



**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON  
ON 28 JUNE 2021 at 7.08PM**

PRESENT	Cr. Kris Bolam (Mayor) Cr. Nathan Conroy Cr. David Asker Cr. Sue Baker (via zoom) Cr. Claire Harvey Cr. Brad Hill Cr. Liam Hughes (via zoom) Cr. Steven Hughes (via zoom) Cr. Suzette Tayler (via zoom)
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Ms. Kim Jaensch, Chief Financial Officer Dr. Gillian Kay, Director Communities (via zoom) Mr. Cam Arullanantham, Director Infrastructure and Operations Ms. Shweta Babbar, Director Business Innovation and Culture (via zoom) Ms. Brianna Alcock, Manager Governance and Information Mr. Sam Clements, Manager Statutory Planning (via zoom) Ms. Leonie Reints, Manager Community Safety (via zoom) Ms. Tenille Craig, Team Leader Governance Ms. Vera Roberts, Executive Assistant to the Chief Financial Officer Ms. Tessa Anderson, Councillor Support Officer Mr. Josh Lacey, Supervising Technician Mr. Jeremy O'Rourke, Supervising Technician Mr. Ric Rais, Desktop Support Officer
EXTERNAL REPRESENTATIVES:	Nil.

**COUNCILLOR STATEMENT**

Councillor Conroy 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*

Chairperson’s initials.....

- *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 Conroy read the Opening Prayer.

**ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

Councillor Conroy 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 Frankston & District Basketball Association**

Councillor Claire Harvey presented a Certificate of Appreciation to the Frankston Basketball & District Association, with particular acknowledgement to the volunteers.

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

**Council Meeting No. CM10 held on 15 June 2021.**

**Council Decision**

**Moved: Councillor Asker**

**Seconded: Councillor Harvey**

That the minutes of the Council Meeting No. CM10 held on 15 June 2021 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**

Nil.

**5. PUBLIC QUESTION TIME**

Nil.

**6. HEARING OF PUBLIC SUBMISSIONS**

Ms Nicci Foster made a submission to Council regarding Item 11.3 Frankston Planning Scheme Amendment C138 – Environmentally Sustainable Design Local Planning Policy - Report on public exhibition and submissions; and authorise officers to request the Minister for Planning to approve the Amendment as exhibited;

Mr David Friend made a submission to Council regarding Item 12.13 Adoption of 2021-2025 Council Plan and Budget and 2021-2025 Revenue and Rating Plan;

Mr Jason Absolom made a submission to Council regarding Item 12.19 Response to Petition - Removal of Outdoor Dining in Norman Avenue Frankston South; and

Ms Meagan Robertson made a submission to Council regarding Item: 12.20 Response to Petition - Abolishment of mandatory inclusion of private dwellings in the Heritage Overlay.

**7. ITEMS BROUGHT FORWARD****12.7 Councillor Induction Training - Declaration of Completion of Councillor Induction**  
(BA Chief Financial Office)**Recommendation (Chief Financial Officer)**

That Council:

1. Notes the completion of the Councillor Induction Training; and
2. Receives the written *Declaration of Completion of Training* from all Councillors, which will be made publicly available on Council's website after the conclusion of this meeting.

**Deferral Motion to another Council Meeting****Moved: Councillor Harvey****Seconded: Councillor Asker**

That the matter be deferred to the Council Meeting on 19 July 2021.

**Carried Unanimously**

**Block Motion****Council Decision****Moved: Councillor Harvey****Seconded: Councillor Hill**

That the following items be block resolved:

- 11.1: Planning Application 58/2021/P - 5 Union Road Langwarrin (Langwarrin Hotel) - To construct buildings and works to the existing hotel in a Commercial 1 Zone and to extend the area where liquor is allowed to be consumed or supplied
- 11.2: Application to Amend Planning Permit 478/2018/P - 4/42 Hartnett Drive Seaford - To use the land for manufacturing sales and the sale or consumption of liquor in association with a Section 1 Use (Industry (Distillery)) and reduce the car parking required under Clause 52.06-5
- 11.4: Statutory Planning Progress Report - May 2021
- 12.1: Council Resolution Status Update for 28 June 2021
- 12.2: Policy and Planning Progress Report - May 2021
- 12.3: Instrument of Delegation S6 from Council to members of Council staff
- 12.4: External Committee Minutes for the Executive Management Team
- 12.5: Outcomes of the Audit & Risk Committee Meeting - 14 May 2021
- 12.6: Frankston Arts Advisory Committee - Report
- 12.8: Draft Biodiversity Action Plan
- 12.10: Positive Ageing Action Plan 2021-2025
- 12.12: Adoption of the Frankston City Community Vision 2040
- 12.16: White Ribbon Accreditation
- 12.17: Volunteer of the Year Awards 2021
- 12.21: Proposed closure of Boundary Lane, Carrum Downs
- 12.22: Award of Contract CN10553 - Gross Pollutant Trap (G.P.T) Cleaning
- 12.23: Award of Contract - CN10566 - Playground and Park upgrade at Witternberg Reserve
- 13.1: Final Response to NOM 1389 – Ballam Park Precinct Improvements

**Carried Unanimously**

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**8. PRESENTATIONS / AWARDS**

The Mayor acknowledge that Council hosted a fund raising Bar-B-Q with Members of Parliament, raising just over \$2000 for Community Support Frankston. The Mayor thanked Federal Member for Dunkley, Ms Peta Murphy MP Dunkley, State Member for Frankston, Mr Paul Edbrook, Senator for Victoria, Mr David Van, Councillor Claire Harvey and Councillor Sue Baker for their support on the day.

**9. PRESENTATION OF PETITIONS AND JOINT LETTERS****9.1 Petition - Cloth Nappies and Reusable Sanitary Product Rebate for Frankston City****Council Decision****Moved: Councillor Harvey****Seconded: Councillor Conroy**

That the petition from Andrea Dunkley concerning cloth nappy and reusable sanitary product rebate for Frankston City with 14 signatures be received.

**Carried Unanimously**

**9.2 Petition - Denial of Application for crossover in Seaford****Council Decision****Moved: Councillor Steven Hughes****Seconded: Councillor Conroy**

That the petition from Zorca Kacavendra concerning the denial of application for crossover from the side boundary of Nepean Highway Seaford to Ozone Avenue Seaford containing 17 signatures be received.

**Carried Unanimously**

**10. DELEGATES' REPORTS**

The Mayor acknowledged his trip to Canberra with notice that a report will be presented to Council at a future meeting.

Councillor Suzette Tayler acknowledged her recent trip to Canberra to attend the National General Assembly and advised that a report will be brought back to Council at a future meeting.



## 11. CONSIDERATION OF TOWN PLANNING REPORTS

- 11.1 **Planning Application 58/2021/P - 5 Union Road Langwarrin (Langwarrin Hotel) - To construct buildings and works to the existing hotel in a Commercial 1 Zone and to extend the area where liquor is allowed to be consumed or supplied**  
(SC Communities)

### Council Decision

**Moved: Councillor Harvey**

**Seconded: Councillor Hill**

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 58/2021/P to construct buildings and works to the existing hotel in a Commercial 1 Zone and to extend the area where liquor is allowed to be consumed or supplied at 5 Union Road Langwarrin, subject to the following conditions:

### **Plans**

1. Before the 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. The plans must be substantially in accordance with the plans submitted with the application 'Drawing number 4600 Sheets TP1-4 Issue G prepared by DWH Aitken and Associates dated April 2021' but modified to show:
  - (a) Notation that the disabled spaces are to be marked in accordance with AS2890.6.
  - (b) Notation that each disabled space and related walking and wheelchair unloading areas shall comprise a firm plane surface with a fall not exceeding 1:40 in any direction.
  - (c) Landscape Plan in accordance with Condition 3.

