



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE FRANKSTON ARTS CENTRE, CNR DAVEY & YOUNG STREETS,
FRANKSTON
ON 30 MARCH 2020 at 7.05PM**

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

COUNCILLOR STATEMENT

Councillor Toms 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 O'Reilly read the Opening Prayer.

Cr O'Connor entered the chamber at 7.06 pm

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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1. PRESENTATION TO COMMUNITY GROUPS

Nil.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM3 held on 10 March 2020.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor O'Reilly

That the minutes of the Ordinary Meeting No. OM3 held on 10 March 2020 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES**Council Decision**

Moved: Councillor Hampton

Seconded: Councillor O'Connor

That the apologies be received and Councillors Bolam and Cunial be granted leave from the meeting.

Carried Unanimously

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil

5. PUBLIC QUESTION TIME

The were no questions received With or Without Notice.

6. HEARING OF PUBLIC SUBMISSIONS

Ms. Amanda Ring made a submission to Council regarding Item 11.1: Planning Permit Application 640/2018/P – 1-2 Plowman Place Frankston – Use and development of the land for a 9 storey building comprising of up to 79 apartments;

Mr Vladas Petrusis made a submission to Council regarding Item 12.4: Short Stay Rental Accommodation Local Law 2020.

7. ITEMS BROUGHT FORWARD**Items Brought Forward****Council Decision****Moved: Councillor O'Reilly****Seconded: Councillor Aitken**

That Items:

- 11.1: Planning Permit Application 640/2018/P – 1-2 Plowman Place Frankston – Use and development of the land for a 9 storey building comprising of up to 79 apartments; and
- 12.4: Draft Short Stay Rental Accommodation Local Law 2020;

be brought forward.

Carried

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

Against the Motion: Nil

Abstained: Cr Hampton

8. PRESENTATIONS / AWARDS

Nil

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

10. DELEGATES' REPORTS

Nil

ITEMS BROUGHT FORWARD**11.1 Planning Permit Application 640/2018/P - 1-2 Plowman Place Frankston - Use and development of the land for a 9 storey building comprising of up to 79 apartments**

(SC Communities)

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

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 640/2018/P for the use and development of the land for a 9 storey building comprising of up to 79 apartments at 1-2 Plowman Place Frankston, subject to the following conditions:

Amended Plans

1. Before the use and 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 and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application prepared by Elenberg Fraser, dated 15/11/18, TP A0097- A0111, Revision B, TP A0900-903, Revision A, Landscape Plan prepared by Eckersley, dated January 2019, PLOW1118-01-01 to 1118-01-09, subject to the following:
 - (a) The modifications proposed in the "without prejudice" plans prepared by Elenberg Fraser, A0098-99, revision H; A0100, Revision F; A0101, Revision G; A0102-0105, A0107, A0109, A0900-9003, A0950-0951, Revision D; A0106, A0108, Revision C; A2500-2502, Revision B; A2503-2507, Revision A.
 - (b) The building to be setback a minimum of 2 metres from the rear (north) boundary to Bay Lane;
 - (c) Provision of updated detailed floor plates for each apartment type that demonstrate compliance with Clause 58.05 and 58.07 of the Frankston Planning Scheme;
 - (d) Provision of a Daylight Analysis Report;
 - (e) All balconies to comply with the requirements of Clause 58 of the Frankston Planning Scheme;
 - (f) Allocation of car spaces to apartments ;
 - (g) Car parking spaces, columns and accessway must be designed in accordance with Clause 52.06-9;
 - (h) Mechanical parking must meet Design standard 4 of Clause 52.06-9, at least 25% of the mechanical car parking spaces can accommodate a vehicle height of at least 1.8 metres;
 - (i) Provision of disabled car spaces in accordance with AS2890.6;
 - (j) Provision and allocation of a storage cage with a minimum area of 6m³ for each dwelling within the basement car park;
 - (k) Provision of an Acoustic Report and Wind Tunnel Study;
 - (l) A detailed materials, finishes and colour schedule in accordance with condition 4;

