



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD IN THE FRANKSTON ARTS CENTRE, CNR OF DAVEY AND YOUNG STREETS,  
FRANKSTON  
ON 20 JULY 2020 at 7.00PM**

PRESENT	Cr. Sandra Mayer (Mayor) Cr. Colin Hampton (via Zoom) Cr. Michael O'Reilly Cr. Glenn Aitken Cr. Brian Cunial (via Zoom) Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam (via Zoom) Cr. Lillian O'Connor (via Zoom)
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Ms. Kim Jaensch, Chief Financial Officer Dr. Gillian Kay, Director Communities Mr. Cam Arullanantham, Director Infrastructure and Operations Ms. Shweta Babbar, Director Business Innovation and Culture Ms. Brianna Alcock, Manager Governance and Information Ms. Michelle Tipton, Coordinator Governance Mr. Stuart Caldwell, Acting Manager Statutory Planning Mr. Martin Poole, Manager Commercial Services Ms. Clare Warren, Acting Manager Policy, Planning and Environmental Strategies Ms. Tenille Craig, Councillor Support Officer Mr. Peter Gent, Systems Support Officer Mr. Rhys Parson, Frankston Arts Centre Tech Support Mr. Glenn Parry, Frankston Arts Centre Tech Support Mr. Simon Thompson, Frankston Arts Centre Tech Support
EXTERNAL REPRESENTATIVES:	Dan Thorne (Orange Elephant Productions) James Bertschik (Orange Elephant Productions)

**PROCEDURAL STATEMENT**

The Mayor made the following statement:

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

Chairperson's initials *S. Mayer*

## COUNCILLOR STATEMENT

Councillor Aitken made the following statement:

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

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

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

## PRAYER

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

## ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

## TRIBUTE TO PAT BENTLEY

The Mayor made a statement and paid tribute for the passing of Pat Bentley and called for one minute silence.

<b>1. PRESENTATION TO COMMUNITY GROUPS.....</b>	<b>3</b>
1.1 Certificate of Appreciation to Sir Dallas Brooks Rovers - Street2Bay Project.....	3
<b>2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....</b>	<b>3</b>
Ordinary Meeting No. OM9 held on 29 June 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>
<b>10. DELEGATES' REPORTS.....</b>	<b>4</b>
<b>ITEMS BROUGHT FORWARD.....</b>	<b>5</b>
11.2 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.....	5
14.2 2020/NOM15 - Rooming House Reform Advocacy .....	14
14.3 2020/NOM16 - Proposed Laneway Festival .....	17
<b>11. CONSIDERATION OF TOWN PLANNING REPORTS .....</b>	<b>19</b>
11.1 Planning Permit Application 197/2020/P - 439 Nepean Highway, Frankston - To use the land to sell packaged liquor .....	19
11.3 June 2020 Planning and Environment Progress Report.....	21
<b>12. CONSIDERATION OF REPORTS OF OFFICERS.....</b>	<b>22</b>
12.1 Council Resolution Status Update for 20 July 2020.....	22
12.2 Record of Assemblies of Councillors .....	23
12.3 Minutes of the Frankston Arts Board - June 2020 .....	24
12.4 Proposed Governance Local Law 2020.....	25
12.5 Proposed Community Local Law 2020 .....	26
12.6 Change of Meeting Date for the Special Statutory Meeting .....	27
12.7 Regional Local Government Forum - Regional Charter.....	28

12.8	Local Heritage Preservation Grant Program - Draft Guidelines .....	29
12.9	Draft Property Strategy .....	30
12.10	Frankston Play Strategy Community Engagement .....	31
12.11	Scheduled Policy & Strategy Forward Work Program .....	32
12.12	Update on Coronavirus (COVID-19) - 20 July 2020 .....	33
12.13	2020 Community Satisfaction Survey results .....	34
12.14	Disability Access and Inclusion Committee Submission to the Royal Commission into Violence, Abuse and Neglect of People with Disability .....	35
12.15	Frankston Yacht Club Building Activation Project Update .....	36
12.16	Award of Contract 2019/20-85 - Irrigation Maintenance and Minor Works .....	37
12.17	Award of Contract 2019/20-97 - Stormwater Access Covers, Surrounds and Grates .....	38
<b>13.</b>	<b>RESPONSE TO NOTICES OF MOTION .....</b>	<b>39</b>
13.1	Response to 2020/NOM10 - Reforms .....	39
<b>14.</b>	<b>NOTICES OF MOTION .....</b>	<b>40</b>
14.1	2020/NOM14 - Recognition to Government for Funding Assistance .....	40
<b>15.</b>	<b>LATE REPORTS .....</b>	<b>41</b>
<b>16.</b>	<b>URGENT BUSINESS.....</b>	<b>41</b>
<b>17.</b>	<b>CONFIDENTIAL ITEMS .....</b>	<b>43</b>
C.1	Additional Commuter Car Parking at Stations .....	43
C.2	Visitor Information Centre - Co-location Expression of Interest Update .....	43
C.3	Chief Executive Officer's Quarterly Report - July 2020.....	43
C.4	Debrief of Ordinary Council Meeting.....	43

**1. PRESENTATION TO COMMUNITY GROUPS****1.1 Certificate of Appreciation to Sir Dallas Brooks Rovers - Street2Bay Project**

The Mayor presented a Certification of Appreciation to Sir Dallas Brooks Rovers for the Street2Bay Project.

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

Ordinary Meeting No. OM9 held on 29 June 2020.

**Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor Toms**

That the minutes of the Ordinary Meeting No. OM9 held on 29 June 2020 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

**Carried Unanimously**

**3. APOLOGIES**

Nil

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

Nil

**5. PUBLIC QUESTION TIME**

There was no questions with or without notice submitted.

**6. HEARING OF PUBLIC SUBMISSIONS**

Mr. Shannon Stewart, on behalf of Vicinity, made a submission to Council regarding Item 11.2: 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;

Ms Fiona Best made a submission to Council regarding Item 14.2: 2020/NOM15 – Rooming House Reform Advocacy;

*Councillor Cunial left the meeting at 7:18 pm.*

*Councillor Cunial returned to the meeting at 7:20 pm.*

Mr John McKenzie made a submission to Council regarding Item 14.2: 2020/NOM15 – Rooming House Reform Advocacy;

Mr Patrick Lynch made a submission to Council regarding Item 14.2: 2020/NOM15 – Rooming House Reform Advocacy;

*Councillor Bolam left the meeting at 7:29 pm.*

*Councillor Bolam returned to the meeting at 7:29 pm.*

Mr Raymond Stirling made a submission to Council regarding Item 14.2: 2020/NOM15 – Rooming House Reform Advocacy;

*Councillor Bolam left the chamber at 7:36 pm.*

Ms Ginevra Hosking, on behalf of Committee for Greater Frankston, made a submission to Council regarding Item 14.3: 2020/NOM16 – Proposed Laneway Festival.

