



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 17 FEBRUARY 2020 at 7.02PM**

PRESENT	Cr. Sandra Mayer (Mayor) Cr. Colin Hampton Cr. Michael O'Reilly Cr. Glenn Aitken Cr. Brian Cunial Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam Cr. Lillian O'Connor
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Ms. Kim Jaensch, Acting Chief Financial Officer Dr. Gillian Kay, Director Communities Mr. Tim Bearup, Acting Director Business Innovation and Culture Mr. Cam Arullanantham, Acting Director Infrastructure and Operations Ms. Brianna Alcock, Manager Governance & Information Mr. Stuart Caldwell, Acting Manager Planning & Environment Ms. Michelle Tipton, Coordinator Governance Mr. Taylor McVean, Coordinator Communications Ms. Vera Roberts, Executive Assistant to Mayor Ms. Tenille Craig, Councillor Support Officer Ms. Sharon Lozsan, Project and Business Support Officer
EXTERNAL REPRESENTATIVES:	Nil

COUNCILLOR STATEMENT

Councillor Hampton 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.”

Chairperson’s initials *S. Mayer*

PRAYER

At the request of the Mayor, Councillor Cunial 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.

CHIEF EXECUTIVE OFFICER'S ADDRESS TO THE MEETING.....	4
1. PRESENTATION TO COMMUNITY GROUPS.....	5
2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	5
Ordinary Meeting No. OM1 held on 28 January 2020.	5
3. APOLOGIES.....	5
4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST	5
5. PUBLIC QUESTION TIME.....	5
6. HEARING OF PUBLIC SUBMISSIONS	5
7. ITEMS BROUGHT FORWARD	6
8. PRESENTATIONS / AWARDS.....	6
9. PRESENTATION OF PETITIONS AND JOINT LETTERS.....	6
UPDATE FROM CR MCCORMACK – MORNINGTON PENINSULA AND WESTERN PORT BIOSPHERE FOUNDATION	6
ITEMS BROUGHT FORWARD.....	8
13.1 Response to 2019/NOM52 - Kananook Creek Arboretum.....	8
14.1 2020/NOM9 - Creation of Employment Opportunities	9
10. DELEGATES' REPORTS	11
10.1 Delegate Report by Cr Steve Toms - Councillor Development Weekend 26 to 28 July 2019	11
11. CONSIDERATION OF TOWN PLANNING REPORTS	12
11.1 Town Planning Application 330/1999/P/A - 300N Centenary Park Drive Frankston North - To amend the planning permit to increase the licenced area (red line area) for a place of assembly use and associated licenced bar	12
12. CONSIDERATION OF REPORTS OF OFFICERS.....	14
12.1 Notice of Motion and Deferred Report Status Update for 17 February 2020	14
12.2 Delegates to Internal Organisations	15
12.3 Endorsement of the draft Short Stay Rental Accommodation Local Law 2020 for consultation	16
12.4 Compliance Management Framework.....	17
12.5 December 2019 Quarterly Financial Report	18
12.6 Final Community Engagement Policy and Framework	19

12.7	Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions - October, November, December 2019	20
12.8	Environmentally Sustainable Design Standards for Council Buildings Policy (2020) - Outcomes of public consultation	21
12.9	Update on Seaford Wetlands.....	22
12.10	Frankston Visitor Information Centre Progress Report	23
12.11	Update on Alliance for Gambling Reform Annual Membership.....	24
13.	RESPONSE TO NOTICES OF MOTION	25
13.2	Response to 2019/NOM61 - PARC Swim Research Study.....	25
13.3	Response to 2019/NOM64 - Release of Monitor's Report.....	26
14.	NOTICES OF MOTION	27
14.2	2020/NOM10 - Reforms	27
15.	LATE REPORTS	28
15.1	Instrument of Delegation S6 from Council to members of Council staff.....	28
16.	URGENT BUSINESS.....	29
	Urgent Business – Level Crossing Removal Project Vegetation Removal Works	29
17.	CONFIDENTIAL ITEMS	30
C.1	Response to Petition: Animals Housed at Warrandyte Road Langwarrin.....	30
C.2	Centenary Park Golf Course - Clublinks Performance 2019	30
C.3	Award of Contract 2019/20-47 - Centenary Park Tennis Pavilion Redevelopment	30
C.4	Award of Contract 2019/20-25 - RF Miles Pavilion and Precinct Redevelopment	30
C.5	Level Crossing Removal Projects Asset Handover	30
C.6	Debrief of Ordinary Council Meeting.....	30
18.	OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS	31
C.1	Proposed Recipients for Citizen, Young Citizen, Senior Citizen and Community Event of the Year Awards for 2020 (Considered at 2019/OM14 18 November 2019)	31
C.8	Award of Contract 2019/20-10 - Crack sealing (Considered at 2019/OM14 18 November 2019)	32
C.9	Award of Contract 2019/20-32 - Soft Fall Mulch - Supply, Delivery & Installation (Considered at 2019/OM14 18 November 2019)	32
C.10	Award of Contract 2019/20-22 - Dust Suppression Services	