Chairperson's initials *S. Mayer*

- (m) A Construction and Environment Management Plan in accordance with condition 24;
- (n) Waste Management Plan in accordance with Condition 18.
- (o) All trees growing on the site and on the adjoining properties within 3m of the boundaries must be clearly illustrated on all relevant plans to demonstrate canopy width, trunk location and clearly labelled in accordance with the Tree Assessment Report prepared by Simon Howe dated January 2018 and clearly state whether the tree is to be retained or removed to the satisfaction of the Responsible Authority.
- (p) The Tree Protection Zone and Structural Root Zone for all trees to be retained and the tree protection fence locations must be illustrated on all relevant plans to the satisfaction of the Responsible Authority.
- (q) A Tree Protection Plan in accordance with Condition 6, 7 and 8;
- (r) A Landscape Plan in accordance with Condition 10.
- (s) Redesign and reduction in the width of the pedestrian access to the complex to not encroach beyond the existing retaining wall as recommended in the arborist report;
- (t) Provision of permeable paving materials for the main pedestrian entry walkway at ground level within the Tree Protection Zone of the *Banksia integrifolia*;
- (u) The location of the public pedestrian footpath provided in consultation with a qualified arborist and the methods used for its consultation provided in the Tree protection management plan to ensure no impact to significant vegetation;
- (v) The design and location of the footpath within the road reservation to be generally in accordance with the plans prepared by Procivil Consulting Engineering, dated 29/3/19, Revision 02, sheet 1-13;
- (w) Green wall treatment to be provided to screen and soften the substation wall/ precast wall at the driveway entrance or the relocation of the substation to the rear property boundary;
- (x) An agreement in the form of an application being made for 'nature strip planting' for the ongoing maintenance of the nature strip in accordance with the endorsed landscape plan;
- (y) Relocation of the gas meter enclosure to outside the Tree Protection Zone of the *Banksia integrifolia*;

No Alteration or Changes

- 2. The use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. The roof garden area to be operated ancillary to the primary use of the apartments and not for general public use.

Materials, finishes and colour schedule

- 4. Prior to the commencement of building and works, a colour schedule and sample panel of all external materials and finishes showing materials, colours and finishes, roof and glazing treatments including colour copies suitable for endorsing, must be submitted to the satisfaction and approval by the Responsible Authority. When approved, the schedule will form part of the permit.

5. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the responsible authority.

Tree Protection Management Plan

6. 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 the significant Banksia tree, trees within the nature strip and on the adjoining property, 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 for the basement, access way, and the proposed public footpath;
 - g) Retention of the existing retaining wall
 - h) Supervision
 - i) Details of any root pruning
 - j) Landscaping
 - k) Methods for installation of services e.g.; sewerage, storm water, telecommunications, electricity etc;
 - l) Remedial works as required including a detailed photographic diagram specifying what pruning will occur;
 - m) 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

7. Tree protection must be carried out in accordance with the Australian Standard AS 4970-2009 Protection of trees on development sites and the approved tree Protection Management Plan to the satisfaction of the Responsible Authority.

Tree Pruning

8. All tree pruning is to be carried out by a qualified and experienced Arborist who has thorough knowledge of tree physiology and pruning methods. Pruning must be carried out in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees. Any pruning works required are to be undertaken prior to any construction works beginning on site. Any pruning of trees located on a neighbouring property should be undertaken in consultation with the property owner.

Street Tree Removal

9. Prior to the construction of the crossover the "Request Form - Street Tree Removal for Private Development" and payment for the removal of the Council Street trees located on the nature strip must be provided to Frankston City Council's Planning and Environment Department in accordance with the fees for a outlined in Council's Guidelines for Council Tree Removal for Private Development. Upon receipt of the form and payment the street tree removal will be actioned

Landscaping

10. Before the commencement of buildings and works, a landscape plan generally in accordance with the Landscape Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the concept plan prepared by Eckersley Garden Architecture P/L dated Jan 2019, but modified to show:
 - a) a survey (including botanical names) of all existing vegetation on the site and those located within three (3) metres of the boundary of the site on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is proposed to be retained and/or removed;
 - b) The tree number, T.P.Z., S.R.Z. and notations relating to the endorsed tree protection management plan;
 - 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, size at maturity and quantities of each plant;
 - e) a range of plant types from ground covers to large shrubs and trees;
 - f) adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - g) A planting theme of a minimum 60% indigenous and 40% native within each plant group, with 100% indigenous coastal plants to be used within the front setback (excluding feature Acacia cognata) in keeping with the streetscape character;