*Councillor Bolam returned to the chamber at 7:41 pm.*

## 7. ITEMS BROUGHT FORWARD

### Items Brought Forward

#### Council Decision

**Moved: Councillor Aitken**

**Seconded: Councillor Hampton**

That the following items be brought forward:

- 11.2: 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
- 14.2: 2020/NOM15 – Rooming House Reform Advocacy
- 14.3: 2020/NOM16 – Proposed Laneway Festival

**Carried Unanimously**

## 8. PRESENTATIONS / AWARDS

Nil.

## 9. PRESENTATION OF PETITIONS AND JOINT LETTERS

### General Motion

#### Council Decision

**Moved: Councillor Toms**

**Seconded: Councillor Aitken**

That a petition regarding the proposed development of the Mosque at 6 Leisureland Drive Langwarrin, containing 74 signatures, be received.

**Carried Unanimously**

## 10. DELEGATES' REPORTS

### General Motion

#### Council Decision

**Moved: Councillor Aitken**

**Seconded: Councillor Toms**

That the verbal submissions made by the Mayor, Cr Sandra Mayer on the :

- Frankston Revitalisation Board meeting, held on 23 June 2020; and
- Meeting with the new Minister for Local Government and local Mayors of Municipalities within Metropolitan Melbourne (COVIDI restricted area) to discuss the latest COVID restrictions on metropolitan Melbourne and discussion on the upcoming elections.

be received.

**Carried Unanimously**

**ITEMS BROUGHT FORWARD****11.2 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)*

**Recommendation (Director Communities)**

That Council resolves to issue a Planning Permit 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, subject to the following conditions:

**Amended 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 (DA 00 rev 6, DA00-01- rev 6, DA00-01EC- Rev 5, DA00-03- Rev.3, DA00-01- Rev 6, DA30-01 to DA30.03 - Rev 6, DA30-04 to DA30.11- Rev 3, DA40-01 to DA40-5 - REV 6, DA45-01 and DA45.02- Rev 5, Landscape report dated 28/2/2020 prepared by Open Work Ptv. Ltd., Transport Impact Assessment dated 19/12/2019 prepared by DTA consultants and addendums dated 6/4/2020 and 17/6/2020 and Sustainable Management Plan dated 18/12/2019 prepared by ADP consulting-engineering) but modified to show:
  - (a) Clearly delineate the site boundary including along Keys Street.
  - (b) The pedestrian foot path on all relevant plans including landscape plans.
  - (c) The location and access arrangements to parking in Bayside Shopping Centre car parks including nomination of parking spaces allocated and available to service the approved development consistent with condition 9.
  - (d) Alternative traffic management devices within the property boundaries at the exit to Keys Street to address pedestrian safety and vehicle ingress and egress.
  - (e) Control point/boom gate to basement parking relocated 5.0 metres east.
  - (f) Finished floor levels of the proposed retail and all access doors to match existing footpath levels on both Shannon Street Mall and Keys Street.
  - (g) A hydraulic assessment and analysis of the drainage catchment to develop drainage asset relocation options in accordance with Condition 4.
  - (h) Detailed drainage design of the accepted relocation option including reinstatement of all affected Streetscapes/Public Realm and Infrastructure and Council assets impacted by the works. The applicant must cover all costs relating to construction costs of diversion of storm water pipes.
  - (i) Colour palette and overall façade treatment amended to reflect the Frankston Metropolitan Activity Centre (FMAC) Illustrative Guidelines and coastal location of Frankston.
  - (j) Greater variation in materials, textures, and window styles for the first three levels of the building facing pedestrian thoroughfares including the use of low reflectivity glazing.

- (k) Additional design detail such as indicative signage locations/dimensions/style.
- (l) Façade articulation, material variation and signage at White Street Mall elevation to identify pedestrian entrances.
- (m) Specifications of the external material treatments proposed for the cylindrical support pylons along Balmoral Walk and within the sotoportego. A detailed design and/or greening treatment should be applied to this area.
- (n) Building entrances along the sotoportego be recessed into the building at a depth no greater than 300mm.
- (o) Pedestrian way-finding signage at the intersections of Balmoral Walk/White Street Mall, Keys Street/Balmoral Walk and Shannon Street/Station Street.
- (p) The landscape mound at the Shannon Street Mall end and Keys Street end be removed.
- (q) Any canopy to the Shannon Street Mall to run the full length of the proposal's retail interface, be no higher than approximately 3.5 metres above the natural ground level of the mall and extend no less than the cantilever of the current canopy.
- (r) Automatic sliding doors to each disabled toilet facility and all major entrances to improve accessibility.
- (s) 8 bicycle parking spaces with easy access at the ground level.
- (t) A Public Realm Plan in accordance with Condition 10.
- (u) A Functional Layout Plan in accordance with Condition 11.
- (v) A Car Parking Management plan in accordance with Condition 8.
- (w) A Site, Construction and Environment Management Plan in accordance with Condition 21.
- (x) A Landscape Plan in accordance with Condition 23.
- (y) Tree Protection Management Plan in accordance with Condition 26.
- (z) Tree protection requirements including tree protection fence locations of Condition 26 illustrated on all relevant plans.
- (aa) A Lighting Plan in accordance with Condition 28.

### **No Alterations**

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

### **Green Travel Plan**

3. Prior to the occupation of the building, a Green Travel Plan (GTP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. The GTP must:
  - (a) Describe the location of the development site in the context of alternative modes of transport and objectives of the GTP.
  - (b) Outline GTP measures for the development including, but not limited to:
  - (c) Possible incentives (e.g. provision of public transport tickets, etc).
  - (d) Cycle parking and facilities included; and
  - (e) GTP management responsibilities, including ongoing monitoring and review.



- (f) Once approved the GTP must form part of the planning permit or any ongoing Management Plan for the site to ensure the plan continues to be implemented to the satisfaction of the Responsible Authority.

### Drainage

4. Prior to commencement of development the owner must develop and submit to the Responsible Authority, a hydraulic assessment and analysis of the catchment contributing to the existing 675mm diameter drainage pipe within the building envelope must be undertaken to develop drainage asset relocation options. This assessment must be to the satisfaction of the Responsible Authority and take into consideration the existing high/low flow structures within the network and include flood modelling to ensure that the redirection of council assets does not have any detrimental impact on the greater drainage network and its operation will not be reduced or compromised. The applicant must cover all costs relating to undertaking of relevant investigations, preparation of reports and all related construction costs of diversion of storm water pipes.
5. Prior to commencement of commencement of the development, detailed design plans of the internal stormwater drainage system including drainage computations and impacted Infrastructure modifications within Keys Street must be submitted and approved to the satisfaction of the Responsible Authority.
6. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
7. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.

### Car Park Management Plan

8. Before the commencement of buildings and works, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. The Car Park Management Plan must include, but not be limited to:
  - (a) A plan of the allocated area of Bayside Shopping Centre car park, including details of proposed signs or pavement markings.
  - (b) Noted that the allocated area within Bayside Shopping Centre be set-aside and be available for only users designated under this permit during all times of operations of office use.
  - (c) Outline method of designating users of the car parking spaces through display permit systems or any other alternatives, limited to the maximum number of spaces allocated.
  - (d) Controlled access to Keys Street car park to be exclusive to users of this development through swipe card system or any other alternative to deny entrance to other public users.
  - (e) Display or sign to be posted at the Keys Street access to indicate no public access.
  - (f) Include measures to provide information externally on Keys Street as display or notification to users when car park has reached full capacity at 85 spaces.