(Considered at 2019/OM14 18 November 2019).....33

C.7 Awarding Invest Frankston Business Grants 2019-2020
(Considered at 2020/OM1 28 January 2020).....34

C.8 Award of Contract 2019/20-43 - Len Phelps Pavilion Internal
Alterations (Considered at 2020/OM1 28 January 2020).....35

C.6 Debrief of Ordinary Council Meeting (Considered at this meeting).....36

CHIEF EXECUTIVE OFFICER'S ADDRESS TO THE MEETING

To the Frankston City community.

I believe that recent events have highlighted the need to continue strengthening governance functions across our organisation, and improving transparency to our community.

An error in the process for making the Short Stay Accommodation Local Law and the failure to enact the implementation of Council's October 2019 Green Wedge resolution in a timely manner — along with recommendations arising from the Municipal Monitor's report — have all contributed to a heightened need to ensure the organisation's internal processes are examined.

To address Council's concerns, and ensure good governance and transparency, these matters will be referred to the Audit and Risk Committee for full review and oversight.

Furthermore, and in response to the recommendations listed in the recent Municipal Monitor's Report, the Executive Team have also commenced work to develop a robust approach to improving transparency and accountability across the organisation, which builds upon the progress already being made against the recommendations contained within Council's Accountability and Transparency Reform Package.

To complement this body of work, we have also begun implementing an organisational restructure — which aims to strengthen alignment and collaboration across service areas — and build a high performing organisation, where our staff are both empowered and accountable.

Further benefits include the streamlining of decision making, improved service delivery and a strengthened focus on community engagement and consultation.

Last week I issued a public media release which is available on Council's website — outlining my commitment to addressing the concerns I have just mentioned.

As part of that commitment — I will ensure that both Council and the community receive regular updates on the progress and actions taken to address and improve Council's governance and transparency.

It is a new era here at Frankston City Council — and our community has — as evidenced in the results of the 2019 Local Government Community Satisfaction Survey — told us they expect better.

And better we will be.

Thank you.

1. PRESENTATION TO COMMUNITY GROUPS

Nil.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM1 held on 28 January 2020.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Toms

Recommendation

That the minutes of the Ordinary Meeting No. OM1 held on 28 January 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

Two people submitted questions to Council. At the request of the Mayor, the Chief Executive Officer read the questions and answers to the gallery. The questions and answers will be published in the next Ordinary Meeting minutes.

Councillor O'Connor left the chamber at 7:07 pm.

Councillor O'Connor returned to the chamber at 7:09 pm.

The Mayor acknowledged former Councillor, Christine Richards.

6. HEARING OF PUBLIC SUBMISSIONS

Mr Paul Davies made a submission to Council regarding Item 13.1: Response to 2019/NOM52 – Kananook Creek Arboretum;

Councillor Hampton left the chamber at 7:14 pm.

Councillor Hampton returned to the chamber at 7:14 pm.

Councillor Hampton left the chamber at 7:15 pm.

Councillor Hampton returned to the chamber at 7:15 pm.

Mr David Cross (Frankston Environmental Friends Network) made a submission to Council regarding Item 13.1: Response to 2019/NOM52 – Kananook Creek Arboretum;

Ms Christine Richards made a submission to Council regarding Item 14.1: 2020/NOM9 – Creation of Employment Opportunities.

7. ITEMS BROUGHT FORWARD**Council Decision****Moved: Councillor Aitken****Seconded: Councillor Cunial**

That Items

- 13.1: Response to 2019/NOM52 - Kananook Creek Arboretum
- 14.1: 2020/NOM9 – Creation of Employment Opportunities

be brought forward

Carried Unanimously**8. PRESENTATIONS / AWARDS**

Nil

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

UPDATE FROM CR MCCORMACK – MORNINGTON PENINSULA AND WESTERN PORT BIOSPHERE FOUNDATION

Councillor McCormack provided a verbal update to the meeting regarding the Mornington Peninsula and Western Port Biosphere Foundation.

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

That Council notes the verbal report made by Councillor McCormack.