- h) All existing environmental weed species are to be removed from the site and environmental and noxious weeds found in the 'Frankston Invasive plant Guide (2019) booklet are not to be planted.
 - i) the provision of suitable canopy trees (minimum two metres tall when planted) in the areas specified below (trees are not to be sited over easements) with species chosen to be approved by the Responsible Authority;
 - i. In addition to the proposed (7) *Banksia integrifolia* provided within the private open space and additional five (5) *Banksia integrifolia* front setback.
 - j) Detailed design for climbing screen and green wall structures including green treatment to the substation
 - k) Notation that the footpath is to be provided by the developer under the supervision of a qualified arborist.
 - l) All planter beds' soil depth and volume for each species is to be consistent with the "Up by roots table for calculated soil volume" in James Urban, 2008 "Up by roots Healthy Soils and Trees in the Built environment International Society of Arboriculture".
 - m) Maintenance schedule for balcony planters
 - n) 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.
 - o) All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use
11. Before the commencement of buildings and works, a landscape management plan 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 include:
- a) Details of the initial Plant Established period;
 - b) Long term maintenance regime for all landscaped areas including balcony planter boxes and roof garden to include detail on but not limited to the following: maintenance schedule including inspections, weeding, watering and inspection of any irrigation systems, pruning and replacement of any plants that fail, mulching, pest and disease control.
 - c) Maintenance responsibilities for landscaping.
12. The landscaping as shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or commencement of the use or at such later date as is approved by the Responsible Authority in writing;

Drainage

13. Prior to commencement of development construction detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority.

- (a) Provision of a Stormwater Detention System with a volume capable of retarding the 10 year ARI flow from the development site back to a 5 year ARI pre-development value to the satisfaction of the Responsible Authority
- (b) Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
 - On-site stormwater detention and rainwater tanks.
 - Soil percolation
 - Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc

On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.

14. New vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
15. All disused vehicle crossings shall be removed and are reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.
16. Prior to the occupation of the building, areas set aside for parking vehicles, loading bays, bicycles, access lanes and paths as shown on the endorsed plans must be:
 - a. Constructed to the satisfaction of the Responsible Authority;
 - b. Footpath along Plowman Place designed and constructed, at no cost to the responsible authority, in accordance with the concept plan prepared by Procivil consulting engineers;
 - c. Properly formed to such levels that they can be used in accordance with the plans;
 - d. Surfaced with an all-weather sealcoat;
 - e. Drained and maintained to the satisfaction;
 - f. Line marked to show the direction in which vehicles are to travel;
 - g. Sign marked identifying the allocation of car spaces; and;
 - h. Properly lit.

to the satisfaction of the responsible authority.

Car spaces, access lanes, bicycle facilities, loading areas and driveways must be kept available for these purposes at all times.

17. Where the development involves work on or access to Council controlled land including roads, reserves and right of way, the owner, operator and their agents under this permit must at all times take adequate precautions to maintain works to the highest public safety standards, to the satisfaction of the Responsible Authority.

Precautions must include, appropriate signage to AS 1743 Road Works Signing Code of Practice, the provision of adequate barricading of works, including trenches of Service Authorities and any other road openings, sufficient to ensure public safety.

All relevant permits must be obtained from Council for works within the existing road reserves, in addition to the planning permit.

Waste Management conditions

18. Prior to the commencement of buildings and works, an amended Waste Management Plan must be submitted to the satisfaction of the Responsible Authority and be approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include, but not limited to, the following:
 - a. Detail the estimated waste and recycling generation for the separate uses;
 - b. Detail the number and size of each bin to cater for the estimated waste and recycling generation;
 - c. Specify the frequency at which waste and recycling materials will be collected from the site by the private waste collection service provider;
 - d. Details the proposed hours/days for collection;
 - e. Identify where the bins will be collected from;
 - f. Detail the size of the waste collection vehicle;
 - g. Detail swept paths and turning circles for waste management vehicles.
19. All waste generated by the development must be collected by a Private Waste Management Agency to the satisfaction of the responsible authority.
20. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.
21. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.
22. The loading and unloading of goods from vehicles must only be carried out within the designated loading bay area on site.
23. Air-conditioning and other plant and equipment installed on or within the buildings must be so positioned and baffled that any noise emitted complies with the appropriate Australian Standards and EPA requirements.

