 2020/NOM18 - COVID-19 Recovery Initiatives**

*(BA Chief Financial Office)*

1. Noting that financial hardship extends to ratepayers beyond those in receipt of the unemployment benefit, the 21 September 2020 Update on the Coronavirus Council report is to provide the feasibility of extending the current rate deferral provisions in Councils existing Rates Hardship Policy to place on hold:
  - a. The raising of penalty interest on overdue rates payments until 30 June 2021;
  - b. Legal costs relating to all new and existing debt recovery action until 30 June 2021.
2. That in preparation for 2021/2022 Annual Budget and in recognition of the significant impact that COVID-19 is having on our local community, a report be prepared in February 2021 to consider the feasibility of the following initiatives:
  - Extending the current rate relief of a one-off \$200 rate waiver for an owner occupied property, where one or more of the owners are in receipt of a Centrelink unemployment JobSeeker Payment in the 2021/2022 financial year;
  - Waiving all food business registration fee renewals for 2021/2022;
  - The advantages and disadvantages of removing the differential rate applied to CBD Commercial properties for 2021/2022 with re-application for 2022/2023 pending a report to Council;
  - Extending the student scholarship programs during 2021/2022 to keep students on track to complete their studies, with a new focus/breadth on local primary, secondary, vocational and tertiary students; and
  - Place a hold of penalty interest on overdue rates and any dishonour fees incurred if a ratepayer defaults on direct debit payments for 2021/2022.
3. Advocacy to the State Government to suspend or freeze its levies (i.e. Hard Waste Landfill Levy etc.) and service charges (i.e. VicRoads vehicle registration etc.) for 2021/2022.

**Leave of Council****Moved: Councillor Bolam****Seconded: Councillor Toms**

That Cr Bolam be granted leave of Council to amend 2020/NOM18 – COVID-19 Recovery Initiatives.

**Carried Unanimously**

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

1. Noting that financial hardship extends to ratepayers beyond those in receipt of the unemployment benefit, a report be prepared by no later than September 2020 to identify the feasibility of extending support and options to ratepayers who are experiencing financial hardship;
2. Support the extension of the current rate deferral provisions in Council's existing Rates Hardship Policy to place on hold:

Chairperson's initials *S. Mayer*

- a. The raising of penalty interest on overdue rates payments until 30 June 2021;
  - b. Legal costs relating to all new and existing debt recovery action until 30 June 2021.
3. That, in preparation for 2021/2022 Annual Budget and in recognition of the significant impact that COVID-19 is having on our local community, a report be prepared in February 2021 to consider the feasibility of the following initiatives:
- a. Extending the current rate relief of a one-off \$200 rate waiver for an owner occupied property, where one or more of the owners are in receipt of a Centrelink unemployment JobSeeker Payment in the 2021/2022 financial year;
  - b. Waiving all food business registration fee renewals for 2021/2022;
  - c. Waiving fees for not-for-profit organisations hiring/leasing council facilities for the upcoming financial year;
  - d. Waiving fees for businesses that pay a-frame and general advertising signage fees for the upcoming financial year;
  - e. The advantages and disadvantages of removing the differential rate applied to all Commercial and Industrial properties for 2021/2022;
  - f. The benefits and implications of a freeze on Council rates for 2021/2022;
  - g. Place a hold of penalty interest on overdue rates and any dishonour fees incurred if a ratepayer defaults on direct debit payments for 2021/2022; and
4. Advocacy to the State Government to suspend or freeze its levies (i.e. Hard Waste Landfill Levy etc.) and service charges (i.e. VicRoads vehicle registration etc.) for 2021/2022.

### Extension of Time

**Moved: Councillor McCormack**

**Seconded: Councillor Toms**

That Cr Bolam be granted an extension of time.