Carried Unanimously

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

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

- 10.1 Delegate Report by Cr Steve Toms – Councillor Development Weekend 26 to 28 July 2019
- 12.1 Notice of Motion and Deferred Report Status Update for 17 February 2020
- 12.2 Delegates to Internal Organisations
- 12.3 Endorsement of the draft Short Stay Rental Accommodation Local Law 2020 for consultation
- 12.4 Compliance Management Framework
- 12.5 December 2019 Quarterly Financial Report
- 12.6 Final Community Engagement Policy and Framework
- 12.8 Environmentally Sustainable Design Standards for Council Buildings Policy (2020) – Outcome of public consultation
- 12.10 Frankston Visitor Information Centre Progress Report
- 12.11 Update on Alliance for Gambling Reform Annual Membership
- 15.1 Instrument of Delegation S6 from Council to members of Council staff

Carried Unanimously

ITEMS BROUGHT FORWARD**13.1 Response to 2019/NOM52 - Kananook Creek Arboretum**

(SC Community Development)

Recommendation (Director Community Development)

That Council:

1. Endorses the scope of works for improvements to Kananook Creek Reserve, Seaford, as described in the project outline, for progression to preparation of detailed concept design.
2. Notes the estimated total project cost is \$672,500.
3. Approves \$30,000 from the Open Space Developer Contributions for Seaford to complete the detailed concept design.
4. Authorises Council officers to seek external funding for the entire project though the State Government.
5. In the event that external funding for the project is not available, that \$267,500 for Stage 1 of the project be referred for consideration as part of the 2020-21 Annual Budget.

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

That Council:

1. Endorses the scope of works for improvements to Kananook Creek Reserve, Seaford, as described in the project outline, for progression to preparation of detailed concept design.
2. Notes the estimated total project cost is \$672,500.
3. Approves \$30,000 from the Open Space Developer Contributions for Seaford to complete the detailed concept design.
4. Authorises Council officers to seek external funding for the entire project though the State Government.
5. In the event that external funding for the project is not available, that \$267,500 for Stage 1 of the project be referred for consideration as part of the 2020-21 Annual Budget.
6. In the event that external funding for the remaining two components of the project is not available, that Stage 2 is to be referred to the 2020-21 Midyear Budget and Stage 3 referred to the 2021/22 Annual Budget.
7. Notes that plaques and physical branding for the soon to be completed observation decks bordering the Kananook Creek (honouring both the Frankston Beach Association and the Kananook Creek Association) are to be funded by/in the existing 2019-2020 budget.
8. Notes that all associated signage mentioned in Paul Davies' submission on 17 February 2020 are to be located and installed in a timely manner, in association with the Kananook Creek Association.

Carried Unanimously

Chairperson's initials *S. Mayer*

14.1 2020/NOM9 - Creation of Employment Opportunities

(TC Chief Executive Office)

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

Notwithstanding Council's significant investment in business support and attraction programs, it is noted that there is less than one job per three residents in Frankston City. Council calls for a report to the April 2020 Ordinary Council Meeting outlining any opportunities to be further investigated regarding changes to processes, strategic position and policy that could aid with the creation of more employment opportunities within the City.

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

That Cr Aitken be granted an extension of time.

Carried

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

Against the Motion: Cr Hampton

Abstained: Cr Cunial

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

That Cr Toms be granted an extension of time.

Carried

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

Against the Motion: Cr Hampton

Abstained: Cr Cunial

Extension of Time**Moved: Councillor Bolam****Seconded: Councillor O'Connor**

That Cr McCormack be granted an extension of time.

Carried Unanimously**Extension of Time****Moved: Councillor Aitken****Seconded: Councillor O'Connor**

That Cr Bolam be granted an extension of time.

Carried Unanimously

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

That Cr Cunial be granted an extension of time.

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

Abstained: Cr Toms

**The Motion was then put
and Carried**

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

Against the Motion: Crs Aitken, McCormack and Toms

10. DELEGATES' REPORTS**10.1 Delegate Report by Cr Steve Toms - Councillor Development Weekend 26 to 28 July 2019**

(PC Chief Executive Office)

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

That Council

1. Receives the Delegates Report from Councillor Steve Toms for his attendance at the Municipal Association of Victoria (MAV) Councillor Development Weekend held from Friday 26 to Sunday 28 July 2019.
2. Notes the suggestions contained within the Officer's Assessment section of the Council Report.