### **No Alterations**

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

### **Landscape Plan**

3. Before the commencement of buildings and works, a landscape plan is to be prepared in accordance with the submitted development plan, by a suitably qualified landscape professional must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plan must show:
  - a) A survey (including botanical names) of all existing vegetation on the site and those located within three (3) metres of the boundary of the site on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed.
  - b) The tree number, TPZ, SRZ and notations regarding protection methods during construction of retained trees.
  - c) Buildings on neighbouring properties within three metres of the boundary.
  - d) All landscape design and construction to adhere to the tree protection requirements for all neighbouring trees.

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- e) The delineation and details of surface finishes of all garden beds, grassed areas, pathways, driveways, retaining walls and other landscape works including areas of cut and fill throughout the development site.
- f) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant.
- g) A range of plant types from ground covers to large shrubs and trees.
- h) A planting theme of a minimum 100% indigenous within each plant group.
- i) The provision of notes on the landscape plan regarding site preparation, including in-ground irrigation system to be provided to all landscaped areas, removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- j) All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use.

**Prior to Occupation**

- 4. The landscaping as shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or commencement of the use or at such later date as is approved by the Responsible Authority in writing.
- 5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged trees are to be replaced.

**Patron Numbers**

- 6. Unless with the prior written consent of the Responsible Authority, a maximum of 1400 patrons shall be permitted in the overall venue at any one time.
- 7. Unless with the prior written consent of the Responsible Authority, the following maximum number of patrons shall be permitted in the following areas of the venue at any one time:
  - o Internal: 1004 patrons
  - o External area adjacent to the bistro: 301 patrons
  - o External area adjacent to the public bar: 125 patrons
  - o External area adjacent to the gaming room: 75 patrons.

**Liquor Consumption**

- 8. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place within an approved red line plan and at the premises during the following hours:

**In the gaming room**

Good Friday & Anzac Day	Between 12 noon and 7am the following morning except for the period between 3am and 12 noon on Anzac Day morning
Any other day	Between 7am and 7am the following morning except for the period between 3am and 12 noon on Anzac Day and Good Friday

**Internal**

Sunday & Good Friday	Between 10am and 1am the following morning
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Chairperson’s initials .....

Anzac Day	Between 12noon and 3am the following morning
Anzac Day (Sunday)	Between 12 noon and 1am the following morning
Any other day	Between 7am and 3am the following morning except for Good Friday morning

## External area adjacent to the public bar

Sunday & Good Friday	Between 10am and 1am the following morning
Anzac Day	Between 12 noon and 1am the following morning
Any other day	Between 7am and 1am the following morning.

## External area adjacent to the gaming room

Good Friday & Anzac Day	Between 12noon and 5am the following morning except for the period between 3am and 12 noon on Anzac Day and Good Friday morning.
Any other day	Between 7am and 5am the following morning.

**Amenity**

9. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area that arises out of or is in connection with the use of the premises to which the licence/permit relates during or immediately after trading hours authorised by the licence/permit.
10. Noise emissions from the premises must comply with the requirements of the *State Environment Protection Policies (Control of Noise from Commerce, Industry and Trade) No. N-1* (as varied).

**Drainage**

11. Storm water drainage must be connected to stormwater Legal Point of Discharge to the satisfaction of the Responsible Authority.

**Melbourne Water**

12. Any new floor levels to exiting building must be constructed no lower than the existing floor levels.
13. Any new fencing/gates must be of an open style of construction (minimum 50% open) to allow for the passage of overland flows.
14. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.

**Satisfactorily Completed**

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

**Permit Expiry**

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

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- The use is not started within two (2) years of the date of this permit.
- The use is discontinued for a period of two (2) years or more.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

#### Notes

- A. Prior to the commencement of construction the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Council's Engineering Services Department.
- B. Section 69 of the Planning and Environment Act 1987 provides that before the permit expires or within 6 months afterwards, the owner or occupier of the land to which the permit applies may ask the responsible authority for an extension of time. Please note, if a request is made out of time, the Responsible Authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.
- Any extension of time request must be lodged with the relevant administration fee.
- C. Any request for a variation to this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.
- D. Preliminary land and flood level information available at Melbourne Water indicates that the above property is subject to overland flooding from Melbourne Water's drainage system. For a storm event with a 1% chance of occurrence in any one year, the applicable flood level for the property is 59.0 metres to Australian Height Datum (AHD).

**Carried Unanimously**

**Note:** Refer to page 5 of these Minutes where is item was Block Resolved

**11.2 Application to Amend Planning Permit 478/2018/P - 4/42 Hartnett Drive Seaford - To use the land for manufacturing sales and the sale or consumption of liquor in association with a Section 1 Use (Industry (Distillery)) and reduce the car parking required under Clause 52.06-5**

*(SC Communities)*

**Council Decision**

**Moved: Councillor Harvey**

**Seconded: Councillor Hill**

That Council resolves to issue a Notice of Decision to Grant an Amended Planning Permit in respect to Planning Permit Application number 478/2018/P/A to use the land for manufacturing sales and the sale and consumption of liquor in association with a Section 1 Use (Industry (Distillery)) and reduce car parking required under Clause 52.06-5 at 4/42 Hartnett Drive Seaford, subject to the following conditions:

**No Alterations**

1. The use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

**Use**

2. DELETED.
3. No liquor other than what is produced onsite may be offered for sale or consumption at the premises.

**Hours of Liquor Consumption**

4. Unless with the prior written consent of the Responsible Authority, the consumption of alcohol must only take place at the premises during the following hours:
  - 11:00am – 8:00pm (Monday to Sunday)
  - 11:00am – 10:00pm (No more than 12 times per year)

**Number of Visitors**

5. Unless with the prior written consent of the Responsible Authority, the premises must not exceed the following maximum number of customers permitted at any one time:
  - Monday-Thursday: eight (8)
  - Friday: eight (8) before 3pm and twenty (20) from 3pm
  - Saturday, Sunday and Public Holidays: twenty (20)
  - Monday-Friday: twenty (20) no more than 12 times per year

**Amenity**

6. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence/permit relates during or immediately after trading hours authorised by the licence/permit.
7. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policies (Control of Noise from Commerce, Industry and Trade) No. N-1.

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**Satisfactorily Completed**

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

**Permit Expiry**

9. This permit will expire if one of the following circumstances applies:
- The use is not commenced within two (2) years of the date of this permit.
  - The use ceases for a continuous period of two (2) or more years.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

**Notes**

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. Prior to the commencement of construction the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Frankston City Council's Infrastructure Department.
- C. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed timeframes:
- a. Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
  - b. Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

If a request is made out of time, the Responsible Authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.

**This permit has been amended as follows:**

Date of Amendment	Brief Description
	This permit was amended pursuant to section 74 of the Planning and Environment Act 1987, by amending the permit preamble to include manufacturing sales, deleting Condition 2 and amending Conditions 4 and 5.

**Carried Unanimously**

**Note:** Refer to page 5 of these Minutes where this item was Block Resolved

Chairperson's initials .....