**Carried**

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

Against the Motion: Cr O'Connor

**The motion was put and Carried**

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

Against the Motion: Cr O'Reilly

**11. CONSIDERATION OF TOWN PLANNING REPORTS****11.1 Town Planning Application 21/2020/P - To construct an eight (8) storey mixed use building and carry out works in a Commercial 1 Zone (C1Z) and Special Building Overlay (SBO) and to provide some of the car parking spaces on another site at 12 Balmoral Walk Frankston 3199**

(SC Communities)

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

That Council:

1. Notes investigations indicate a discrepancy between car parking spaces required to be provided by previous planning permits for the Bayside Shopping Centre, and both information provided by the applicant and a direct count conducted by Council officers;
2. Defers consideration of Planning Permit Application 21/2020/P to a future Council meeting to enable further investigation and engagement with the permit applicant in respect of car parking provision; and
3. Writes to the Minister for Planning to confirm:
  - a. Council is investigating whether car parking provision for the Bayside Shopping Centre is in compliance with existing permits;
  - b. Council is engaging with the applicant in respect of concerns about car parking provision;
  - c. Council will not be in a position to determine permit application 21/2020/P until conclusion of its investigation and discussions with the applicant about car parking provision;
  - d. Council requests that the Minister not prepare a planning scheme amendment to allow construction of the building proposed in permit application 21/2020/P until such time as its concerns about car parking are resolved;
  - e. Council undertakes to provide regular updates to DELWP staff about the progression of discussions with the applicant.

**Carried**

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

Against the Motion: Cr O'Reilly

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

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

- 12.1 Council Resolution Status Update for 10 August 2020
- 12.2 Update on Coronavirus (COVID-19) – 10 August 2020
- 12.3 Draft Councillor Induction Policy
- 12.6 Adoption of Paths Development Plan 2020-2024
- 12.7 Biodiversity Action Plan – Community Engagement Plan
- 12.10 Visitor Information Centre – 2019-2020 Performance Report
- 12.11 Hartnett Precinct Local Area Traffic Management Study
- 12.14 Award of Contract No. 2019/20-77 – Lawton Reserve No 2 Soccer Pitch Reconstruction
- 12.15 Join Submission of the Regional Local Government Charter Group to the Australian Government's Inquiry into Homelessness in Australia
- 13.1 Response to 2020/NOM9 – Creation of Employment Opportunities

**Carried Unanimously**

**12. CONSIDERATION OF REPORTS OF OFFICERS****12.1 Council Resolution Status Update for 10 August 2020**

*(BA Chief Financial Office)*

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

That Council:

1. Receives the Notices of Motion Report for 10 August 2020;
2. Receives the Urgent Business Status Update for 10 August 2020;
3. Notes four (4) Notices of Motion have been reported as being complete:
  - 2019/NOM37 - Overport Park
  - 2019/NOM49 - Glyphosate Herbicide
  - 2020/NOM10 – Reforms
  - 2020/NOM16 – Proposed Laneway Festival (Lost as per Council Resolution at its 20 July 2020 OM)
4. Notes the report listed below, will not be presented back to Council by its advised date and a detailed explanation is provided in the body of the report; and
  - Draft Industrial Land Strategy Review
5. Notes, since the Ordinary Meeting held on 20 July 2020, 45 resolutions have been completed, as listed in the body of the report.

**Carried Unanimously**

**Note:** Refer to Page 9 of the Minutes where this item is block resolved.

Chairperson's initials *S. Mayer*

**12.2 Update on Coronavirus (COVID-19) - 10 August 2020**

(PC Chief Executive Office)

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

That Council:

1. Notes this report that outlines its response to the impacts of the Coronavirus (COVID-19);
2. Notes that an update will be provided to each Council meeting for the foreseeable future during this Pandemic;
3. Supports the discontinuation of deployment of staff to Impact Volunteering, valued at \$20K for 12 months as it is no longer required; and
4. Approves for the license fees and charges for Karingal PLACE and Ebdale Hub tenants to be waived for the period 17 March 2020 – 31 August 2020, along with a waiver of further monthly charges during the 2020/2021 financial year, until the premises resumes occupation, following a lifting of COVID-19 restrictions.

**Carried Unanimously**

**Note:** Refer to Page 9 of the Minutes where this item is block resolved.

**12.3 Draft Councillor Induction Policy**

*(BA Chief Financial Office)*

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

That Council:

1. Notes the draft Councillor Induction Policy (Policy);
2. Endorses the draft Policy to be publicly exhibited for a period of four (4) weeks;
3. Seeks a report back by no later than the 21 September 2020 Council Meeting to adopt the Policy, taking into account any feedback received by the community;
4. Notes the Policy will be updated once the amended Local Government Regulations comes into operation, to reflect the prescribed matters for the Councillor Induction Program; and
5. Notes the report back to Council is subject to Council's response to the COVID-19 pandemic.