Carried Unanimously

Note: Refer to Page 7 of the Minutes where this item is block resolved

Chairperson's initials *S. Mayer*

11. CONSIDERATION OF TOWN PLANNING REPORTS**11.1 Town Planning Application 330/1999/P/A - 300N Centenary Park Drive Frankston North - To amend the planning permit to increase the licenced area (red line area) for a place of assembly use and associated licenced bar**

(SC Community Development)

Recommendation (Director Community Development)

That Council resolves to issue an Amended Planning Permit in respect to Planning Permit 330/1999/P/A for a Place of Assembly use and associated licenced bar at 300N Centenary Park Drive Frankston North, subject to the following conditions:

1. The use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. The use hereby permitted shall accommodate a maximum of 120 patrons at any time.
3. Unless prior consent is granted by the Responsible Authority, the use may operate only between the following hours;
 - Monday to Saturday (inclusive) – 10 am to 12 midnight
 - Sunday – 10 am to 11pm
 - Good Friday and Anzac day – 12 noon to 11pm
4. The premises shall be vacated after the approved hours of operation in an orderly and proper manner and cause no nuisance to the surrounding area.
5. Alcohol may only be served subject to the approval and conditions of liquor licencing Victoria.
6. No external sound amplification equipment or loudspeakers shall be used for the purpose of broadcasts or playing of music.
7. Noise emitted from the premises shall not exceed limits prescribed by the state environment protection policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
8. The amenity of the area must not be detrimentally affected by the use through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin.
9. The use authorised by this permit shall after it is commenced to be continued to the satisfaction of the Responsible Authority.
10. This permit will expire if the use is not commenced within two (2) years of the date of this permit.

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

Notes

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. The permit holder is encouraged to become a member of the Frankston Liquor Industry Accord.

Chairperson's initials *S. Mayer*

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

That Council resolves to issue an Amended Planning Permit in respect to Planning Permit 330/1999/P/A for a Place of Assembly use and associated licenced bar at 300N Centenary Park Drive Frankston North, subject to the following conditions:

1. The use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. The use hereby permitted shall accommodate a maximum of 120 patrons at any time.
3. Unless prior consent is granted by the Responsible Authority, the use may operate only between the following hours;
 - Monday to Saturday (inclusive) – 10 am to 12 midnight
 - Sunday – 10 am to 11pm
 - Good Friday and Anzac day – 12 noon to 11pm
4. The premises shall be vacated after the approved hours of operation in an orderly and proper manner and cause no nuisance to the surrounding area.
5. Alcohol may only be served subject to the approval and conditions of liquor licencing Victoria.
6. No external sound amplification equipment or loudspeakers shall be used for the purpose of playing of music.
7. Noise emitted from the premises shall not exceed limits prescribed by the state environment protection policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
8. The amenity of the area must not be detrimentally affected by the use through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin.
9. The use authorised by this permit shall after it is commenced to be continued to the satisfaction of the Responsible Authority.
10. This permit will expire if the use is not commenced within two (2) years of the date of this permit.

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

Notes

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. The permit holder is encouraged to become a member of the Frankston Liquor Industry Accord.

Carried Unanimously

12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Notice of Motion and Deferred Report Status Update for 17 February 2020**

(PC Chief Executive Office)

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

That Council:

1. Receives the Notices of Motion Report as at 17 February 2020.
2. Receives the Urgent Business Status Update as at 17 February 2020.
3. Notes and accepts there are four Notices of Motion that have been reported as being complete:
 - 2019/NOM55 – North West Project
 - 2019/NOM57 – Centenary Park Golf Course Tender
 - 2019/NOM58 – DHHS Housing
 - 2019/NOM59 – 5G Rollout
 - 2020/NOM8 – Green Wedge Management Plan
4. Notes the reports listed below will not be presented back to Council by its advised date and a detailed explanation is provided in the body of the report:
 - Belvedere Precinct Update
 - Response to Petition – Provision of Parking Bays at Homestead Road, Langwarrin
 - Nat's Track Update
 - Feasibility to Relocate Council's Operations Centre (as per resolution under Acquisition and Offset Opportunities)
 - Urgent Business – Casey City Council Corruption Allegations
 - Accountability and Transparency Reform update
 - Revised Child Safe Policy
 - Draft Urban Forest Action Plan (Response to 2018/NOM45 – Greening our City)
 - Response to 2019/NOM37 - Overport Park

Carried Unanimously**Note:** Refer to Page 7 of the Minutes where this item is block resolvedChairperson's initials *S. Mayer*

12.2 Delegates to Internal Organisations

(PC Chief Executive Office)

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

That Council notes that the internal special committee named **The Frankston Arts Centre Board of Management** is amended to **The Frankston Arts Board**.