### Section 173 Agreement

9. Prior to the commencement of the development the owner must enter into an Agreement under Section 173 of the Planning and Environment Act and have that agreement registered on the title to Bayside Shopping Centre site (28 Beach Street

Chairperson's initials *S. Mayer*

Frankston). The agreement must provide that:

- (a) A total of 389 car parking spaces as per the endorsed plans under this Planning Permit (21/2020/P) are made available during weekdays for the use by the staff of the office use at 12 Balmoral Walk Street Frankston to the satisfaction of the Responsible Authority.
- (b) Unencumbered access to those car parking spaces must be provided to the staff of the office use at 12 Balmoral Walk Frankston.
- (c) This agreement must not end unless the office use at 12 Balmoral Walk Frankston ceases and the car parking spaces required by the this Planning Permit (21/2020/P) is no longer required under Frankston Planning Scheme.

The applicant must pay all costs relating to the preparation and registration of the Agreement (including costs incurred by the Responsible Authority).

The Section 173 Agreement must be registered in accordance with the provisions of Section 181 of the Planning and Environment Act 1987.

### Public Realm Plan

10. Before the commencement of development, public realm plan(s) must be submitted to and approved by the Responsible Authority. When approved, the plan(s) will be endorsed and will then form part of the permit. The plan(s) must be drawn to scale, with dimensions, The plan must include but not be limited to the following:
  - (a) The surface finishes, furniture, planting, signage, waste bins and lighting for Sotoportego and Balmoral Walk in accordance with Council's Streetscape Palette.
  - (b) Removal of all redundant crossovers to the subject site and alterations to line marking of on-street car parking spaces where appropriate.
  - (c) A planting schedule of all proposed plants including botanical names, common names, pot sizes, size at maturity and quantities of each plant.
  - (d) Structural soils such as stratavault, silva cell or strata cell to be utilised to mitigate the disturbance of root growth on the surrounding area where applicable.
  - (e) Any other public realm works that may include paving, bollards, street furniture, public art and lighting, where applicable.
  - (f) Works and reinstatement of assets on public land which are impacted by creation or diversion of infrastructure required to enable the development.

Prior to occupancy of the building, all landscaping and public realm works as shown on the endorsed Public Realm Plan(s) must be completed to the satisfaction of the Responsible Authority, unless with the further written consent of the Responsible Authority.

All costs associated with landscaping and works shown on the Public Realm Plan must be borne by the owner/developer.

### Functional Layout Plan

11. Before the commencement of buildings and works, a Functional Layout Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. The Functional Layout Plan must include, but not be limited to:
  - (a) The scope of changes to on street parking including signs, kerb locations and pavement markings for the Keys Street frontage.

**Maintenance and safety**

12. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
13. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.
14. The booster cupboards, substations, and water metres to be screened and integrated into the facades.
15. The owner is responsible to indemnify Council against any claim or liability of whatsoever kind arising from canopy and similar structures projecting over the road reserves.

**Amenity**

16. The amenity of the area must not be detrimentally affected by the development and/or use through the:
  - (a) Transport of materials, goods or commodities to or from the land;
  - (b) Appearance of any building, works or materials;
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - (d) Presence of vermin;
  - (e) Others as appropriate; or
  - (f) In any other way.
17. No storage of goods is permitted outside the building or the designated storage areas as shown on the endorsed plans.
18. Noise emitted from the premises must not exceed limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
19. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building hereby permitted without the prior written consent of the Responsible Authority.
20. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.

**Site, Construction and Environment Management Plan**

21. Before the development starts a Site, Construction and Environmental Management Plan must be submitted to and be approved by the Responsible Authority. Such Plan will have regard to the Frankston City Council's Sustainable Framework and shall include but not be limited to the following:
  - (a) Hours during which construction activity will take place.
  - (b) Measures to control noise and vibration, dust and water runoff, including sediment control, during construction.
  - (c) Stormwater management and on-site retention opportunities.
  - (d) Location of the siting of any portable buildings and the areas which will be used for the storage of building materials and building waste during construction.
  - (e) Provision of the management of all buildings and construction waste, including

recycling of all materials generated during construction.

- (f) Opportunities to maximise energy efficiency and reduce reliance upon non-renewable resources and materials, including the use of solar and/or green power and appropriate building materials where appropriate.
- (g) Car parking for all persons engaged in construction, to ensure that vehicles associated with construction activity cause minimum disruption to adjacent premises.
- (h) Security fencing.
- (i) A traffic management plan, including details regarding truck routes to and from the site.
- (j) Measures to ensure the safety of pedestrians on Keys Street and Shannon Street Mall.
- (k) Measures relating to the removal of waste material from the site.
- (l) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of this Plan.
- (m) Contact details of a site manager.
- (n) Obtaining all required permits and including those relating to the occupation of Council land during construction.
- (o) A communication and engagement plan and protocols regarding any works which may impact upon other nearby uses (whether on land controlled by the owner or not) including details such as dates and times of works, and measures to facilitate continuation of access to buildings during works.

### **Waste Management Plan**

22. Before the development starts, a Waste Management Plan must be submitted to, and approved by, the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will then form part of this Permit. The Waste Management Plan must include reference to the following:
- (a) The waste collection and management to be done by a private waste management contractor.
  - (b) The estimated garbage and recycling generation volumes for the proposed use.
  - (c) The garbage and recycling equipment to be used and the collection service requirements, including the frequency of collection.
  - (d) The location, proximity, screening of and space allocated both to the garbage and recycling storage areas and collection points.
  - (e) How noise, odour and litter will be managed and minimised.
  - (f) Approved facilities for washing bins and storage areas.
  - (g) Swept path diagrams illustrating how waste vehicles will access the site.
  - (h) The approved Waste Management Plan must be implemented to the satisfaction of the Responsible Authority.