**Carried Unanimously****Note:** Refer to Page 9 of the Minutes where this item is block resolved.

**12.4 Frankston City Community Engagement**

(TB Communities)

**Recommendation (Director Communities)**

That Council:

1. Endorses the Community Engagement Policy to be publicly exhibited from 11 Aug 2020 to 8 Sep 2020;
2. Supports the development of the Community Vision 2040; and
3. Approves the Community Engagement Plan for the Community Vision 2040 and Council Plan 2021-2025.

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Toms**

That Council:

1. Endorses the Community Engagement Policy to be publicly exhibited from 11 Aug 2020 to 8 Sep 2020;
2. Supports the development of the Community Vision 2040;
3. Approves the Community Engagement Plan for the Community Vision 2040 and Council Plan 2021-2025; and
4. Notes a report for the approval of the long-term Community Engagement Policy will be presented to Council by March 2021 which will include information on:
  - a) Formal trigger points for differing consultative/engagement methods depending on the matter being considered; and
  - b) modernisation and enhancement of Council's engagement and public relations outreach practices, resourcing and technologies.

**Carried Unanimously**

**12.5 Domestic Animal Management Plan 2020-2024**

(LR Communities)

**Recommendation (Director Communities)**

That Council:

1. Notes the public consultation results for 2020-2024 Domestic Animal Management Plan; and
2. Endorses the 2020-2024 Domestic Animal Management Plan and action plan; and
3. Approves the plan to be submitted to the Department of Agriculture in accordance with the Domestic Animals Act 1994

*Councillor O'Reilly left the chamber at 8:24 pm.  
Councillor O'Reilly returned to the chamber at 8:25 pm.*

*In accordance with Section 44 of Council's Governance Local Law No. 1, this motion was moved in parts*

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

That Council:

1. Notes the public consultation results for 2020-2024 Domestic Animal Management Plan; and
2. Adopts the 2020-2024 Domestic Animal Management Plan and action plan; and
3. Approves the plan to be submitted to the Department of Agriculture in accordance with the Domestic Animals Act 1994.

**Carried**

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

Against the Motion: Crs O'Connor and Toms

Abstained: Cr Bolam

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

That Council:

4. Notes the increase in dog waste, likely resultant from more people working from home and authorises:
  - a) the CEO to utilise funds, within the existing budget, to install stencils (on footpaths) and stickers (on bins) with the intention of this campaign to encouraging people to clean up after their dogs and to warn of penalties; and
  - b) the CEO to increase the cleaning frequency of dog waste in prominent parks and reserves without major fiscal consequence.

**Carried**

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

Against the Motion: Cr O'Reilly

Chairperson's initials *S. Mayer*

**12.6 Adoption of Paths Development Plan 2020**

*(DD Infrastructure and Operations)*

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

That Council:

1. Notes that the draft Paths Development Plan 2020 was publicly exhibited for a period of six weeks and forty seven (47) submissions were received;
2. Adopts the Paths Development Plan 2020; and
3. Notes that officers will notify the submitters of its decision accordingly.

**Carried Unanimously****Note:** Refer to Page 9 of the Minutes where this item is block resolved.

**12.7 Biodiversity Action Plan - Community Engagement Plan**

*(CW Communities)*

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

That Council:

1. Endorses the Community Engagement Plan for the development of the Biodiversity Action Plan;
2. Seeks a report back in February 2021 Ordinary Council Meeting with the Draft Biodiversity Action Plan; and
3. Notes the report back is subject to any potential delays and impacts associated with Council's response to the COVID19 pandemic.