Carried Unanimously

Note: Refer to Page 7 of the Minutes where this item is block resolved

12.3 Endorsement of the draft Short Stay Rental Accommodation Local Law 2020 for consultation

(LB Corporate Development)

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

That Council:

1. Endorses the revised draft Short Stay Rental Accommodation Local Law 2020 (Attachment A) for the commencement of the statutory procedure for the making of a new local law.
2. Gives a notice in the Government Gazette and a public notice of Council's intention to make the Short Stay Rental Accommodation 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.
3. Considers any submissions received, at a future Council meeting.

Carried Unanimously**Note:** Refer to Page 7 of the Minutes where this item is block resolved

12.4 Compliance Management Framework

(BA Corporate Development)

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

That Council:

1. Endorses the Compliance Management Framework, Legislative Compliance Policy and Exercising of Delegations Policy;
2. Notes the Compliance Management Framework, Legislative Compliance Policy and Exercising of Delegations Policy was publicly exhibited for a period of six (6) weeks and no submissions were received.
3. Notes an Authorisations and Appointments Policy will be presented to Council for consideration in July 2020.

Carried Unanimously**Note:** Refer to Page 7 of the Minutes where this item is block resolved

12.5 December 2019 Quarterly Financial Report

(NA Corporate Development)

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

That Council receives and notes the Council Financial Report for the quarter ended 31 December 2019.

Carried Unanimously

Note: Refer to Page 7 of the Minutes where this item is block resolved

12.6 Final Community Engagement Policy and Framework

(TB Community Development)

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

That Council adopts the Community Engagement Policy and Framework.

Carried Unanimously

Note: Refer to Page 7 of the Minutes where this item is block resolved

**12.7 Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions -
October, November, December 2019**

(TB Community Development)

Recommendation (Director Community Development)

That Council:

1. Notes the funding allocations in relation to grants in the Miscellaneous Grants Program, and community concessions and discounts in the Frankston Arts Centre for the period 1 October to 31 December 2019.
 - a) Miscellaneous Grants Program (\$3,014)
 - b) Community Group Membership Drive \$0 (No applications)
 - c) Neighbourhood Grants \$0 (No applications)
 - d) Environmental Sustainability Grants \$0 (No applications)
 - e) Youth Action Grants \$0 (No applications)
 - f) Urgent Grants \$0 (No applications).
2. Notes year to date community concessions and discounts in the Frankston Arts Centre for the 2019-2020 financial year is \$56,138.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor O'Reilly

That Council:

1. Notes the funding allocations in relation to grants in the Miscellaneous Grants Program, and community concessions and discounts in the Frankston Arts Centre for the period 1 October to 31 December 2019.
 - a) Miscellaneous Grants Program (\$3,014)
 - b) Community Group Membership Drive \$0 (No applications)
 - c) Neighbourhood Grants \$0 (No applications)
 - d) Environmental Sustainability Grants \$0 (No applications)
 - e) Youth Action Grants \$0 (No applications)
 - f) Urgent Grants \$0 (No applications).
2. Notes year to date community concessions and discounts in the Frankston Arts Centre for the 2019-2020 financial year is \$56,138.
3. Notes the Chief Executive Officer is to ensure that improved outreach is to occur by/from Council to potential candidates for specific grant categories (i.e. school councils/school principals regarding Youth Grants, community groups regarding Community Group Membership Drive, Monash University and environmental based community groups regarding Environmental Sustainability Grants etc.).

Carried

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

Against the Motion: Crs Cunial, Hampton and McCormack

Chairperson's initials *S. Mayer*

12.8 Environmentally Sustainable Design Standards for Council Buildings Policy (2020) - Outcomes of public consultation

(LU Community Assets)

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

That Council:

1. Notes the summary of submissions received by Council through the public consultation of the draft Environmentally Sustainable Design Standards for Council Buildings Policy (2020); and
2. Adopts the Environmentally Sustainable Design Standards for Council Buildings Policy (2020).

Carried Unanimously**Note:** Refer to Page 7 of the Minutes where this item is block resolved

12.9 Update on Seaford Wetlands

(LR Community Development)

Recommendation (Director Community Development)

That Council:

1. Notes due to increased anti-social activity in the Seaford Wetlands, Police and Council officers increased patrols.
2. Notes that no further complaints have been received.
3. Notes Council officers will continue to monitor activity and respond accordingly.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Council:

1. Notes due to increased anti-social activity in the Seaford Wetlands, Police and Council officers increased patrols.
2. Notes that no further complaints have been received.
3. Notes Council officers will continue to monitor activity and respond accordingly.
4. Provides a further status report to Council at the Ordinary Meeting in September 2020.