### **Landscape Plans**

23. Before the commencement of buildings and works, a detailed Landscape Plan and amended Master Plan in accordance with the approved development plan and generally in accordance with the Landscape Master Plan prepared by Openwork 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 show:

- (a) A survey (including botanical names) of all existing vegetation within close proximity of the development, accurately illustrated to represent canopy width and labelled with botanical name, height, T.P.Z., S.R.Z. and notations regarding protection methods during construction of retained trees.
- (b) Buildings on neighbouring properties.
- (c) 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.
- (d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, accurate size at maturity and quantities of each plant.
- (e) Adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals).
- (f) Detailed planting plan for the above ground level planter boxes to include low maintenance, coastal tolerant, hardy species that cascade and achieve a height visible from the ground level streetscape.
- (g) Detailed design for the proposed structure or non-supporting climber for the cylindrical supports.
- (h) Provision of seating and planter boxes along the east and western boundary to be provided with irrigation.
- (i) A planting theme of a minimum 30% indigenous and 40% native within each plant group.
- (j) 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.
- (k) All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use.
- (l) Detailed design for the temporary small tree pots or a green wall façade along the northern boundary of Balmoral Walk.
- (m) Provision of a green landscape feature to the White Street entrance.
- (n) Landscape treatment provided at Key Street to integrate Balmoral Walk to the pedestrian crossing.
- (o) Pedestrian safety bollards to be located at the Key Street entrance.
- (p) Structural soils such as stratavault, silva cell or strata cell to be utilised to mitigate the disturbance of root growth on the surrounding area where applicable.
- (q) The provision of suitable canopy trees (minimum three metres tall when planted) in the areas specified below with species chosen to be approved by the Responsible Authority:
  - i. Corps of Banksia provided at the east and west entrance to Balmoral Walk.
  - ii. A minimum of three (3) small trees along the Balmoral Walkway.

#### **Prior to Occupation**

24. The landscaping as shown on the endorsed landscape plan must be carried out

Chairperson's initials *S. Mayer*

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.

25. 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.

### **Tree Protection Management Plan**

26. A Tree Protection Management Plan prepared in accordance with Frankston City Council's 'Arboricultural Report Writing Guide' must be submitted by a suitably qualified and experienced Arborist in relation to the management and maintenance of street trees in close proximity to the development and must be approved by the Responsible Authority prior to the commencement of any works (including any demolition, levelling of the site, excavations, tree removal, delivery of building/construction materials and/or temporary buildings). The Tree Management Plan must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following where relevant but not limited to ensuring that the trees remain healthy and viable during and following construction:

- (a) A site plan showing tree protection zones (TPZ) and structural root zones (SRZ), tree protection fence locations and any relocations required and any areas where ground protection systems will be used.
- (b) A clear photograph of each tree.
- (c) Any specific damage/faults evident within each tree prior to demolition or construction. These photographs must be supplied within the TPMP as a preliminary dilapidation report.
- (d) Restricted activities in the TPZ.
- (e) Key supervision and monitoring stages of the development including pre-demolition, pre-construction, and post construction stages.
- (f) Details of any TPZ encroachments including:
  - i. Details of exploratory root investigation.
  - ii. Alternative construction techniques.
  - iii. Supervision.
  - iv. Details of any root pruning.
- (g) Methods for installation of services e.g.; sewerage, storm water, telecommunications, electricity etc.
- (h) Remedial works as required including a detailed photographic diagram specifying what pruning will occur.
- (i) Final Certification of Tree protection template. The Final Certification Report Template as required in the Tree Protection Management Plan must be completed and submitted 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.

### **Tree Protection**

27. Tree protection must be carried out in accordance with the Australian Standard AS 4970-2009 Protection of trees on development sites to the satisfaction of the Responsible Authority.

### **Lighting Plan**

28. Prior to the commencement of the development, a lighting plan must be prepared and submitted to the satisfaction of the Responsible Authority. The lighting plan should conform to the relevant Australian Standards and include details of proposed fittings in a schedule on the plan and must be designed, baffled and

Chairperson's initials *S. Mayer*

located to the satisfaction of the Responsible Authority.

### Satisfactorily Completed

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

### Permit Expiry

30. This permit will expire if one of the following circumstances applies:

- (a) The development is not started within three (3) years of the date of this permit.
- (b) The development is not completed within six (6) years of the issued date of this permit.

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:
  - Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; or
  - 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.

### Deferral Motion to another Council Meeting

**Moved: Councillor Hampton**

**Seconded: Councillor Aitken**

That the matter be deferred to the 10 August 2020 Council Meeting.

**Carried**

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

Against the Motion: Crs O'Reilly and Toms

Chairperson's initials *S. Mayer*

**14.2 2020/NOM15 – Rooming House Reform Advocacy**

(SC Communities)

That Council:

1. Acknowledges the role rooming houses play to meet accommodation needs and that, while the majority of rooming house owners operate well managed and maintained premises, a few create distress within the neighbourhood as a consequence of poor building design and no management oversight of residents' behaviour;
2. Notes that Council regularly receives complaints from distressed community members about the inequality of requirements of the planning scheme and building regulations for the approval of rooming houses (compared with other forms of housing) and the management of them once they are operational;
3. Acknowledges that Frankston's badly run rooming houses can have a devastating impact upon adjoining or nearby residents, tearing their lives apart through repeated threats, highly offensive language, intimidation, violence and other associated problems.

Parents with young children can face situations involving extreme behaviour and aged residents or single women feel particularly vulnerable and at risk, ultimately leading to selling the family home or otherwise relocating to escape a cycle of fear and abuse;

4. Believes Local Government is best placed to manage the issues but the current State Government policy and regulatory environment does not provide the means or powers to do so. At the very least Legislation should be amended to provide by law that a live-in manager or concierge be mandatory to assist in mitigating such circumstances;
5. Further advocates through its membership of the Frankston Strategic Housing and Homelessness Alliance for an increase in the quantum of affordable housing;
6. Acknowledges the overall intent of this formal motion of Council is to break the chain of events that lead to immeasurable community harm, as a direct result of a limited cohort of rooming house operators, who demonstrate unbridled pleasure nurturing the money flow from these operations with scant or no regard for the surrounding amenity or well-being of others living nearby;
7. Writes to the Premier, Opposition Leader and Local Members of Parliament to appeal to the Victorian State Government to review and amend the policies, legislation and regulations to make all necessary changes to empower Local Government to ensure:
  - i. Uniform requirements for planning notification of and consultation with neighbours ahead of development
  - ii. Private Building Surveyors advice prior to building works commencing or issuing of an Occupancy Permit; and
8. Writes to the Human Rights and Equal Opportunities Commission to seek support to redress the experienced inequalities of human rights resulting from the impact of poorly considered and managed rooming house developments.

**Leave of Council**

**Moved: Councillor Aitken**

**Seconded: Councillor Toms**

Chairperson's initials *S. Mayer*



That Cr Aitken be granted leave of Council to amend 2020/NOM15 – Rooming House Reform Advocacy.

**Carried Unanimously**

*Cr Bolam left the chamber at 7.51pm*

*Cr Bolam returned to the chamber at 7.52pm*

*Cr Hampton left the chamber at 7.55pm*

*Cr Hampton returned to the chamber at 7.56pm*

### **Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor Toms**

That Council:

1. Acknowledges the role rooming houses play to meet accommodation needs and that, while the majority of rooming house owners operate well managed and maintained premises, a few create distress within the neighbourhood as a consequence of poor building design and no management oversight of residents' behaviour;
2. Notes that Council regularly receives complaints from distressed community members about the inequality of requirements of the planning scheme and building regulations for the approval of rooming houses (compared with other forms of housing) and the management of them once they are operational;
3. Acknowledges that Frankston's badly run rooming houses can have a devastating impact upon adjoining or nearby residents, tearing their lives apart through repeated threats, highly offensive language, intimidation, violence and other associated problems.