**11.3 Frankston Planning Scheme Amendment C138 - Environmentally Sustainable Design Local Planning Policy - Report on public exhibition and submissions; and authorise officers to request the Minister for Planning to approve the Amendment as exhibited**

*(SB Communities)*

**Council Decision**

**Moved: Councillor Harvey**

**Seconded: Councillor Conroy**

That Council:

1. Notes that the Frankston Planning Scheme Amendment C138 was publicly exhibited for a period of six (6) weeks and seven (7) supportive written submissions were received;
2. Continues to progress the Frankston Planning Scheme Amendment C138 having received and considered all written submissions;
3. Adopts Frankston Planning Scheme Amendment C138;
4. Authorises officers to submit the Amendment C138 to the Minister for Planning for Approval as exhibited; and,
5. Notes that officers will notify all submitters of its decision accordingly.

**Carried**

For the Motion: Crs Asker, Baker, Bolam, Conroy, Harvey, Hill, Liam Hughes and Tayler

Against the Motion: Cr Steven Hughes

**11.4 Statutory Planning Progress Report - May 2021**  
*(SC Communities)*

**Council Decision**

**Moved: Councillor Harvey**

**Seconded: Councillor Hill**

That Council receives the Statutory Planning Progress Report for the month of May 2021.

**Carried Unanimously**

**Note:** Refer to page 5 of these Minutes where is item was Block Resolved

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**12. CONSIDERATION OF REPORTS OF OFFICERS****12.1 Council Resolution Status Update for 28 June 2021**

*(BA Chief Financial Office)*

**Council Decision****Moved: Councillor Harvey****Seconded: Councillor Hill**

That Council:

1. Receives the Notice of Motion Report for 28 June 2021;
2. Receives the Urgent Business Status Update for 28 June 2021;
3. Notes there are two (2) Notice of Motions that have been reported as being complete, thereby completing all Notice of Motions for the 2016-2020 Council term:
  - 2020/NOM20 - Preservation of Frankston Signal Box
  - 2020/NOM21 - Investigation into Dome Acquisition
4. Notes there is one (1) report that will be delayed in its presentation back to Council:
  - Frankston Yacht Club Building Activation Project Update
5. Notes, since the Council Meeting held on 31 May 2021, 29 resolutions have been completed, as listed in the body of the report; and
6. Resolves for Attachment D remain confidential, as it contains Council business information that is prescribed by the regulations to be confidential information and would, if prematurely released, impact on Council's reputation and ability to function to its full capacity.

**Carried Unanimously**

**Note:** Refer to page 5 of these Minutes where this item was Block Resolved

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**12.2 Policy and Planning Progress Report - May 2021***(SB Communities)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Hill**

That Council:

1. Receives the Policy & Planning Progress Report for the month of May 2021;
2. Notes that community engagement will be undertaken to inform the development of a Draft Revitalisation Action Plan and Draft Frankston Metropolitan Activity Centre (FMAC) Structure Plan;
3. Notes the Draft Revitalisation Action Plan will be presented to Council no later than September 2021;
4. Notes a progress update on the Draft FMAC Structure Plan will be provided to Council no later than December 2021;
5. Notes the reports are subject to any potential delays and impacts associated with Council's response to the COVID19 pandemic;
6. Notes the cost of Council Alliance for a Sustainable Built Environment membership is \$6,500 over the 2 year life of the Memorandum of Understanding; and
7. Authorises the Chief Executive Officer to sign the Memorandum of Understanding to continue Frankston City Council CASBE membership to 30 June 2023.
8. Ratifies the nomination of Cr McCafferty (primary) and Cr Conroy (alternate) as the Councillor Representatives to the Western Port Biosphere Board.

**Carried Unanimously****Note:** Refer to page 5 of these Minutes where is item was Block Resolved

Chairperson's initials .....

**12.3 Instrument of Delegation S6 from Council to members of Council staff**

(BA Chief Financial Office)

**Council Decision****Moved: Councillor Harvey****Seconded: Councillor Hill**

That Council:

1. In the exercise of power conferred by 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 31 May 2021 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 5 of these Minutes where is item was Block Resolved

Chairperson's initials .....

**12.4 External Committee Minutes for the Executive Management Team**

*(BA Chief Financial Office)*

**Council Decision****Moved: Councillor Harvey****Seconded: Councillor Hill**

That Council

1. Receives the Minutes of the Committee for Greater Frankston from the 23 April 2021 meeting; and
2. Resolves for the attachment to remain confidential, as it contains private commercial information that is prescribed by the regulations to be confidential information and would, if prematurely released impact on Council's reputation and ability to function to its full capacity.

**Carried Unanimously****Note:** Refer to page 5 of these Minutes where is item was Block Resolved

Chairperson's initials .....

**12.5 Outcomes of the Audit & Risk Committee Meeting - 14 May 2021**

*(SW Chief Financial Office)*

**Council Decision****Moved: Councillor Harvey****Seconded: Councillor Hill**

That Council:

1. Receives the unconfirmed minutes of the Audit and Risk Committee meeting held on 14 May 2021; and
2. Resolves the attachment remains confidential indefinitely as it contains 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.

**Carried Unanimously**

**Note:** Refer to page 5 of these Minutes where is item was Block Resolved

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Chairperson's initials .....

**12.6 Frankston Arts Advisory Committee - Report***(AM Communities)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Hill**

That Council:

1. Approves the appointment of three new Frankston Arts Advisory Committee members as per the confidential attachment B, with their names to be released as part of the minutes of the next Council Meeting;
2. Receives the Minutes of the Frankston Arts Advisory Committee (FAAC) meeting of 25 May 2021; which seeks Council approval for officers to:
  - a) Write to Vic Track and the State Government seeking a partnership and funding to install mural art on the Seaford Substation;
  - b) Commence a commission process (including Department Environment Land Water and Planning consent) for a new sculpture at an off shore site at the base of Oliver's Hill for a commissioned art piece reflecting First Nations people's historic activities at the site;
  - c) Develop a concept of a Civic 'art' clock at a yet to be determined site in the CAD, to conduct a concept commissioning Expression of Interest in the 2021 / 2022 financial year;
  - d) Continue investigation and discussion with Vicinity for permanent projection infrastructure to be installed in Keys Street allowing for projection on to the planned new Vicinity building;
  - e) Remove four trees in Young Street (Corner, Davies and Young), adjacent to the Frankston Arts Centre - Function Centre in order to protect the wall and car park infrastructure; and
3. Resolves for the attachments to remain confidential, as it contains Council business information that is prescribed by the regulations to be confidential information and would, if prematurely released impact on Council's reputation and ability to function to its full capacity.

**Carried Unanimously****Note:** Refer to page 5 of these Minutes where is item was Block Resolved

Chairperson's initials .....

**12.8 Draft Biodiversity Action Plan**  
*(SB Communities)*

**Council Decision**

**Moved: Councillor Harvey**

**Seconded: Councillor Hill**

That Council:

1. Notes the draft Biodiversity Action Plan;
2. Endorses the draft Biodiversity Action Plan to be publicly exhibited for a period of 6 weeks;
3. Seeks a report back no later than October 2021, to consider for adoption the Biodiversity Action Plan, taking into account any submissions received; and
4. 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**

**Note:** Refer to page 5 of these Minutes where is item was Block Resolved

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**12.9 Draft Community Engagement Framework***(FM Business Innovation and Culture)***Council Decision****Moved: Councillor Baker****Seconded: Councillor Hill**

That Council:

1. Notes that the Community Engagement Framework was developed following the adoption of the Community Engagement Policy in March 2021;
2. Notes that engagement was undertaken with internal and external stakeholders to inform and develop the Community Engagement Framework; and
3. Endorses the Community Engagement Framework.