Carried Unanimously

Councillor Aitken left the chamber at 8:36 pm.

Councillor Aitken was absent during the voting

12.10 Frankston Visitor Information Centre Progress Report

(SJ Corporate Development)

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

That Council:

1. Notes this as an interim report that does not include the full peak season of December – March results.
2. Notes the year to date 2019-2020 Key Performance Indicators, highlighting in particular the figures for the cost per walk-in customer has increased to \$20.09, up from \$12.52 in 2018-2019.
3. Notes a full year report providing comparable trend data is scheduled for the Ordinary Council Meeting on 10 August 2020.

Carried Unanimously**Note:** Refer to Page 7 of the Minutes where this item is block resolved

12.11 Update on Alliance for Gambling Reform Annual Membership

(TB Community Development)

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

That Council:

1. Notes the update on the effectiveness of Council's annual membership of the Alliance for Gambling Reform throughout 2019-2020;
2. Receives the Alliance for Gambling Reform 2018-2019 Annual Report; and
3. Supports the approval of Council's annual membership of the Alliance for Gambling Reform for 2020-2021 which will be presented as part of the 2020-2021 Standing Grants Program at the Ordinary Meeting held on 10 March 2020.

Carried Unanimously**Note:** Refer to Page 7 of the Minutes where this item is block resolved

13. RESPONSE TO NOTICES OF MOTION**13.2 Response to 2019/NOM61 - PARC Swim Research Study**

(KJ Corporate Development)

Recommendation (Director Corporate Development)

That Council:

1. Work closely with Peninsula Leisure to develop a strategy that will aim to provide best practise swim programming to all Frankston children, ensuring they leave school with the ability to be safe around water and enjoy all of Frankston's aquatic environments.
2. Consider ongoing research in partnership with Peninsula Leisure P/L to assess the community benefit and improvement based on the provision of best practise programming, using Frankston as a pilot for what the balance of the State and Country should be delivering to all young people.
3. Receive a full updated report at the June 2020 Ordinary Meeting.

Councillor Aitken returned to the chamber at 8:37 pm.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor O'Reilly

That the matter be deferred until the June 2020 Ordinary Meeting to allow Peninsula Leisure more time to finalise the study's parameters.

Carried

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

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

Chairperson's initials *S. Mayer*

13.3 Response to 2019/NOM64 - Release of Monitor's Report

(BA Corporate Development)

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

That Council:

1. Notes the Minister for Local Government released the Final Report on 17 December 2019 by the Municipal Monitor, Prue Digby, on the governance processes of Frankston City Council and the recruitment process of the Chief Executive Officer.
2. Notes the Minister for Local Government requested a response by 31 January 2020 and subsequently granted an extension until Friday 28 February 2020 to allow more time for Council to endorse its response to the recommendations of the Municipal Monitor.
3. Endorses its response to the Municipal Monitor's report and that it be provided to the Minister for Local Government before 28 February 2020.

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

That Cr Hampton be granted an extension of time.

Carried Unanimously**Extension of Time****Moved: Councillor Toms****Seconded: Councillor O'Connor**

That Cr Aitken be granted an extension of time.

Carried Unanimously**Motion be put****Moved: Councillor Toms**

That the motion be put.

Lapsed

Councillor Aitken left the chamber at 9:03 pm.

The meeting was adjourned at 9:03 pm

The meeting resumed at 9.10pm with all Councillors present

**The Motion was then Put
and Carried**

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

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

Chairperson's initials *S. Mayer*

134. NOTICES OF MOTION**14.2 2020/NOM10 - Reforms**

(TC Chief Executive Office)

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

That Council:

1. Seeks to ensure that all future reports to Council with new and revised council policies and strategies are accompanied by a community engagement plan from 1 June 2020.
2. Ensures that Community Impact Statements accompany the making of Local Laws and meets the requirements for explanatory documents as per section 119(2A)(b) of the Local Government Act 1989.
3. Prepares a report for the Ordinary Meeting on 1 April 2020, that explores enhancing the independence of internal investigations, including:
 - a) The process for referral of internal investigations by the CEO to the Internal Ombudsman, the Audit and Risk Committee or IBAC;
 - b) Steps to safeguard against interference in how internal investigations are undertaken;
 - c) Guidance on options for how the public can request for an internal investigation to be undertaken.
 - d) Ensuring the independence of the Internal Ombudsman position and their investigations without undue influence or institutional favour

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

That the matter be deferred to the next Ordinary Meeting to include costs.