Parents with young children can face situations involving extreme behaviour and aged residents or single women feel particularly vulnerable and at risk, ultimately leading to selling the family home or otherwise relocating to escape a cycle of fear and abuse;

4. Believes Local Government is best placed to manage the issues but the current State Government policy and regulatory environment does not provide the means or powers to do so. At the very least Legislation should be amended to provide by law that a live-in manager or concierge be mandatory to assist in mitigating such circumstances;
5. Further advocates through its membership of the Frankston Strategic Housing and Homelessness Alliance for an increase in the quantum of affordable housing;
6. Acknowledges the overall intent of this formal motion of Council is to break the chain of events that lead to immeasurable community harm, as a direct result of a limited cohort of rooming house operators, who demonstrate unbridled pleasure nurturing the money flow from these operations with scant or no regard for the surrounding amenity or well-being of others living nearby;
7. Writes to the Premier, Opposition Leader and Local Members of Parliament to appeal to the Victorian State Government to review and amend the policies, legislation and regulations to make all necessary changes to empower Local Government to ensure:
  - i. private building surveyors are required to notify Council and neighbours of a property whose owner has plans for a rooming house development

Chairperson's initials *S. Mayer*

- ii. private building surveyors are required to advise Council and neighbours of an approval to build prior to works commencing or issuing of an Occupancy Permit
8. Writes to the Human Rights and Equal Opportunities Commission to seek support to redress the experienced inequalities of human rights resulting from the impact of poorly considered and managed rooming house developments;
  9. Submits draft motion to the Municipal Association Victoria seeking legislative and regulatory reform to enable Local Government to better manage the impact of rooming houses; and
  10. Notify all State MPs that represent the Frankston municipality, to inform them of Council's actions and seek their active support.

**Carried Unanimously**

**14.3 2020/NOM16 - Proposed Laneway Festival***(GO Chief Financial Office)***Council Decision****Moved: Councillor Toms****Seconded: Councillor Aitken**

That Council:

1. Notes the impact of COVID19 on the city centre economy;
2. Explores with local traders the opportunities, benefits and costs of a regular 'laneway festival' in Frankston's city centre over the summer period; and
3. Supports a report outlining all salient information be presented to Council by its September 2020 Ordinary Meeting.

*Cr Bolam left the chamber at 8.04pm**Cr Bolam returned to the chamber at 8.04pm***Extension of Time****Moved: Councillor McCormack****Seconded: Councillor Toms**

That Cr Toms be granted an extension of time.

**Carried**

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

Against the Motion: Crs Hampton and O'Connor

**The motion was put and Lost**

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

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

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

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

11.1: Planning Permit Application 197/2020/P – 439 Nepean Highway Frankston – To use the land to sell packaged liquor

11.3: June 2020 Planning and Environment Progress Report

12.1: Council Resolution Status Update for 20 July 2020

12.2: Record of Assemblies of Councillors

12.3: Minutes of the Frankston Arts Board – June 2020

12.4: Proposed Governance Local Law 2020

12.5: Proposed Community Local Law 2020

12.6: Change of Meeting Date for the Special Statutory Meeting

12.7: Regional Local Government Forum – Regional Charter

12.8: Local Heritage Preservation Grant Program – Draft Guidelines

12.10: Frankston Play Strategy Community Engagement

12.11: Scheduled Policy & Strategy Forward Work Program

12.12: Update on Coronavirus (COVID-19) – 20 July 2020

12.13: 2020 Community Satisfaction Survey results

12.14: Disability Access and inclusion Committee Submission to the Royal Commission into Violence, Abuse and Neglect of People with Disability

12.16: Award or Contract 2019/20-85 – Irrigation Maintenance and Minor Works

12.17: Award of Contract 2019/20-97 – Stormwater Access Covers, Surrounds and Grates

13.1: Response to 2020/NOM10 - Reforms

**Carried Unanimously**

## 11. CONSIDERATION OF TOWN PLANNING REPORTS

### 11.1 Planning Permit Application 197/2020/P - 439 Nepean Highway, Frankston - To use the land to sell packaged liquor

(SC Communities)

#### Council Decision

**Moved: Councillor Aitken**

**Seconded: Councillor Cunial**

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 197/2020/P to use the site for the sale of packaged liquor at 439 Nepean Highway Frankston subject to the following conditions:

#### **Amended Plans**

1. Before the use 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 must be provided. The plans must be substantially in accordance with the plans submitted with the application but modified to show:
  - a. The red line plan extended to incorporate all internal spaces where customers are permitted.

#### **No Alterations**

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

#### **Sale of Liquor Hours**

3. Unless with the prior written consent of the Responsible Authority, the sale of alcohol must only take place during the following times:
  - Monday to Friday: 9am to 5pm
  - Saturday: 8am to 1pm
  - Sunday: Closed
  - Anzac Day: Between 12 noon and 11pm
  - No liquor may be sold on Good Friday and Christmas Day.

#### **Amenity**

4. The licensee 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 relates during or immediately after the trading hours authorised under the permit to the satisfaction of the Responsible Authority.

#### **Permit**

5. 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 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

Chairperson's initials *S. Mayer*

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.

- D. The permit holder is encouraged to become a member of the Frankston Liquor Industry Accord.

**Carried Unanimously**

**Note:** Refer to Page 18 of the Minutes where this item is block resolved.

**11.3 June 2020 Planning and Environment Progress Report**

*(SC Communities)*

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

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

**Carried Unanimously**

**Note:** Refer to Page 18 of the Minutes where this item is block resolved.

**12. CONSIDERATION OF REPORTS OF OFFICERS****12.1 Council Resolution Status Update for 20 July 2020**

*(BA Chief Financial Office)*

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

That Council:

1. Receives the Notices of Motion Report for 20 July 2020;
2. Receives the Urgent Business Status Update for 20 July 2020;
3. Notes eleven (11) Notice of Motion has been reported as being complete:
  - 2018/NOM67 - Kananook Railway Station Improvements
  - 2019/NOM25 - Recycled Water Scheme Projects
  - 2019/NOM30 - Investigation of Major Projects
  - 2019/NOM33 - Investigation into the Sale of Evelyn Street
  - 2019/NOM44 - Strip Shopping Improvement Schedule
  - 2019/NOM46 - Seaford Foreshore Activation
  - 2019/NOM60 - Two Storey Limitation in Seaford Township
  - 2020/NOM2 – Smart City Strategy
  - 2020/NOM3 - Gambling Royal Commission Reform
  - 2020/NOM7 - Meeting Local Law Refinements
  - 2020/NOM13 – Make Australia Great Again
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:
  - Frankston Local Shopping Strip Urban Design Review and Plan
  - Reconciliation Action Plan 2020-2022
  - Response to 2019/NOM65 - Cemetery Caretaker Provisions
5. Notes, since the Ordinary Meeting held on 29 June 2020, 20 resolutions have been completed, as listed in the body of the report.