**Carried Unanimously**

DRAFT



**12.10 Positive Ageing Action Plan 2021-2025***(CB Communities)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Hill**

That Council:

1. Notes the draft Positive Ageing Action Plan 2021-2025 (Action Plan) was placed on public exhibition for a period of 4 weeks with eight (8) submissions received;
2. Notes feedback from submissions received have been incorporated into the final draft of the Action Plan;
3. Adopts the Action Plan; and
4. Notes that officers will notify the submitters of its decision accordingly.

**Carried Unanimously****Note:** Refer to page 5 of these Minutes where is item was Block Resolved

**12.11 Adoption of Future Ready Frankston Advocacy Priorities**

*(FM Business Innovation and Culture)*

**Council Decision****Moved: Councillor Conroy****Seconded: Councillor Hill**

That Council:

1. Notes community consultation occurred throughout April and May 2021 seeking final community endorsement of draft advocacy priorities, with a total of 214 responses received and analysis undertaken in *Attachment A*;
2. Adopts the following advocacy themes and identified priorities within each themes as part of Council's Future Ready Frankston advocacy campaign for 2021-2025:
  - a) Investing in our prosperity
  - b) Enhancing our environment and liveability
  - c) Strengthening our community
3. Endorses further development of the following projects for possible consideration as future advocacy priorities following feasibility studies, concept development and community consultation:
  - a) An innovation, business start-up and education enterprise centre;
  - b) Investigations of a BMX or 'pump' track in Carrum Downs for bikes, scooters and skateboards;
  - c) Redevelopment of tennis courts at Carrum Downs Recreation Reserve into multipurpose for netball and tennis, included within 'Future-proofing community spaces';
4. Notes a further report to be received at the September 2021 OCM identifying the key flagship advocacy priorities requiring a dedicated advocacy campaign for the upcoming federal and state elections; and
5. Notes that further community consultation, frequent review of local data, trends and political policies, will continue to be investigated and analysed to determine the immediate and long-term advocacy needs of the Frankston City community.

**Carried Unanimously**

**12.12 Adoption of the Frankston City Community Vision 2040***(SB Communities)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Hill**

That Council:

1. Notes the Draft Community Vision 2040 was publicly exhibited for a period of three weeks from 20 April to 11 May with 55 feedback surveys received;
2. Notes the Community Engagement Closing the Loop Report, includes a full summary of the feedback received from the public exhibition;
3. Notes the feedback was considered by the Community Panel and incorporated into the Community Vision 2040; and
4. Adopts the Community Vision 2040.

**Carried Unanimously****Note:** Refer to page 5 of these Minutes where is item was Block Resolved

Chairperson's initials .....

**12.13 Adoption of 2021-2025 Council Plan and Budget and 2021-2025 Revenue and Rating Plan**

(SW Chief Financial Office)

**Recommendation (Chief Financial Officer)**

That Council

1. Adopts the 2021-2025 Council Plan and Budget and 2021-2025 Revenue and Rating Plan as publicly displayed subject to the following amendments as outlined below:

**1.1 Adoption of the 2021-2025 Council Plan and Budget, 2021-2025 Revenue and Rating Plan and Public Budget Submissions**

Having complied with the requirements of the *Local Government Act (2020)*, and having considered, at a meeting held on 15 June 2021, twenty-three (23) written submissions received on the proposed 2021-2025 Council Plan and Budget resolves to adopt the budget with the following amendments totalling \$113K:

- Funding support for the Frankston Music Community Network \$28K;
- Contribution to the Peninsula Link access footpath \$25K; and
- Funding of \$60K to the PGA Australia towards the Golf Learning Hub, subject to agreed deliverables and milestones, demonstrating tangible progress of the project to Council's satisfaction.

Notes the CEO will find savings from the Budget 2021-2022 to fund these items to re-establish the accounting result to \$19.024 million surplus and an accumulated cash result of \$500,000.

Directs that submitters be advised in writing of its decision in relation to their submissions on the proposed 2021-2025 Council Plan and Budget.

**1.2 COVID-19 Relief and Recovery Package (Package)**

Endorses the provision of a \$3.86 million Recovery package to support our community through the recovery phase post pandemic, to be made available from the 2021-2022 financial year and drawn down from:

- Council strategic asset reserves \$1.090 million;
- Under-utilised funds from the 2020-2021 Adopted Relief and Recovery package \$1.770 million;
- Capital works program savings \$1 million; and
- This will bring the total value of the Relief and Recovery Package over the two year period to \$9.128 million.

**1.3 Changes in the proposed rate in the dollar**

Notes that:

- Since Council endorsed in principle the 2021-2025 Council Plan and Budget and 2021-2025 Revenue and Rating Plan for the purposes of public consultation, Council has been advised by the Valuer-General of minor movements in the 2021 Council revaluation;
- In order for Council to comply with rate capping legislation and ensure that Council rate revenue does not increase by more than the rate cap of 1.50 per cent, this has resulted in minor reductions to the rates in the dollar (refer to 2.2 of the recommendation); and
- These changes are not material in nature.

Chairperson's initials.....

**2. Declaration of Rates and Charges**

Declares the following rates and charges:

- An amount of \$134,251,077 (or such other amount as is lawfully raised as a consequence of this Resolution) be declared as the amount which Council intends to raise by general rates and the annual service charge (described later in this Resolution), which amount is calculated as follows:
  - a) General Rates (excludes supplementary rates and rate waiver) \$93,731,954
  - b) Annual Service Charges \$40,519,123

**2.1 General Rates**

2.1.1 A general rate be declared in respect of the 2021-2022 Financial Year.

2.1.2 It be further declared that the general rate be raised by the application of differential rates.

2.1.3 A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared:

2.1.3.1 Derelict Land (Attachment A)

Derelict land, being land on which a dwelling or building is erected and is in a dilapidated state, and any other Council guidelines which may be in operation from time to time).

2.1.3.2 Retirement Village Land (Attachment B)

Land in retirement villages on which a flat or unit has been constructed.

2.1.3.3 Acacia Heath Land (Attachment C)

Land located in the Acacia Estate at 560-600 McClelland Drive (consisting of 110 lots in plans of subdivision 446669/70, 448786/7/8, 512750 531862/63, 537447 and 546857/58).

2.1.3.4 Commercial Land (Attachment D)

Any land which is used primarily for the purposes of a commercial land including developed and vacant land.

2.1.3.5 Farm Land (Attachment E)

Any land which is primary used for the purposes of farming.

2.1.3.6 Industrial Land (Attachment F)

Any land which is used primarily for the purposes of an industrial land including developed and vacant land.

2.1.3.7 Vacant Residential Land (Attachment G)

Any land which is zoned residential under the relevant Planning Scheme and on which there is no building that is occupied or adapted for occupation.

2.1.3.8 Other Land (Attachment H)

Any land which does not have the characteristics of Derelict, Retirement Village, Acacia Heath, Commercial, Industrial, Vacant Residential or Farm Land.

**2.2 Differential Rates**

Chairperson's initials.....

Resolves that each differential rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in paragraph 2.3 of this Resolution) by the relevant percentages indicated in the following table:

- A general rate of 0.227971% for all rateable Other Land;
- A general rate of 0.170979% for all rateable Retirement Village Land;
- A general rate of 0.284965% for all rateable Commercial Land;
- A general rate of 0.284965% for all rateable Industrial Land;
- A general rate of 0.227971% for all rateable Acacia Heath Properties <sup>(1)</sup>;
- A general rate of 0.284965% for all rateable Vacant Residential Land;
- A general rate of 0.182377% for all rateable Farm Land; and
- A general rate of 0.683915% for all rateable Derelict Land.