**Carried Unanimously****Note:** Refer to Page 9 of the Minutes where this item is block resolved.

**12.8 Adoption of Audit and Risk Committee Charter**

(KJ Chief Financial Office)

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

That Council:

1. Revoke the Audit and Risk Committee Charter adopted by Council on 16 December 2019;
2. Revoke the Audit and Risk Committee established by Council under subsection 139(1) of the Local Government Act 1989;
3. In accordance with Section 53(1) of the Local Government Act 2020, establishes an Audit and Risk Committee (ARC) take effect from 10 August 2020;
4. Adopts the Draft Audit and Risk Committee Charter as recommended by the Audit and Risk Committee at its meeting held on 17 July 2020 take effect from 10 August 2020 with the inclusion of the following item:
  - a) At its discretion the Committee may consider complaints from the public on referral from Council or officers which may expose inappropriate practices within the Frankston City Council and any subsidiaries;
5. Appoints Mr Neil Greenaway, Mr David Fraser and Ms Lisa Tripodi as external members on the ARC until 31 December 2021, 31 December 2020 and 31 December 2022 respectively;
6. Sets the remunerations levels for external members at \$2,068 per meeting for the role of the Chair and \$1,638 per meeting for the remaining independent members, effective from 1 August 2020;
7. Approves the remuneration for Ordinary Members and the Chairperson be increased by CPI on an annual basis, effective from 1 August 2020 for a three year period;
8. Nominates Cr Mayer and Cr Hampton as Councillor members of the Audit and Risk Committee; and
9. Nominates Cr Bolam as the substitute Councillor member in the event one or both of the Councillor members are absent.

**Carried Unanimously**Chairperson's initials *S. Mayer*

**12.9 Draft Property Strategy**

(MP Chief Financial Office)

**Recommendation (Chief Financial Office)**

That Council:

1. Notes the Draft Property Strategy and Plan and endorses the Community Engagement Plan;
2. Endorses the Draft Property Strategy and Plan to be publicly exhibited for a period of 5 weeks, commencing 11 August until 15 September 2020;
3. Notes consultation will include proactive engagement of existing tenants of Council assets;
4. Seeks a report back no later than February 2021, to adopt the Property Strategy and Plan, taking into account any submissions received;
5. Notes that further work is being undertaken to establish current utilisation of Council property assets, a report will be provided back to Council no later than March 2021 following the completion of this work; and
6. Notes that the report back is subject to any potential delays and impacts associated with Council's response to the COVID-19 pandemic.

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor McCormack**

That Council:

1. Notes the Draft Property Strategy and Plan and endorses the Community Engagement Plan;
2. Endorses the Draft Property Strategy and Plan to be publicly exhibited for a period of 5 weeks, commencing 11 August 2020 until 15 September 2020;
3. Notes consultation will include proactive engagement of existing tenants of Council assets;
4. Seeks a report back no later than February 2021, to adopt the Property Strategy and Plan, taking into account any submissions received;
5. Notes that further work is being undertaken to establish current utilisation of Council property assets, a report will be provided back to Council no later than March 2021 following the completion of this work;
6. Where 'under-utilisation' is observed determined at any sport facility, shared sport / community use is to be explored as part of the review process.
7. That for all future leases of Council assets - upon re- negotiation with community, profit or sporting groups - a solvency test/mechanism is to be a requirement of the finalisation of the lease to ensure these groups have the capacity to pay Council lease fees and are charging fair and equitable fees onto users. This mechanism is to be considered in a report to Council at the December 2020 Ordinary Meeting; and
8. Notes that the report back is subject to any potential delays and impacts associated with Council's response to the COVID- 19 pandemic.

**Carried Unanimously**

Chairperson's initials *S. Mayer*

**12.10 Visitor Information Centre - 2019-2020 Performance Report**

*(SJ Business Innovation and Culture)*

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

That Council:

1. Notes the 2019-2020 key performance indicator results for the Frankston Visitor Information Centre were not achieved;
2. Notes that the cost per enquiry has increased from \$12.52 (2018-2019) to \$24.27 (2019-2020) based on approved budget expenditure; and
3. Notes that due to the disruption to services experienced in 2019-2020, all direct key performance indicators will remain the same for 2020-2021.