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

Against the Motion: Cr Cunial

Chairperson's initials *S. Mayer*

14. LATE REPORTS**15.1 Instrument of Delegation S6 from Council to members of Council staff**

(BA Corporate Development)

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

That Council:

1. In the exercise of power conferred by Section 98(1) of the *Local Government Act 1989* and the other legislation referred to in *S6. Instrument of Delegation - Council to members of Council staff* (attached as Attachment A), 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. Resolves for 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) To remain in force until Council determines to vary or revoke the Instrument.
3. Notes on the coming into force of the Instrument, the previous Instrument, which was adopted by Council on 23 September 2019 is revoked.
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 7 of the Minutes where this item is block resolvedChairperson's initials *S. Mayer*

16. URGENT BUSINESS**Council Decision****Moved: Councillor Aitken****Seconded: Councillor McCormack**

That the matter of Level Crossing Removal Project vegetation removal works be accepted as urgent business.

Carried Unanimously

Urgent Business – Level Crossing Removal Project Vegetation Removal Works**Council Decision****Moved: Councillor Aitken****Seconded: Councillor McCormack**

That Council:

1. Writes a letter to the Level Crossing Removal Project expressing its serious concerns at the recent removal of high value and old growth vegetation along the Shared User Path alignment, particularly around Armstrongs Road and Station Street, Seaford, and seeks an assurance that further vegetation removal works will be paused pending a more thorough consultation with both Council and the community.
2. Notes community feedback and outcry is increasing as a result of additional vegetation loss. The complaints are centred upon the extremely high value of the limited amount of native coastal vegetation that has survived historically and is now under further threat.
3. Supports in principle the proposed alignment along Riviera Street, Seaford, as this option has lesser impact on vegetation compared to the proposed alternative along the railway line.

Carried

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

Against the Motion: Crs Hampton and O'Connor

17. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor McCormack****Seconded: Councillor Cunial**

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 Response to Petition: Animals Housed at Warrandyte Road Langwarrin

Agenda Item C.1 Response to Petition: Animals Housed at Warrandyte Road Langwarrin is designated confidential as it relates to legal advice (s89 2f)

C.2 Centenary Park Golf Course - Clublinks Performance 2019

Agenda Item C.2 Centenary Park Golf Course - Clublinks Performance 2019 is designated confidential as it relates to contractual matters (s89 2d)

C.3 Award of Contract 2019/20-47 - Centenary Park Tennis Pavilion Redevelopment

Agenda Item C.3 Award of Contract 2019/20-47 - Centenary Park Tennis Pavilion Redevelopment is designated confidential as it relates to contractual matters (s89 2d)

C.4 Award of Contract 2019/20-25 - RF Miles Pavilion and Precinct Redevelopment

Agenda Item C.4 Award of Contract 2019/20-25 - RF Miles Pavilion and Precinct Redevelopment is designated confidential as it relates to contractual matters (s89 2d)

C.5 Level Crossing Removal Projects Asset Handover

Agenda Item C.5 Level Crossing Removal Projects Asset Handover 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.6 Debrief of Ordinary Council Meeting

Agenda Item C.6 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

.....
Signed by the CEO

Chairperson's initials *S. Mayer*

18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS**C.1 Proposed Recipients for Citizen, Young Citizen, Senior Citizen and Community Event of the Year Awards for 2020 (Considered at 2019/OM14 18 November 2019)**

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (h) 'Any other matter which the Council or special committee considers would prejudice the Council or any person'.

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

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

That:

1. Council awards the Citizen of the Year Award for 2020 to Peter Paterson;
2. Council awards the Young Citizen of the Year Award for 2020 to Michaela Goggin;

The motion was put and Carried

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

3. Council awards the Senior Citizen of the Year Award for 2020 to Gina Poulos;

The motion was put and Carried

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

4. Council awards the Community Event of the Year for 2020 to National Schools Tree Day – Frankston Heights PS & Friends of Wallace Reserve;

The motion was put and Carried

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

5. The award recipients be notified of Council's decision after the meeting, and the names of the winners be embargoed until Australia Day 2020, where the awards will be presented to the winners at the Australia Day Citizenship Ceremony; and
6. The resolution be incorporated in the public minutes of the February 2020 Council Meeting.

The motion was put and Carried

C.8 Award of Contract 2019/20-10 - Crack sealing (Considered at 2019/OM14 18 November 2019)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) 'Contractual Matters'.