(1) Council supports the application of the general rate of Other Land to the Acacia Heath Properties for the 2021-2022 financial year.

2.3 Resolves to record that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:

2.3.1 The respective objectives of each differential rate be those specified in the attachments;

2.3.2 The respective types or classes of land which are subject to each differential rate be those defined in the attachments;

2.3.3 The respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the attachments; and

2.3.4 The relevant

(a) uses of;

(b) geographical locations of;

(c) planning scheme zonings of; and

(d) types of buildings on the respective types or classes of land be those identified in the attachments.

2.4 Declares a municipal charge of \$168.90 in respect of the 2021-2022 financial year.

2.5 Declares an annual service charge in respect of the 2021-2022 financial year for the collection and disposal of refuse.

2.6 Resolves that the annual service charge be in the sum of, and be based on the criteria specified below:

- \$421.30 for rateable and non-rateable land where a waste collection service with a 120 litre mobile garbage bin is applicable;
- \$335.50 for rateable and non-rateable land where a waste collection service with an 80 litre mobile garbage bin is applicable;
- \$394.50 for rateable and non-rateable land where a fortnightly waste collection service with a 120 litre mobile garbage bin is applicable;
- \$308.80 for rateable and non-rateable land where a fortnightly waste collection service with an 80 litre mobile garbage bin is applicable;

Chairperson's initials.....

- \$421.30 for rateable and non-rateable commercial land where a waste collection service with a 120 litre mobile garbage bin is applicable;
- \$335.50 for rateable and non-rateable commercial land where a waste collection service with an 80 litre mobile garbage bin is applicable;
- \$225.20 for rateable and non-rateable commercial land where a recycling collection service mobile garbage bin is applicable;
- Where additional bins are supplied, an additional \$421.30 for each 120 litre mobile garbage bin and \$335.50 for each 80 litre mobile garbage bin is applicable;
- \$150.20 for rateable and non-rateable land where a weekly green waste collection service is provided; and
- \$634.10 for rateable and non-rateable land where a waste collection service with a 240 litre mobile garbage bin is applicable.

## 2.7 Rebates & Concessions

Notes that:

- Council has entered into agreements with the Ministry of Housing to assess 50% of the general rate for certain purpose built units for older persons.
- Council has entered into agreements with the Baxter Village to assess 52.5% of the general rate for certain purpose built units for older persons.
- Council also provides concessions of 40%, 60%, 70% and 75% of the relevant rate for qualifying properties under the Cultural and Recreational Lands Act.

## 2.8 Incentives

Resolves that no incentive be declared for early payment of the general rates and annual service charge previously declared.

## 2.9 Consequential

2.9.1 Resolves to record that any person is required to pay interest on any amount of rates and charges which:

2.9.1.1 that person is liable to pay; and

2.9.1.2 has not been paid by the date specified for their payment.

2.9.2 Authorises the Chief Executive Officer to levy and recover the general rates and annual service charge in accordance with the Local Government Act (1989).

## 3. Community Panel Report

Notes the report to the Community Panel explaining the connection between the Community Vision Frankston City 2040 and the 2021-2025 Council Plan outcomes.

## 4. Standing Grants Program

4.1 Considers the following Standing Grants and allocates the funds as follows within the 2021-2022 Budget:

- a) Peninsula Community Legal Centre (PCLC) - \$45,000
- b) Membership of the Alliance for Gambling Reform - \$25,000
- c) Frankston Toy Library - \$26,700

Chairperson's initials.....



- d) Centenary Park Golf Club - \$3,500
  - e) Neighbourhood Houses - \$103,475 distributed as follows:
    - i. Belvedere Community Centre \$17,600
    - ii. Langwarrin Community Centre \$21,000
    - iii. Orwil Street Community House \$20,000
    - iv. Lyrebird Community Centre \$44,875
  - f) SES Building Insurance - \$1,656
  - g) SES Contribution to Operations - \$25,195
- Total Allocation: \$230,526

### **Council Decision**

**Moved: Councillor Hill**

**Seconded: Councillor Conroy**

That Council

1. Adopts the 2021-2025 Council Plan and Budget and 2021-2025 Revenue and Rating Plan as publicly displayed subject to the following amendments as outlined below:

#### **1.1 Adoption of the 2021-2025 Council Plan and Budget, 2021-2025 Revenue and Rating Plan and Public Budget Submissions**

Having complied with the requirements of the *Local Government Act (2020)*, and having considered, at a meeting held on 15 June 2021, twenty-three (23) written submissions received on the proposed 2021-2025 Council Plan and Budget resolves to adopt the budget with the following amendments totalling \$113K:

- Funding support for the Frankston Music Community Network \$28K;
- Contribution to the Peninsula Link access footpath \$25K; and
- Funding of \$60K to the PGA Australia towards the Golf Learning Hub, subject to agreed deliverables and milestones, demonstrating tangible progress of the project to Council's satisfaction.
- That \$20,000 be contributed, as a one-off cost, for enhanced initiatives under the 'Women's Spirit Project' initiative. This funding is only to be allocated on the proviso that:
  - i. Mornington Peninsula Shire provides matched funding (total = \$40K); and
  - ii. Sought milestones are agreed upon between Frankston City Council and the 'Women's Spirit Project' initiative prior to the award of funding

The 'Women's Spirit Project' be invited to apply for an annual standing grant for budget period 2022/2023 and onwards.

Notes the CEO will find savings from the Budget 2021-2022 to fund these items to re-establish the accounting result to \$19.024 million surplus and an accumulated cash result of \$500,000.

Directs that submitters be advised in writing of its decision in relation to their submissions on the proposed 2021-2025 Council Plan and Budget.

#### **1.2 Amendments since Public Budget Submission process**

Outside of the points raised in sections 1.1, the following amendments are to be included in the Budget 2021-2022 based on Councillor Requests since 15 June 2021 which has resulted in changes to the advertised budget.

The following capital works amendments total \$100,000 as follows:

- Allocate \$50,000 (capital one-off cost) towards the Frankston Park Grandstand design; and

Chairperson's initials.....



- Allocate \$50,000 (capital one-off cost) towards the Lighting Strategy design 2021-2022 - Projector illumination technology design - additional design monies to explore both fairy/bud lighting for trees.

Notes the CEO will find savings from the Budget 2021-2022 capital expenditure to fund these items to re-establish the Capital Works Program to \$64.885 million.

### 1.3 COVID-19 Relief and Recovery Package (Package)

Endorses the provision of a \$3.86 million Recovery package to support our community through the recovery phase post pandemic, to be made available from the 2021-2022 financial year and drawn down from:

- Council strategic asset reserves \$1.090 million;
- Under-utilised funds from the 2020-2021 Adopted Relief and Recovery package \$1.770 million;
- Capital works program savings \$1 million; and
- This will bring the total value of the Relief and Recovery Package over the two year period to \$9.128 million.

### 1.4 Changes in the proposed rate in the dollar

Notes that:

- Since Council endorsed in principle the 2021-2025 Council Plan and Budget and 2021-2025 Revenue and Rating Plan for the purposes of public consultation, Council has been advised by the Valuer-General of minor movements in the 2021 Council revaluation;
- In order for Council to comply with rate capping legislation and ensure that Council rate revenue does not increase by more than the rate cap of 1.50 per cent, this has resulted in minor reductions to the rates in the dollar (refer to 2.2 of the recommendation); and
- These changes are not material in nature.