**Carried Unanimously**

**Note:** Refer to Page 18 of the Minutes where this item is block resolved.

Chairperson's initials *S. Mayer*



**12.2 Record of Assemblies of Councillors**

*(BA Chief Financial Office)*

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

That Council receives the following written records for the Assembly of Councillors on:

- 13 May 2020 (Pre-Agenda Special Council Meeting)
- 18 May 2020 (Councillor Briefing)
- 25 May 2020 (Councillor Briefing)
- 1 June 2020 (Pre-Agenda Council Meeting)
- 9 June 2020 (Councillor Briefing)
- 15 June 2020 (Pre-Agenda Special Council Meeting)
- 17 June 2020 (Councillor Briefing)
- 22 June 2020 (Councillor Briefing)
- 24 June 2020 (Major Projects Advisory Committee)
- 29 June 2020 (Pre-Agenda Council Meeting)

**Carried Unanimously**

**Note:** Refer to Page 18 of the Minutes where this item is block resolved.

**12.3 Minutes of the Frankston Arts Board - June 2020**

*(AM Communities)*

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

That Council:

1. Receives the Minutes of the Frankston Arts Board meeting of 30 June 2020;
2. Notes the Frankton Arts Board has been briefed on the changes to the Local Government Act 2020 pertaining to the requirements of Sect63 Committees;
3. Approves transitioning the Frankston Arts Board to become an Arts Advisory Committee (Committee) from 1 September 2020;
4. Notes a draft Terms of Reference for the Committee will be presented at the 31 August 2020 Ordinary Meeting for adoption”.
5. Approves the Frankston Arts Board’s recommended winning concept for Eel Race Road - noting that public art fabrication / installations have been deferred due to COVID-19 Community Care Package financial impacts.

**Carried Unanimously****Note:** Refer to Page 18 of the Minutes where this item is block resolved.

**12.4 Proposed Governance Local Law 2020**

(BA Chief Financial Office)

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

That Council:

1. Endorses the draft Governance Local Law 2020 for commencement of the statutory procedure for the making of a new local law;
2. Notes the draft Governance Local Law 2020 will be placed on public exhibition for a period of four (4) weeks;
3. Gives a notice in the Victoria Government Gazette and a public notice in a newspaper of its intention to make the Governance Local Law 2020 and inviting any person affected by the proposed new local law to make a submission under section 223 of the Local Government Act 1989, with the option to be heard at a future Council meeting;
4. Notes that a Community Impact Statement will available for inspection together with the draft Local Law during the public consultation period;
5. Notes that any submissions received will be presented for consideration at a future Council meeting, which is expected to be on 31 August 2020;
6. Notes that a report will be presented to a future Council meeting, which is expected to be in September, regarding the outcome of the submissions process, to enable Council to determine whether to adopt the draft Governance Local Law 2020; and
7. Notes that the dates of the meetings referred to in paragraphs 5 and 6 of this resolution are subject to any potential delays and impacts associated with Council's response to the COVID-19 pandemic.

**Carried Unanimously**

**Note:** Refer to Page 18 of the Minutes where this item is block resolved.

Chairperson's initials *S. Mayer*

**12.5 Proposed Community Local Law 2020**

(BA Chief Financial Office)

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

That Council:

1. Notes that the proposed Community Local Law 2020 was advertised in accordance with the requirements of sections 119 and 223 of the *Local Government Act 1989*;
2. Notes that eight written submissions were received in response to the public exhibition process, and none of the submitters wish to speak in support of their written submission;
3. Having complied with the legislative requirements, and having considered the submissions to the proposed Local Law, resolves to make the Community Local Law 2020 for the following reasons:
  - a. The proposed Local Law will strengthen Council's ability to address community concerns regarding the safe and fair use and enjoyment of public places, the protection and enhancement of the amenity and environment of the municipality and the fair and reasonable use and enjoyment of private land; and improve the appropriateness of penalties for various offences; and
  - b. The issues raised in the submissions have been considered and, for the reasons set out in the Officer Report, none of the issues raised would warrant deferral of the matter, or modification of the proposed Local Law.
4. Authorises the Community Local Law 2020 to be signed and sealed;
5. Gives notice in the Victoria Government Gazette, and a public notice, of the making of the Community Local Law 2020;
6. Notifies each submitter who has supplied contact details, in writing, of Council's decision to make the Local Law and of the reasons for the decision; and
7. Sends a copy of the Community Local Law 2020 to the Minister for Local Government.

**Carried Unanimously**

**Note:** Refer to Page 18 of the Minutes where this item is block resolved.

**12.6 Change of Meeting Date for the Special Statutory Meeting**

*(BA Chief Financial Office)*

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

That Council:

1. Notes the final declarations for the 2020 Council Elections will not be completed until Friday 13 November 2020;
2. Resolves to reschedule the Special Statutory Meeting from Wednesday 11 November 2020 to Monday 16 November 2020; and
3. Notes the revised meeting date will be advertised by way of public notice and on Council's website.

**Carried Unanimously****Note:** Refer to Page 18 of the Minutes where this item is block resolved.

**12.7 Regional Local Government Forum - Regional Charter**

*(TB Communities)*

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

That Council endorses the Regional Local Government Charter Homelessness & Social Housing (Charter).

**Carried Unanimously**

**Note:** Refer to Page 18 of the Minutes where this item is block resolved.

**12.8 Local Heritage Preservation Grant Program - Draft Guidelines***(CW Communities)***Council Decision****Moved: Councillor Aitken****Seconded: Councillor Cunial**

That Council:

1. Adopts the Local Heritage Preservation Grant Guidelines, to administer the Local Heritage Preservation Grant Program;
2. Notes the Local Heritage Preservation Grant Program will be open for applications between 3 August 2020 and 30 October 2020;
3. Notes grant applications will be assessed by the Heritage Assets and Promotion Committee supported by nominated Council Officers; and
4. Notes a further report recommending successful applications will be presented to Council for approval at its meeting in March 2021.

**Carried Unanimously****Note:** Refer to Page 18 of the Minutes where this item is block resolved.

**12.9 Draft Property Strategy**

(MP Chief Financial Office)

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

That Council:

1. Notes the Draft Property Strategy and Plan;
2. Endorses the Draft Property Strategy and Plan to be publicly exhibited for a period of 6 weeks;
3. Seeks a report back no later than September 2020, to adopt the Property Strategy and 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.

*Cr Bolam withdrew his Moving of the Motion*

*Cr Aitken withdrew his Seconding of the Motion*

**Deferral Motion for a Councillor Briefing****Moved: Councillor Bolam****Seconded: Councillor Aitken**

That the matter be deferred for a briefing of Councillors.

**Carried**

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

Against the Motion: Crs O'Reilly and Toms



**12.10 Frankston Play Strategy Community Engagement**

*(SC Communities)*

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

That Council:

1. Notes the draft Frankston Play Strategy background report;
2. Endorses Community Engagement Plan to undertake the first stage of community consultation for a 4 week period from 22 July 2020 to 19 August 2020;
3. Seeks a report back no later than the 21 September 2020 Ordinary Council Meeting having taken into account any submissions received; and
4. 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 18 of the Minutes where this item is block resolved.