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

That Council:

1. Approves the acceptance of the tender from Super Sealing Pty Ltd for pavement crack sealing for a 4 year fixed term plus 2 x 2 year extension options exercisable based on performance, noting that this is a schedule of rates contract for the contract term;
2. Authorises the Chief Executive Officer to execute the contract and contract extension options based on the contractors successful performance;
3. Delegates approval of variations to the Chief Executive Officer; and
4. Authorises release of the recommendation (without commercially sensitive information) at the next open meeting of Council.

The motion was put and Carried

C.9 Award of Contract 2019/20-32 - Soft Fall Mulch - Supply, Delivery & Installation (Considered at 2019/OM14 18 November 2019)

(BH Community Development)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) 'Contractual Matters'.

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

That Council:

1. Approves the acceptance of the tender from MulchXpress Pty Ltd for soft fall mulch supply, delivery and installation for a 3 year period with a 1 X 2 year extension option exercisable based on performance, noting that this is a schedule of rates contract for the contract term;
2. Authorises the Chief Executive Officer to execute the contract and contract extension option based on the contractors' successful performance;
3. Delegates approval of variations to the Chief Executive Officer; and
4. Authorises release of the recommendation (without commercially sensitive information) at the next open meeting of Council.

The motion was put and Carried

C.10 Award of Contract 2019/20-22 - Dust Suppression Services (Considered at 2019/OM14 18 November 2019)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) 'Contractual Matters'.

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

That Council:

1. Approves the acceptance of the tender from Rainstorm Dust Control Pty Ltd for dust suppression services for a 4 year fixed term plus 2 x 2 year extension options exercisable based on performance, noting that this is a schedule of rates contract for the contract term;
2. Authorises the Chief Executive Officer to execute the contract and contract extension options based on the contractors' successful performance;
3. Delegates approval of variations to the Chief Executive Officer; and
4. Authorises release of the recommendation (without commercially sensitive information) at the next open meeting of Council.

The motion was put and Carried

C.7 Awarding Invest Frankston Business Grants 2019-2020 (Considered at 2020/OM1 28 January 2020)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) 'Contractual Matters'.

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

That Council:

1. Awards the 2019-2020 Invest Frankston Business Grants to the following businesses in accordance with recommendations of the Independent Assessment Panel:
 - a) Concept Fibres (\$20,000)
 - b) Breathe Hair (\$25,000)
 - c) Vero Pasta and Wine (\$20,000)
 - d) The Hop Shop (\$15,000)
 - e) Extreme Labs (\$15,000)
 - f) Burst Graphics (\$15,000)
 - g) Down The Street Café (\$10,000)
2. Notes that the Independent Assessment Panel has recommended Amity Care Services Pty Ltd as a 'back-up' grant recipient (up to \$15,000).
3. Approves the unallocated funds be returned to the budget should the full pool of 2019 Invest Frankston Business Grants funds not be utilised.
4. Endorses an additional \$30,000 annual recurrent funding be referred for consideration to the 2020-2021 budget process. This will increase the total annual recurrent funding pool to \$160,000 (comprised of \$150,000 grant funding for businesses and \$10,000 marketing). It is estimated that this increase in the funding pool will contribute a further 12 direct jobs in the first year, leading to Council continuing to strive towards its goal of creating 1,122 jobs by 2022 through the provision of the business grants program.
5. Releases this report to the public after 10 February 2020 due to the commercial details provided by applicants. The content and attachments to this report are to remain confidential indefinitely.

The motion was put and Carried

**C.8 Award of Contract 2019/20-43 - Len Phelps Pavilion Internal Alterations
(Considered at 2020/OM1 28 January 2020)**

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) 'Contractual Matters'.

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

That Council:

1. Approves the appointment of More Building Group Pty Ltd for the contract 2019/20-43 – Len Phelps Pavilion Internal Alterations;
2. Authorises the Chief Executive Officer to execute the contract;
3. Notes that a project contingency will be reserved outside of the contract sum and vests specific authority in the Chief Executive Officer to authorise the payment of variations from that sum; and
4. Releases the recommendation (without commercially sensitive information) at the next open meeting of Council.

The motion was put and Carried

C.6 Debrief of Ordinary Council Meeting (Considered at this meeting)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (h) 'Any other matter which the Council or special committee considers would prejudice the Council or any person'.

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

That Council notes:

1. An assessment of the Ordinary Council Meeting held on 17 February 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. The recommendation will be published as part of the public minutes of this meeting.

The motion was put and Carried

The meeting was closed to the public at 9.33 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 17 February 2020, confirmed on Tuesday 10 March 2020.

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

Dated this

day of

2020