## 2. Declaration of Rates and Charges

Declares the following rates and charges:

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a) General Rates (excludes supplementary rates and rate waiver)	\$93,731,954
b) Annual Service Charges	\$40,519,123

### 2.1 General Rates

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- 2.1.2 It be further declared that the general rate be raised by the application of differential rates.
- 2.1.3 A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared:
- 2.1.3.1 Derelict Land (Attachment A)  
Derelict land, being land on which a dwelling or building is erected and is in a dilapidated state, and any other Council guidelines which may be in operation from time to time).
- 2.1.3.2 Retirement Village Land (Attachment B)  
Land in retirement villages on which a flat or unit has been constructed.
- 2.1.3.3 Acacia Heath Land (Attachment C)

Chairperson's initials.....

Land located in the Acacia Estate at 560-600 McClelland Drive (consisting of 110 lots in plans of subdivision 446669/70, 448786/7/8, 512750 531862/63, 537447 and 546857/58).

2.1.3.4 Commercial Land (Attachment D)

Any land which is used primarily for the purposes of a commercial land including developed and vacant land.

2.1.3.5 Farm Land (Attachment E)

Any land which is primary used for the purposes of farming.

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Any land which is zoned residential under the relevant Planning Scheme and on which there is no building that is occupied or adapted for occupation.

2.1.3.8 Other Land (Attachment H)

Any land which does not have the characteristics of Derelict, Retirement Village, Acacia Heath, Commercial, Industrial, Vacant Residential or Farm Land.

## 2.2 Differential Rates

Resolves that each differential rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in paragraph 2.3 of this Resolution) by the relevant percentages indicated in the following table:

- A general rate of 0.227971% for all rateable Other Land;
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- A general rate of 0.284965% for all rateable Commercial Land;
- A general rate of 0.284965% for all rateable Industrial Land;
- A general rate of 0.227971% for all rateable Acacia Heath Properties <sup>(1)</sup>;
- A general rate of 0.284965% for all rateable Vacant Residential Land;
- A general rate of 0.182377% for all rateable Farm Land; and
- A general rate of 0.683915% for all rateable Derelict Land.

<sup>(1)</sup> Council supports the application of the general rate of Other Land to the Acacia Heath Properties for the 2021-2022 financial year.

## 2.3 Resolves to record that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:

2.3.1 The respective objectives of each differential rate be those specified in the attachments;

2.3.2 The respective types or classes of land which are subject to each differential rate be those defined in the attachments;

2.3.3 The respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the attachments; and

2.3.4 The relevant

(a) uses of;

(b) geographical locations of;

(c) planning scheme zonings of; and

(d) types of buildings on the respective types or classes of land be those identified in the attachments.

2.4 Declares a municipal charge of \$168.90 in respect of the 2021-2022 financial year.

2.5 Declares an annual service charge in respect of the 2021-2022 financial year for the

Chairperson's initials.....

collection and disposal of refuse.

2.6 Resolves that the annual service charge be in the sum of, and be based on the criteria specified below:

- \$421.30 for rateable and non-rateable land where a waste collection service with a 120 litre mobile garbage bin is applicable;
- \$335.50 for rateable and non-rateable land where a waste collection service with an 80 litre mobile garbage bin is applicable;
- \$394.50 for rateable and non-rateable land where a fortnightly waste collection service with a 120 litre mobile garbage bin is applicable;
- \$308.80 for rateable and non-rateable land where a fortnightly waste collection service with an 80 litre mobile garbage bin is applicable;
- \$421.30 for rateable and non-rateable commercial land where a waste collection service with a 120 litre mobile garbage bin is applicable;
- \$335.50 for rateable and non-rateable commercial land where a waste collection service with an 80 litre mobile garbage bin is applicable;
- \$225.20 for rateable and non-rateable commercial land where a recycling collection service mobile garbage bin is applicable;
- Where additional bins are supplied, an additional \$421.30 for each 120 litre mobile garbage bin and \$335.50 for each 80 litre mobile garbage bin is applicable;
- \$150.20 for rateable and non-rateable land where a weekly green waste collection service is provided; and
- \$634.10 for rateable and non-rateable land where a waste collection service with a 240 litre mobile garbage bin is applicable.

## 2.7 Rebates & Concessions

Notes that:

- Council has entered into agreements with the Ministry of Housing to assess 50% of the general rate for certain purpose built units for older persons.
- Council has entered into agreements with the Baxter Village to assess 52.5% of the general rate for certain purpose built units for older persons.
- Council also provides concessions of 40%, 60%, 70% and 75% of the relevant rate for qualifying properties under the Cultural and Recreational Lands Act.

## 2.8 Incentives

Resolves that no incentive be declared for early payment of the general rates and annual service charge previously declared.

## 2.9 Consequential

2.9.1 Resolves to record that any person is required to pay interest on any amount of rates and charges which:

2.9.1.1 that person is liable to pay; and

2.9.1.2 has not been paid by the date specified for their payment.

2.9.2 Authorises the Chief Executive Officer to levy and recover the general rates and annual service charge in accordance with the Local Government Act (1989).

## 3. Community Panel Report

Notes the report to the Community Panel explaining the connection between the Community Vision Frankston City 2040 and the 2021-2025 Council Plan outcomes.

## 4. Standing Grants Program

4.1 Considers the following Standing Grants and allocates the funds as follows within the 2021-2022 Budget:

- a) Peninsula Community Legal Centre (PCLC) - \$45,000
- b) Membership of the Alliance for Gambling Reform - \$25,000

Chairperson's initials.....

- c) Frankston Toy Library - \$26,700
  - d) Centenary Park Golf Club - \$3,500
  - e) Neighbourhood Houses - \$103,475 distributed as follows:
    - i. Belvedere Community Centre \$17,600
    - ii. Langwarrin Community Centre \$21,000
    - iii. Orwil Street Community House \$20,000
    - iv. Lyrebird Community Centre \$44,875
  - f) SES Building Insurance - \$1,656
  - g) SES Contribution to Operations - \$25,195
- Total Allocation: \$230,526

*Cr Liam Hughes left the meeting at 8.22pm  
Cr Liam Hughes returned to the meeting at 8.22pm  
Cr Liam Hughes left the meeting at 8.24pm  
Cr Liam Hughes returned to the meeting at 8.25pm*

**Extension of Time**

**Moved: Councillor Conroy**

**Seconded: Councillor Harvey**

That Cr Asker be granted an extension of time.

**Carried Unanimously**

**Extension of Time**

**Moved: Councillor Hill**

**Seconded: Councillor Asker**

That Cr Bolam be granted an extension of time.

**Carried Unanimously**

**The motion was then put and**

**Carried**

For the Motion: Crs Asker, Baker, Bolam, Conroy, Harvey, Hill and Tayler  
Against the Motion: Crs Liam Hughes and Steven Hughes

*The meeting adjourned at 8.42pm  
The meeting recommenced at 8.50pm*

**12.142021 Asia Pacific Cities Summit & Mayors' Forum - Mayor attendance**

*(BA Chief Financial Office)*

*The Mayor stepped down from the Chair*

*The Deputy Mayor took the Chair*

**Council Decision****Moved: Councillor Hill****Seconded: Councillor Harvey**

That Council:

1. Endorses the Mayor to attend the 2021 Asia Pacific Cities Summit & Mayors' Forum, being held in Brisbane from 8-12 September 2021 in person or virtually if COVID-19 restrictions are in place; and
2. Approves the estimated costs of \$2,695+GST for travel, accommodation and Summit registration, as outlined in the body of the report.