Construction and Environment Management Plan

24. Prior to the commencement of the development a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. Any plans submitted must be consistent with all other documents approved as part of this permit. The information must be drawn to scale with dimensions and three copies must be provided. The Plan is to include details of the following:
 - a. Contact Numbers of responsible owner/contractor including emergency/24 hour mobile contact details.
 - b. Identification of possible environmental risks associated with development works.
 - c. Response measures and monitoring systems to minimise identified environmental risks, including but not limited to creek protection, vegetation protection, runoff, erosion, dust, litter, noise and light.
 - d. Location and specifications of sediment control devices on/off site.
 - e. Location and specification of surface water drainage controls.
 - f. Proposed drainage lines and flow control measures.

- g. Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.
- h. Location of all stockpiles and storage of building materials.
- i. Location of parking for site workers and any temporary buildings or facilities.
- j. Details to demonstrate compliance with relevant EPA guidelines.
- k. Target of recycling and re-using a minimum of 80% of construction and demolition waste by weight.
- l. Hours during which construction activity will take place

Urban Design

- 25. 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.
- 26. Mailboxes shall be provided within the development to the satisfaction of the Responsible Authority and Australia Post.
- 27. All plumbing work, sewer pipes etc. associated with the building shall be concealed from general view.
- 28. All roof plant and equipment must be screened so as not to be visible from public areas
- 29. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

Amenity

- 30. The amenity of the area must not be detrimentally affected by the use or development 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) In any other way.

to the satisfaction of the Responsible Authority

Completion of Buildings and Works

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

Completion Prior to Occupancy

- 32. Unless with the further written consent of the responsible authority, the building must not be occupied until all buildings and works as shown on the endorsed plans have been completed to the satisfaction of the responsible authority.

Permit Expiry

33. This permit will expire if:

- a. The development has not started within two (2) years of the date of this permit.
- b. The development is not completed within four (4) years of the date of this permit.
- c. The use is not commenced within four (4) years of the 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:
 - 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.

Carried

For the Motion: Crs Hampton, Mayer, O'Connor, O'Reilly and Toms
Against the Motion: Cr Aitken
Abstained: Cr McCormack

12.4 Short Stay Rental Accommodation Local Law 2020

(LR Communities)

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

That Council:

1. Having complied with the requirements of the *Local Government Act* 1989, and having considered the submissions in respect of the proposed local law, resolves to make the Short Stay Rental Accommodation Local Law for the following reasons:
 - a. The Short Stay Rental Accommodation Local Law provides a means of regulating and controlling the use of short stay rental accommodation within the Council's municipal district.
 - b. The proposed Local Law addresses issues with the standard of management and presentation of short stay rental accommodation; minimises the risk of such accommodation affecting the peace of neighbours; and implements a registration requirement.
 - c. Nine submissions were received in response to the public exhibition process, eight of which are generally supportive of the intent and purpose of the proposed Local Law.
 - d. The submitters' views have been considered, and none of the issues raised warrant the deferral of the matter, or modification of the proposed Local Law.
2. Authorises the Short Stay Rental Accommodation Local Law to be signed and sealed.
3. Gives notice in the Victoria Government Gazette, and a public notice, of the making of the Short Stay Rental Accommodation Local Law.
4. Sends a copy of the Short Stay Rental Accommodation Local Law to the Minister for Local Government.
5. Reviews the effectiveness or otherwise of the Short Stay Rental Accommodation Local Law, 12 months after its adoption.

Carried Unanimously

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

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

- 11.2 February 2020 Planning & Environment Progress Report;
- 11.3 Town Planning Improvements (Further) Update Report;
- 12.1 Council Resolution Status Update for 30 March 2020;
- 12.2 Councillor Expense Reimbursement Policy and Protocol;
- 12.5 External Committee Minutes for the CEO and Executive Management Team;
- 12.6 Live Streaming and Recordings of Meetings Policy;
- 12.7 Hearing of submissions - Proposed lease of Crown land - Existing telecommunications facility at Lloyd Park;
- 12.8 Policy and Protocol Framework;
- 12.9 Project Management Framework;
- 12.10 Draft Asset Management Strategy (2020 – 2024) – Public Consultation;
- 12.12 Sandhurst Club Asset Transfer Proposal;
- 12.13 Revised Child Safe Policy;
- 12.14 Draft Urban Forest Action Plan;
- 12.15 Frankston Local Shopping Strip Urban Design Review and Plan;
- 12.16 Quarterly Performance Report – Quarter Two – October – December 2019;
- 12.18 Frankston North Education Plan – Lease & Licence;
- 12.19 Progress Update on Work at Nat's Track;
- 13.1 Response to NOM1312 - Unemployment in Frankston - Work Ready Program Progress Report;
- 13.2 Response to 2018/NOM69 – White Street Mall Revitalisation;
- 13.3 Response to 2019/NOM25 – Progress Report on Recycled Water Scheme Projects
- 13.4 Response to 2019/NOM37 – Overport Park Masterplan – Preliminary Consultation Summary;
- 13.5 Response to 2019/NOM49 – Glyphosate Herbicide – Implementation Update on ban;
- 13.6 Response to 2019/NOM63 Free Wi-Fi Zones