**12.11 Scheduled Policy & Strategy Forward Work Program**

*(GK Communities)*

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

That Council:

1. Adopts the Policy and Strategy Forward Work Program (Program) developed by the Department of Policy Planning and Environmental Strategies;
2. Notes the Program takes into account the Caretaker provision requirements; and
3. Notes any reports arising from the Program may be subject to delays and impacts associated with Council's response to the COVID19 pandemic.

**Carried Unanimously****Note:** Refer to Page 18 of the Minutes where this item is block resolved.

**12.12 Update on Coronavirus (COVID-19) - 20 July 2020**

*(PC Chief Executive Office)*

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

That Council:

1. Notes this report that outlines its response to the impacts of the Coronavirus (COVID-19); and
2. Notes that an update will be provided to each Council meeting for the foreseeable future during this Pandemic.
3. Re-purposes the \$130,000 allocated to provide free registration to health and food businesses when applying for a permit within three months (refer item 48 of the COVID-19 relief and recovery package adopted by Council at its Ordinary meeting 11 May 2020), to instead provide relief to small business and clubs when renewing their business registration in October 2020.

**Carried Unanimously**

**Note:** Refer to Page 18 of the Minutes where this item is block resolved.

**12.132020 Community Satisfaction Survey results**

(NA Chief Financial Office)

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

That Council

1. Notes the Local Government Community Satisfaction Survey results for 2020 for release to the community;
2. Will undertake a review of the survey usability and implement appropriate actions to improve the results in the future; and
3. Will promote the results to the community, alongside initiatives to lift performance via various social media channels, on the Council's website, in e-news, in the next available issue of the Frankston City News (FCN) and through media releases.

**Carried Unanimously**

**Note:** Refer to Page 18 of the Minutes where this item is block resolved.

**12.14 Disability Access and Inclusion Committee Submission to the Royal Commission into Violence, Abuse and Neglect of People with Disability**

*(TB Communities)*

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

That Council:

1. Notes the Federal Government's Royal Commission into Violence, Abuse, Neglect and Exploitation of People With a Disability issued a Rights and Attitudes discussion paper seeking community feedback;
2. Notes Council's Disability Access and Inclusion Committee has drafted a submission; and
3. Supports the draft submission be submitted to the Royal Commission.

**Carried Unanimously**

**Note:** Refer to Page 18 of the Minutes where this item is block resolved.

**12.15 Frankston Yacht Club Building Activation Project Update**

*(JR Infrastructure and Operations)*

**Recommendation (Director Infrastructure and Operations)**

That Council:

1. Notes the detailed chronological history and complexity of the Frankston Yacht Club Activation Project, which provides a transparent account of the challenges faced with this project;
2. Notes the significant progress in the past 12 months to activate the building; and
3. Receives a project debrief report by no later than June 2021, following the entire building activation.

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Aitken**

That Council:

1. Notes the detailed chronological history and complexity of the Frankston Yacht Club Activation Project, which provides a transparent account of the challenges faced with this project;
2. Notes the significant progress in the past 12 months to activate the building; and
3. Receives a project debrief report by no later than June 2021, following the entire building activation, that identifies the learnings of the project, from conception to completion, including key actions to address these in future major projects.

**Carried Unanimously**

**12.16 Award of Contract 2019/20-85 - Irrigation Maintenance and Minor Works**

*(BH Infrastructure and Operations)*

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

That Council:

1. Award contract 2019/20-85 to Marsh Developments Pty Ltd trading as Superior Green for Irrigation Maintenance (ACN 095 305 918) for a two year fixed term with the provision of a further 1 year extension option based on performance, noting that this is a schedule of rates contract with a budget of \$772,725.00 GST exclusive (Category 1) for the contract term;
2. Award contract 2019/20-85 to the following tenderers for Irrigation Minor Works for a two year fixed term with the provision of a further 1 year extension option based on performance, noting that this is a schedule of rates contract with a budget of \$927,270.00 GST exclusive (Category 2) for the contract term:
  - a. Marsh Developments Pty Ltd t/as Superior Green (ACN 095 305 918);
  - b. Brown Dog Turf & Irrigation Pty Ltd (ACN 623 808 542); and
  - c. A Grade Irrigation Pty Ltd (ACN 640 720 636).
3. Authorises the Chief Executive Officer to sign the contracts and contract extensions based on the contractors' successful performance;
4. Delegates approval of contract variations to the Chief Executive Officer; and
5. Resolves Attachment A and Attachment B 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 18 of the Minutes where this item is block resolved.

Chairperson's initials *S. Mayer*

**12.17 Award of Contract 2019/20-97 - Stormwater Access Covers, Surrounds and Grates**

*(BH Infrastructure and Operations)*

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

That Council:

1. Award contract 2019/20-97 to the following tenderers for Stormwater Access Covers, Surrounds and Grates for a 2 year fixed term plus a 1 year extension option based on performance, noting that this is a schedule of rates contract with a total budget of \$556,362.00 (exclusive of GST) for the contract term:
  - Category 1 – Precast Concrete Products
    - A. SVC Products Pty Ltd; and
    - B. Straightmark Nominees t/as Road Safety Grating
  - Category 2 – Steel or Ductile Iron grates
    - A. Straightmark Nominees t/as Road Safety Grating
  - Category 3 – Polymeric (lightweight) materials
    - A. Terra Firma Industries Pty Ltd;
    - B. Straightmark Nominees t/as Road Safety Grating; and
    - C. SVC Products Pty Ltd.
2. Authorises the Chief Executive Officer to sign the contracts and contract extension option 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 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 18 of the Minutes where this item is block resolved.



**13. RESPONSE TO NOTICES OF MOTION****13.1 Response to 2020/NOM10 - Reforms**

*(BA Chief Financial Office)*

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

That Council:

1. Notes the provisions in the Local Government Act 2020 which require a Complaints Policy to include a review process that is independent, prescribed processes for internal review and exercising discretion for complaints subject to statutory review;
2. Acknowledges the current complaints process on Council's website;
3. Supports the development of a Complaints Policy that enhances the independence of internal reviews, as per the Local Government Act 2020, by the December 2020 Council Meeting; and
4. Notes, notwithstanding the need for a Complaints Policy, that extensive reporting of trends is currently provided to Council and the Audit and Risk Committee on the handling of complaints, breaches and internal reviews as part of the CEO's Quarterly Report.

**Carried Unanimously**

**Note:** Refer to Page 18 of the Minutes where this item is block resolved.

**14. NOTICES OF MOTION****14.1 2020/NOM14 - Recognition to Government for Funding Assistance**

*(KT Business Innovation and Culture)*

That Council writes to both the Prime Minister of Australia, the Honourable Scott Morrison and the Premier of Victoria, the Honourable Daniel Andrews expressing appreciation for funding allocations throughout this term of Council.

These funding allocations are essential in assisting in serving the diverse needs of our communities and this motion reaffirms the importance of an “all of Government” working relationship.