**Carried**

For the Motion: Crs Asker, Baker, Bolam, Conroy, Harvey, Hill and Tayler

Against the Motion: Crs Liam Hughes and Steven Hughes

*The Mayor resumed the Chair*

**12.15 Election report - results of Frankston City Council general elections 2020**

*(BA Chief Financial Office)*

**Council Decision**

**Moved: Councillor Harvey**

**Seconded: Councillor Hill**

That Council notes the Victorian Electoral Commission's report on the conduct of the 2020 Frankston City Council general elections, and the election results.

**Carried Unanimously**

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**12.16 White Ribbon Accreditation**

*(FB Business Innovation and Culture)*

**Council Decision****Moved: Councillor Harvey****Seconded: Councillor Hill**

That Council:

1. Notes that the cost of White Ribbon accreditation is \$20,500 over a three year period and further costs would be incurred to achieve this;
2. Notes that initiatives are currently being undertaken to meet Council's obligations under the Gender Equality Act 2020;
3. Notes further work will be undertaken with the establishment of a Gender Equality Advisory Committee comprising representation from across the organisation and addressing broader diversity agenda;
4. Continues their advocacy efforts to put an end to gender based violence; and
5. Notes that White Ribbon Accreditation will not be pursued.

**Carried Unanimously****Note:** Refer to page 5 of these Minutes where is item was Block Resolved

**12.17 Volunteer of the Year Awards 2021**

*(TB Communities)*

**Council Decision****Moved: Councillor Harvey****Seconded: Councillor Hill**

That Council:

1. Delegates to the Charitable Fund Committee members (the three community representatives and one senior officer only) responsibility for assessing nominations to the Frankston Volunteer of the Year Awards and to make subsequent recommendations to Council;
2. Approves continuance of awarding a \$1000 monetary prize to the recipient of the Outstanding Organisation award;
3. Presents the 2021 Annual Volunteer Awards to the recipients at a dedicated reception event in October or early November (subject to the status of COVID-19 restrictions); and
4. Endorses the annual Volunteer Awards becoming a formal recurrent event in Council's calendar and refers \$10K to the 2021-22 mid-year budget review for consideration.

**Carried Unanimously**

**Note:** Refer to page 5 of these Minutes where is item was Block Resolved

Chairperson's initials .....



**12.18 Introduction of Environmental Upgrade Finance**

*(LU Infrastructure and Operations)*

**Council Decision****Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Endorses Environmental Upgrade Agreements for Frankston City businesses and approves the establishment of the program in 2021-22;
2. Appoints Better Building Finance to establish, administer and support the delivery of Environmental Upgrade Agreements for Frankston City businesses;
3. Notes that the power has been delegated through the S7 Instrument of Sub-Delegation by Chief Executive Officer to the Chief Financial Officer as follows:
  - a. power to enter into an environmental upgrade agreement on behalf of Council;
  - b. declare and levy an environmental upgrade charge.
4. Notes officers are investigating the merits of expanding Environmental Upgrade Agreements to residential properties and this will be further considered in the development of Council's Climate Change Strategy and Action Plan in 2021-22; and
5. Notes these actions support Council's climate emergency response and by enabling Environmental Upgrade Agreements, Council is supporting and enabling community climate action.

**Carried Unanimously**

**12.19 Response to Petition - Removal of Outdoor Dining in Norman Avenue Frankston South**

(SB Communities)

**Recommendation (Director Communities)**

That Council:

1. Notes that a petition was tabled in relation to the removal of Outdoor Dining in Norman Avenue Frankston South containing 199 signatures at its meeting on 31 May 2021;
2. Resolves to defer a decision on the future of the Outdoor Dining in Norman Avenue Frankston South until the completion of a review of the entire Extended Outdoor Dining Program, including broad community consultation, which is currently underway;
3. Notes Officers will continue to patrol the Norman Avenue area on a regular basis and undertake enforcement as required;
4. Notes a report on the review of the Extended Dining Program will be presented to Council no later than October 2021;
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. Officers notify the head petitioner of its decision accordingly.

**Council Decision**

**Moved: Councillor Hill**

**Seconded: Councillor Harvey**

That Council:

1. Notes that a petition was tabled in relation to the removal of Outdoor Dining in Norman Avenue Frankston South containing 199 signatures at its meeting on 31 May 2021;
2. Resolves to defer a decision on the future of the Outdoor Dining in Norman Avenue Frankston South until the completion of a review of the entire Extended Outdoor Dining Program, including broad community consultation, which is currently underway;
3. Notes Officers will continue to patrol the Norman Avenue area on a regular basis and undertake enforcement as required;
4. Notes a report on the review of the Extended Dining Program will be presented to Council no later than October 2021;
5. Notes that the report back is subject to any potential delays and impacts associated with Council's response to the COVID-19 pandemic;
6. Officers notify the head petitioner of its decision accordingly; and
7. Investigates additional line marking in Fleetwood crescent and Fleetwood lane to optimise parking outcomes and a sign in Norman Avenue indicating "additional car parking at rear". The Chief Executive Officer will initiate required action if practical.

**Carried Unanimously**

**12.20 Response to Petition - Abolishment of mandatory inclusion of private dwellings in the Heritage Overlay**

(SB Communities)

**Recommendation (Director Communities)**

That Council:

1. Notes a petition was tabled in relation to the abolishment of mandatory inclusion of private dwellings in the Heritage Overlay containing 393 signatures at its meeting on 31 May 2021;
2. Notes Council's resolution of 31 May 2021 to set aside the Frankston Gap Heritage Review 2020 Report Volume 1 and 2 and not proceed with a Planning Scheme Amendment;
3. Notes that a voluntary heritage process is contrary to the obligations placed on Local Government by the *Planning & Environment Act 1987* and the Minister for Planning; and
4. Advises the head petitioner in writing of Council's resolution of the 31 May 2021 in respect to the Frankston Gap Heritage Review 2020 being set aside and that a voluntary heritage process is not supported by the Minister for Planning.

**Council Decision****Moved: Councillor Steven Hughes****Seconded: Councillor Tayler**

That Council:

1. Notes a petition was tabled in relation to the abolishment of mandatory inclusion of private dwellings in the Heritage Overlay containing 393 signatures at its meeting on 31 May 2021;
2. Notes Council's resolution of 31 May 2021 to set aside the Frankston Gap Heritage Review 2020 Report Volume 1 and 2 and not proceed with a Planning Scheme Amendment;
3. Advises the head petitioner in writing of Council's resolution of the 31 May 2021 in respect to the Frankston Gap Heritage Review 2020 being set aside;
4. Resolves to abandon the draft Frankston Heritage Gap Study 2021;
5. Writes to the Minister for Planning seeking support to undertake an incentivised voluntary heritage planning amendment process. The Mayor is to present the letter to Council for approval prior to dispatch; and
6. Subject to Ministerial support, refers \$65K to the 2022/23 annual budget for consideration to undertake a heritage study based on voluntary nominations only.

**Carried**

For the Motion: Crs Asker, Hill, Liam Hughes, Steven Hughes and Tayler  
Against the Motion: Crs Baker and Harvey  
Abstained: Crs Bolam and Conroy

Chairperson's initials .....