**Carried Unanimously****Note:** Refer to Page 9 of the Minutes where this item is block resolved.

**12.11 Hartnett Precinct Local Area Traffic Management Study**

*(DD Infrastructure and Operations)*

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

That Council:

1. Adopts the recommended Local Area Traffic Management Plan for the Hartnett Precinct as detailed in the report Hartnett Precinct Local Area Traffic Management Study 2019;
2. Notes funding of \$255,000 is currently allocated in the 2020/21 Capital Works Program to substantially complete the Local Area Traffic Management Plan;
3. Refers funding of \$177,000 for inclusion in the Long Term Infrastructure Plan, in 2021/22 Capital Works Budget as part of the annual budget development process to complete the Hartnett Precinct Local Area Traffic Management Plan;
4. Notes ongoing consultation with residents and property owners directly abutting the proposed traffic treatments during the design and implementation stages of the project;
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; and
6. Supports monitoring traffic speeds and behaviour for a period of 12 months after its implementation.

**Carried Unanimously**

**Note:** Refer to Page 9 of the Minutes where this item is block resolved.

**12.12 Downs Estate - Business Case for Dwelling**

*(JR Infrastructure and Operations)*

**Recommendation (Director Infrastructure and Operations)**

That Council:

1. Notes and considers the business case prepared by Downs Estate Community Project (DECP) for the retention of the existing farmhouse;
2. Notes DECP, in conjunction with the University of Melbourne (UoM), are preparing a business case for the entire site;
3. Defers the decision on decommissioning of the farmhouse until DECP and UoM complete the Business Case for the entire site including proposed use of the farmhouse;
4. Receives a report detailing the outcomes of the Business Case for the entire site by no later than December 2020 Council Meeting; and
5. Notes that the report back is subject to any potential delays and impacts associated with Council's response to the COVID-19 pandemic.

*Councillor O'Connor left the meeting at 8:46 pm.  
Councillor O'Connor returned to the chamber at 8:48 pm.*

**Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor Bolam**

That Council:

1. Notes and considers the business case prepared by Downs Estate Community Project (DECP) for the retention of the existing farmhouse;
2. Notes DECP in conjunction with the University of Melbourne (UoM) are preparing a business case for the entire site;
3. Defers the decision on decommissioning of the farmhouse until DECP and UoM complete the Business Case for the entire site including proposed use of the farmhouse;
4. Receives a report detailing the outcomes of the Business Case for the entire site by no later than February 2021 Council Meeting;
5. Notes that the report back is subject to any potential delays and impacts associated with Council's response to the COVID-19 pandemic; and
6. Notes that given the inequitable funding provided by the State and Federal governments in relation to the Downs Estate precinct (when compared to Frankston City Council), Council is to engage with relevant representatives from both tiers of government on funding options and solutions for matters including the retention of the dilapidated but historic farmhouse at the Downs Estate. The outcome of these discussions are to be provided in a report to Council by February 2021.

**Carried Unanimously**

Chairperson's initials *S. Mayer*

**12.13 Level Crossing Removal Projects Asset Handover**

(DD Infrastructure and Operations)

**Recommendation (Director Infrastructure and Operations)**

That Council:

1. Accepts a proposal from Level Crossing Removal Program (LCRP) to hand over newly created community assets to Frankston City Council, subject to agreement on handover details and receiving a contribution of \$3.5 million towards complementary projects nominated by Council;
2. Authorises Council officers to complete negotiations with LCRP and other government agencies on the details of the assets to be handed over to Council, together with subsequent access, management and maintenance arrangements;
3. Authorises the Chief Executive Officer to execute a Memorandum of Understanding to give effect to the handover of assets to Council from LCRP under the arrangements agreed to above; and
4. Incorporates additional maintenance and operating expenses of \$265,700 in future annual budgets to recognise the additional assets and services handed over to Council following the LCRP works.

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Aitken**

That Council:

1. Accepts a proposal from Level Crossing Removal Program (LCRP) to hand over newly created community assets to Frankston City Council, subject to agreement on handover details and receiving a contribution of \$3.5 million towards complementary projects nominated by Council;
2. Authorises Council officers to complete negotiations with LCRP and other government agencies on the details of the assets to be handed over to Council, together with subsequent access, management and maintenance arrangements;
3. Authorises the Chief Executive Officer to execute a Memorandum of Understanding to give effect to the handover of assets to Council from LCRP under the arrangements agreed to above;
4. Incorporates additional maintenance and operating expenses of \$265,700 in future annual budgets to recognise the additional assets and services handed over to Council following the LCRP works; and
5.
  - a) Notes that, to date, Council has contributed \$25,000 to the design phase of the Arboretum;
  - b) Officers to prepare a cost analysis to ensure full costs can be met for all elements of the Arboretum by the LCRP. Should there be a shortfall of/from the LCRP funding towards the project, the analysis is to determine what level of allocated Council funding may be required in addition to potential LCRP funding.
  - c) Receives a report at its February 2021 Council Meeting outlining:
    - the cost analysis and funding strategy to complete the Arboretum project; and
    - any funds remaining from Council's budgeted contribution to the Arboretum and options for reallocation of these funds.