**Leave of Council****Moved: Councillor Aitken****Seconded: Councillor McCormack**

That Cr Aitken be granted leave of Council to amend 2020/NOM14 - Recognition to Government for Funding Assistance.

**Carried**

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

Against the Motion: Cr Hampton

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

That Council writes to both the Prime Minister of Australia, the Honourable Scott Morrison and the Premier of Victoria, the Honourable Daniel Andrews, expressing appreciation for funding allocations for both public and Frankston City Council works within the municipality throughout this term of Council.

These funding allocations are essential in assisting in serving the diverse needs of our communities and this motion reaffirms the importance of an “all of Government” working relationship.

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

That Cr Bolam be granted an extension of time.

**Carried Unanimously**

*Councillor O'Reilly left the chamber at 8.58 pm.*

*Councillor O'Reilly returned to the chamber at 9.00 pm.*

*Councillor Toms left the chamber at 9.08 pm.*

*Councillor Toms returned to the chamber at 9.10 pm.*

*Councillor Bolam left the chamber at 9.14 pm.*

*Councillor Bolam returned to the chamber at 9.15 pm*

**The motion was put and Carried**

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

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

Chairperson's initials *S. Mayer*

**15. LATE REPORTS**

Nil

*Councillor McCormack left the meeting at 9.19 pm.*

**16. URGENT BUSINESS****Urgent Business****Council Decision****Moved: Councillor Cunial****Seconded: Councillor Hampton**

That the matter of Cr Toms' actions on social media be accepted as urgent business.

**Carried**

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

Against the Motion: Crs Aitken and Toms

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

That:

- A. This Council formally censures Councillor Steve Toms for his recent social media post that has potentially contravened Frankston City Council policies and the Councillor Code of Conduct. Councillor Toms' actions are in the opinion of this Council unacceptable and potentially extremely harmful given the current COVID-19 pandemic and could cause extreme risk to the health and wellbeing of members of our community. His actions are not in keeping with current State and Federal recommendations pertaining to social distancing and COVID-19 mitigation measures.
- B. In light of the actions by Councillor Toms in relation to travelling within and movements within the municipality, the CEO is directed to increase advice on social media and on Council's website that reinforces to the public the need to practice safe social distancing in all parts of our municipality. Also to travel away from home only as a matter of absolute necessity and in compliance with the current advice from the Victorian Chief Health Officer.

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

That Cr Cunial be granted an extension of time.

**Carried**

For the Motion: Crs Bolam, Cunial, Hampton, Mayer and O'Reilly

Against the Motion: Crs Aitken, O'Connor and Toms

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

That Cr Toms be granted an extension of time.

**Carried**

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

Against the Motion: Crs Hampton and O'Connor

**The motion was put and Carried**

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

Against the Motion: Crs Aitken and Toms

Abstained: Cr Mayer

## 17. CONFIDENTIAL ITEMS

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

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

### Council Decision

**Moved: Councillor Cunial**

**Seconded: Councillor O'Reilly**

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 Additional Commuter Car Parking at Stations**

Agenda Item C.1 Additional Commuter Car Parking at Stations is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

#### **C.2 Visitor Information Centre - Co-location Expression of Interest Update**

Agenda Item C.2 Visitor Information Centre - Co-location Expression of Interest Update is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

#### **C.3 Chief Executive Officer's Quarterly Report - July 2020**

Agenda Item C.3 Chief Executive Officer's Quarterly Report - July 2020 is designated confidential as it relates to personnel matters (s89 2a), and Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

#### **C.4 Debrief of Ordinary Council Meeting**

Agenda Item C.4 Debrief of Ordinary Council Meeting is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

**Carried Unanimously**

**18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS****C.3 Chief Executive Officer's Quarterly Report - July 2020 (considered at this meeting)**

*(PC Chief Executive Office)*

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

That Council:

2. Receives the Chief Executive Officer's Quarterly Report – Open – July 2020 and releases the attachment to the public following this meeting through Council's website noting the aforementioned action.

*The motion was put and Carried.*

**C.4 Debrief of Ordinary Council Meeting (considered at this meeting)**

*(BA Chief Financial Office)*

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

That Council:

1. Notes an assessment of the Ordinary Council Meeting held on 20 July 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 29 June 2020; and
3. Notes the recommendation will be published as part of the public minutes of this meeting.

*The motion was put and Carried.*

**C.2 Award of Contract - Rubber Under Surfacing (considered at 2020/OM9 – 29 June 2020)****Council Decision****Moved: Councillor Hampton****Seconded: Councillor O'Connor**

That Council:

1. Approves the acceptance of the tender from RubberTough Industries Pty Ltd for Contract 2019/20-84 – Rubber Under Surfacing for a 4 year fixed term plus 2x2 year extension options based on performance, noting that this is a schedule of rates contract for the contract term;
2. Authorises the Chief Executive Officer to sign the contract and contract extension options based on the contractors' successful performance;
3. Delegates approval of the contract variations to the Chief Executive Officer; and
4. Notes the recommendation (without commercially sensitive information) be released at the next open meeting of Council.

*The motion was put and Carried.*

**C.3 Award of Contract 2020/21 - 005 Material Supply for LED Street Light Bulk Changeover (considered at 2020/OM9 – 29 June 2020)****Council Decision****Moved: Councillor Hampton****Seconded: Councillor O'Connor**

That Council:

1. Approves the acceptance of the tender from Sylvania-Schreder for the *Contract 2020/21-005 Material Supply*;
2. Authorises the Chief Executive Officer to sign the contract; and
3. Notes the recommendation (without commercially sensitive information) be released at the next open meeting of Council.

*The motion was put and Carried*

**C.1 Frankston Charitable Fund Grants FY 2019/20 (considered at 2020/OM7 – 1 June 2020)****Council Decision****Moved: Councillor O'Reilly****Seconded: Councillor Aitken**

That Council:

1. Notes the Financial Year (FY) 2019/20 Frankston Charitable Fund grant recommendations to the Lord Mayor's Charitable Foundation (LMCF) Board in accordance with the Frankston Charitable Fund guidelines as follows:
  - a. Groomed To Go Inc.
  - b. Australian Red Cross Society

Chairperson's initials *S. Mayer*

- c. Dogs For Kids With Disabilities Limited
  - d. Operation Larder Incorporated
  - e. Theodora House Incorporated
  - f. Peninsula Christian Care
2. Notes unallocated funds to be returned to the Frankston Charitable Fund account for distribution in FY 2020/21;
  3. Notes applicants will be notified after the LMCF Board of Management meeting on 25 June 2020; and
  4. Release the resolutions of this report as part of the July 2020 Ordinary Meeting minutes.

*The motion was put and Carried*



*The meeting was closed to the public at 9.53 pm*

CONFIRMED THIS

DAY OF

2020

.....  
CHAIRPERSON

**AUTHORITY TO STAMP INITIALS ON MINUTES**

I, Cr. Sandra Mayer, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday, 20 July 2020, confirmed on Monday 10 August 2020.

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

Dated this

day of

2020