**12.21 Proposed closure of Boundary Lane, Carrum Downs**

*(DD Infrastructure and Operations)*

**Council Decision****Moved: Councillor Harvey****Seconded: Councillor Hill**

That Council, in accordance with sections 207, 207A, 223 and Schedule 11 Clause 9 of the Local Government Act 1989 ('Act') and having given public notice of the proposal:

1. Notes no submissions to the public notice were received;
2. Notes a report offering no objection to the proposed road closure was obtained from the Department of Transport (VicRoads), as required by Clause 9(2) of Schedule 11 to the Act;
3. Notes emergency services and utility authorities have been notified and indicate no objection to the proposal;
4. Authorises the Chief Executive Officer to instigate the road closure of Boundary Lane in Carrum Downs to vehicular traffic, excluding emergency services and utility authority vehicles; and
5. Resolves to proceed with the installation of a gate retaining controlled access for emergency services and utility authority vehicles.

**Carried Unanimously**

**Note:** Refer to page 5 of these Minutes where is item was Block Resolved

**12.22 Award of Contract CN10553 - Gross Pollutant Trap (G.P.T) Cleaning**

*(BH Infrastructure and Operations)*

**Council Decision****Moved: Councillor Harvey****Seconded: Councillor Hill**

That Council:

1. Awards contract CN10553 – Gross Pollutant Trap (G.P.T) Cleaning to CSA Specialized Services; ACN 126 327 697 for \$543,871.50 GST exclusive for an initial two year term with the provision of a further 2 X 12 month extensions, noting that this is a schedule of rates contract;
2. Authorises the Chief Executive Officer to sign the contract and contract extensions based on the contractors' successful performance;
3. Delegates approval of contract variations to the Chief Executive Officer; and
4. Resolves the attachments A and B be retained confidential, on the grounds that it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

**Carried Unanimously**

**Note:** Refer to page 5 of these Minutes where is item was Block Resolved

**12.23 Award of Contract - CN10566 - Playground and Park upgrade at Witternberg Reserve**

*(VG Infrastructure and Operations)*

**Council Decision****Moved: Councillor Harvey****Seconded: Councillor Hill**

That Council:

1. Notes that Council has been successful in securing a \$300,000 grant from the Victorian State Government towards the delivery of a new playground and associated park refurbishment works at Witternberg Reserve, Frankston;
2. Awards the contract CN10566 for the Construction of the Playground and Park Upgrade at Witternberg Reserve to Red Centre Nominees Pty. Ltd. (ACN 084 274 411) for \$545,222.55 GST exclusive;
3. Authorises the Chief Executive Officer to sign the contract;
4. Delegates approval of contract variations to the Chief Executive Officer; and
5. Resolves the attachments A, B and C to this report be retained as confidential, on the grounds that it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

**Carried Unanimously**

**Note:** Refer to page 5 of these Minutes where is item was Block Resolved

Chairperson's initials .....

**13. RESPONSE TO NOTICES OF MOTION****13.1 Final Response to NOM 1389 – Ballam Park Precinct Improvements**

*(VG Infrastructure and Operations)*

**Council Decision****Moved: Councillor Harvey****Seconded: Councillor Hill**

That Council:

1. Receives the final progress update report in response to NOM 1389 Ballam Park Precinct Improvements;
2. Notes the positive outcome of community consultation in relation to the proposed Southern Entrance Precinct improvement works including Integrated Water Treatment (Lake) at Ballam Park; and
3. Notes and supports that a loan application has been submitted as part of the Victorian Government's Community Infrastructure Loan Scheme round 2 for \$1.3 million to deliver the proposed Integrated Water Treatment (Lake) at Ballam Park and authorises the Chief Executive Officer to enter into an agreement should Council be successful in securing these funds.

**Carried Unanimously**

**Note:** Refer to page 5 of these Minutes where is item was Block Resolved

Chairperson's initials .....

**14. NOTICES OF MOTION****14.1 2021/NOM5 - Greening of Residential Nature-Strips**

*(TC Chief Financial Office)*

**Council Decision****Moved: Councillor Liam Hughes****Seconded: Councillor Conroy**

That Council:

1. Reviews the 'Development and Planting within Road Reserve Guidelines' and application process to promote a greener and healthier Frankston. The revised guidelines should include example plans, appropriate species lists, photos of existing approved nature strip planting, ways in which to engage the community and consideration of the waiving of fees; and
2. Submits the report to Council no later than the October 2021 Council Meeting.

**Carried Unanimously**



**15. LATE REPORTS**

Nil

**16. URGENT BUSINESS****Urgent Business****Council Decision****Moved: Councillor Liam Hughes****Seconded: Councillor Steven Hughes**

That the matter of disposal of tree debris arising from a severe weather event be accepted as urgent business.

**Carried**

For the Motion: Crs Asker, Baker, Bolam, Conroy, Harvey, Hill, Liam Hughes and Steven Hughes

Against the Motion: Cr Tayler

**Urgent Business****Council Decision****Moved: Councillor Liam Hughes****Seconded: Councillor Steven Hughes**

That a report be provided at the August 2021 Council Meeting investigating options to support the Frankston City community for the disposal of tree debris at the Frankston Regional Recycling and Recovery Centre arising from a severe weather event. This investigation is to include benchmarking with neighbouring Councils and associated costs..

**Carried Unanimously**

**17. CONFIDENTIAL ITEMS****Council Decision****Moved: Councillor Hill****Seconded: Councillor Asker**

That the 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 3(1) of the Local Government Act 2020 (the Act) on the following grounds:

**C.1 Land Acquisition and Offset Opportunities**

This document and all relevant attachments have been designated by me, the Chief Executive Officer, 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 3(1) of the Local Government Act 2020; and
- these grounds apply because the information that is detailed within contains matters that would, if prematurely released, result in reputation or financial implications for Council.

**C.2 South East Metropolitan Advanced Waste Processing Procurement**

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

- on the grounds that it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released
- these grounds apply because it relates to contractual matters

**C.3 McClelland Gallery**

This document and all relevant attachments have been designated by me, the Chief Executive Officer, 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 McClelland Gallery and would, if prematurely released, impact the relationship between Council and McClelland Gallery.

**C.4 Proposed Acquisition of Land by Compulsory Process**

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

- on the grounds that it includes Council business information that would prejudice the Council's position in commercial negotiations if prematurely released (LGA2020, s.3(1)(a)); and
- these grounds apply because the concerns a proposed compulsory acquisition and would, if prematurely released, likely result in the property being withdrawn from sale with the result that Council would not be able to compulsorily acquire the Land at this time.

**Carried Unanimously**

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Signed by the CEO

Chairperson's initials .....

**18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS**

**C.3 McClelland Gallery (considered at this meeting)**

**Council Decision**

**Moved: Councillor Hill**

**Seconded: Councillor Conroy**

That Council:

- 2. Commits a grant of \$50K to MSPG for inclusion in the 2021/22 Annual Budget to continue the Senses program development, delivery and liaison with kindergartens.
- 5. Continues to involve Council’s Internal Auditors to assess MSPG four year financial projections to achieve a self-sustaining revenue model and longer term in-kind offerings that support Council to deliver on its objectives in service delivery to the municipality;
- 6. Investigates the proposed purchase of land at McClelland site for the purpose of a community facility such as a Bush Kinder;
- 7. Supports advocacy efforts to State and Federal Government to provide financial support to MSPG;

*This motion was put and carried*

DRAFT

*The meeting was closed to the public at 10.07 pm*

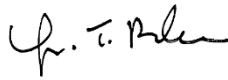
**DRAFT MINUTES  
CONFIRMED THIS**

2nd

**DAY OF**

July

**2021**



.....  
**CHAIRPERSON**

**DRAFT**

Chairperson's initials.....