**Carried Unanimously**

Chairperson's initials *S. Mayer*

**12.14 Award of Contract No 2019/20-77 - Lawton Reserve No 2 Soccer Pitch Reconstruction**

*(VG Infrastructure and Operations)*

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

That Council:

1. Awards contract No 2019/20-77 Lawton Reserve No 2 Soccer Pitch Reconstruction to Hendriksen Contractors Pty Ltd (ACN 093 866 758) for \$657,226.00 GST exclusive;
2. Authorises the Chief Executive Officer to sign the contract;
3. Delegates approval of contract variations to the Chief Executive Officer; and
4. Resolves the attachments 1 and 2 to this report be retained confidential, pursuant to section 77 of the *Local Government Act 1989*, on the grounds that it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, pursuant to 3(1)(c) of the *Local Government Act 2020*.

**Carried Unanimously**

**Note:** Refer to Page 9 of the Minutes where this item is block resolved.

**12.15 Joint Submission of the Regional Local Government Charter Group to the Australian Government's Inquiry into Homelessness in Australia**

*(TB Communities)*

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

That Council:

1. Notes this joint submission as the first joint advocacy item of the Regional Local Government Charter Homelessness and Social Housing Group, which Frankston City Council is a formal member of.
2. Endorses for Frankston City Council to be named as a contributor to the joint submission.

**Carried Unanimously****Note:** Refer to Page 9 of the Minutes where this item is block resolved.

**12.16 Response to Petition - 6 Leisureland Drive, Langwarrin**

(SC Communities)

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

That Council:

1. Notes a petition of 74 signatures raising issues with the expansion of a Place of Worship at 6 Leisureland Drive, Langwarrin was received by Council on 20 July 2020;
2. Notes that any further expansion of the Place of Worship at 6 Leisureland Drive, Langwarrin will be subject to further planning permission;
3. Notes a recent request to extend the permitted hours of operation of the use was refused by Council officers under delegation; and
4. Notes and advises the head petitioner:
  - a. that the most recent expansion of the facility was approved by the Victorian Civil and Administrative Tribunal, despite Council's refusal of the application;
  - b. of the reasoning given by the Victorian Civil and Administrative Tribunal in ordering the approval;
  - c. that Council is aware of the impact that incremental and unplanned expansion of non-residential uses can have on neighbours in residential areas;
  - d. that Council does not have power to roll back the approval ordered to be issued by the Victorian Civil and Administrative Tribunal;
  - e. that Council will determine the nature of its representation at any future VCAT hearings for matters concerning this land according to the complexity and issues presented by the application; and
  - f. that Council will continue to monitor the land for compliance with planning permit conditions.

**Carried Unanimously**Chairperson's initials *S. Mayer*

### 13. RESPONSE TO NOTICES OF MOTION

#### 13.1 Response to 2020/NOM9 - Creation of Employment Opportunities

(CW Communities)

##### Council Decision

**Moved: Councillor Aitken**

**Seconded: Councillor Bolam**

That Council:

1. Notes, in respect of the NOM's request to identify changes to processes, strategic position and policy that could aid the creation of more employment opportunities within the city, there is a significant amount of policy work that has been approved by Council to be undertaken over the next eighteen months.
2. Notes the following strategic initiatives have commenced:
  - 2a A Revitalisation Vision and Action Plan, in collaboration with the Office of Suburban Development (Suburban Revitalisation), is to support funded initiatives over the next 10 years in the Frankston city centre. A briefing for the scope of this work has been notionally scheduled for Councillor feedback in August 2020 with an update in January 2021 prior to a Council report in February 2021;
  - 2b The Sustainable Economy Policy and Strategy is being drafted and a report will be submitted to the Ordinary Meeting of Council in January 2021;
  - 2c A Health and Education Precinct Action Plan, as per Council's Plan (2017-2021) priority 2.1.3 'Attract industry and employment in the health and education sectors', for which a briefing is notionally scheduled for Councillor discussion in January 2021. It is anticipated a report will be submitted to Council 1 June 2021;
3. Approves the development of an Industrial Precinct Revitalisation Action Plan noting a briefing of Councillors is being sought in January 2021 with a report to be submitted to Council by April 2021;
4. Approves exploration and feasibility of a Red Tape Process Reform Project. Specific initiatives and related cost estimates will be discussed with Councillors at a briefing to be scheduled in March 2021;
5. Supports the Think Tank project and approves repurposing \$50K of the Community Care Package (currently allocated to sanitisation of the homeless shower) to establishing five \$10K innovation grants to support implementation of ideas arising from the Think Tank. A report will be submitted by the January 2021 Meeting of Council;
6. Notes the preparation of this report has been impacted by delays associated with Council's response to the COVID19 pandemic; and
7. Preparation of the proposed work listed at recommendations 2a to 2c, 3, 4 and 5 above may be impacted by delays associated with Council's response to the COVID19 pandemic.

**Carried Unanimously**

**Note:** Refer to Page 9 of the Minutes where this item is block resolved.

Chairperson's initials *S. Mayer*

**14. NOTICES OF MOTION****14.1 2020/NOM17 - Park Bench Memoriam for Pat Bentley**

*(BA Chief Financial Office)*

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

That Council investigate the installation of a park bench memoriam, paying tribute to Pat Bentley and her service to the community of Frankston. A report is to come back to Council at its 31 August 2020 Ordinary Meeting providing indicative costings, including for a plaque to be placed on an existing park bench and a proposed timeframe for its installation.

**Carried Unanimously**

**15. LATE REPORTS**

Nil.

**16. URGENT BUSINESS**

Nil.

## 17. CONFIDENTIAL ITEMS

### Council Decision

**Moved: Councillor Bolam**

**Seconded: Councillor Aitken**

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

#### **C.1 Outcomes of the Audit and Risk Committee meeting**

This document and all relevant attachments have been designated by me, the Chief Executive Officer, pursuant to Section 77(2)(c) of the Local Government Act 1989, as confidential information under Section 3(1) of the Local Government Act 2020:

- on the grounds that it contains information that was confidential information for the purposes of section 77 of the Local Government Act 1989; and
- these grounds apply because the information details of existing audits and other information and would, if prematurely released, impact the status of the audits and release information that is considered confidential.

#### **.C.2 Peninsula Leisure P/L - Strategic Plan, Business Plan and draft 2020/21 Annual Budget**

This document and all relevant attachments have been designated by me, the Chief Executive Officer, pursuant to Section 77(2)(c) of the Local Government Act 1989, as confidential information under Section 3(1) of the Local Government Act 2020:

- on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking; and
- these grounds apply because the information details the financial sustainability of Peninsula Leisure Pty Ltd and would, if prematurely released, impact the relationship between Council and Peninsula Leisure Pty Ltd.

#### **C.3 Debrief of Ordinary Council Meeting**

This document and all relevant attachments have been designated by me, the Chief Executive Officer, pursuant to Section 77(2)(c) of the Local Government Act 1989, as confidential information under Section 3(1) of the Local Government Act 2020:

- on the grounds that it contains information that was confidential information for the purposes of section 77 of the Local Government Act 1989; and
- these grounds apply because the information details the views of Councillors and would, if prematurely released, impact the reputation of Councillors and Council.

**Carried Unanimously**

.....  
Signed by the CEO

Chairperson's initials *S. Mayer*

**18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS****C.3 Debrief of Ordinary Council Meeting (considered at this meeting)****Moved: Councillor Toms****Seconded: Councillor Aitken**

That Council:

1. Notes an assessment of the Ordinary Council Meeting held on 10 August 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
  - 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 20 July 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 9.10 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 10 August 2020, confirmed on 31 August 2020.

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

Dated this

day of

2020

Chairperson's initials *S. Mayer*