Carried Unanimously

11. CONSIDERATION OF TOWN PLANNING REPORTS**11.2 February 2020 Planning & Environment Progress Report**

(SC Communities)

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

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

Carried Unanimously

Note: Refer to Page 16 of the Minutes where this item is block resolved

11.3 Town Planning Improvements (Further) Update Report
(SC Communities)**Council Decision****Moved: Councillor O'Reilly****Seconded: Councillor Toms**

That Council:

1. Receives the Town Planning Improvements (further) Update Report; and
2. Notes the improved on-time performance, and service improvements as outlined in this report.

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Council Resolution Status Update for 30 March 2020**

(BA Chief Financial Office)

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

That Council:

1. Receives the Notices of Motion Report as at 30 March 2020.
2. Receives the Urgent Business Status Update as at 30 March 2020.
3. Notes that one Notice of Motion has been reported as being complete:
 - 2019/NOM64 - Release of Monitor's Report
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:
 - Response to 2019/NOM65 – Cemetery Caretaker Provisions
5. Notes that, since 2020/OM3 on 10 March 2020, 8 resolutions have been completed, as listed in the body of the report.

Carried Unanimously

Note: Refer to Page 16 of the Minutes where this item is block resolved

12.2 Councillor Expense Reimbursement Policy and Protocol

(BA Chief Financial Office)

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

That Council:

1. Endorses the draft Councillor Expense Reimbursement Protocol (Protocol) and Councillor Expense Reimbursement Policy (Policy) to be publicly exhibited for a period of six (6) weeks;
2. Seeks a report back no later than the June 2020 Ordinary Council Meeting to adopt the Policy and Protocol, taking into account any feedback received by the community; and
3. Notes that the reports due back to Council, are subject to any potential delays and impacts associated with Council's response to the COVID-19 pandemic.

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

12.3 Review of S5 Instrument of Delegation to the Chief Executive Officer and Amendment to Exercise of Delegation Policy

(BA Chief Financial Office)

Recommendation (Chief Financial Officer)

That Council:

1. In the exercise of the powers conferred by Section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the S5 - Instrument of Delegation to the Chief Executive Officer as Attachment A to the Agenda, resolves that the powers, duties and functions set out in the Instrument be delegated to the Chief Executive Officer, subject to the conditions/limitations specified in the Instrument of Delegation;
2. Notes the Instruments of Delegation referred to above will:
 - (i) be signed and sealed;
 - (ii) come into force immediately the Common Seal of the Council is affixed to the Instrument; and
 - (iii) remain in force until Council determines to vary or revoke the Instrument.
3. Notes the duties and functions set out in the Instruments of Delegation referred above be performed and the powers, duties and functions set out in the Instrument be executed in accordance with any guidelines or policies of Council that Council may from time to time adopt; and
4. Adopts the amended Exercise of Delegation Policy, which makes reference to emergency situations.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor O'Connor

That Council:

1. Revokes the S5 Instrument of Delegation to the Chief Executive Officer dated 10 July 2017;
2. In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the Instrument of Delegation, resolves that the powers, duties and functions set out in the S5 Instrument of Delegation to the Chief Executive Officer (Attachment A) be delegated to the Chief Executive Officer, subject to the conditions/limitations specified in the Instrument, noting that following clauses 2 have been added under the Conditions/Limitations set out in the Schedule:
 - 2) The conditions and limitations in paragraphs 1.1.10, 1.1.12, 1.1.14 and 1.1.16 do not apply in the event of there being a state of emergency declared under the *Public Health and Wellbeing Act 2008* or state of disaster declared under the *Emergency Management Act 1986*.
 - 3) In the event of there being a state of emergency declared under the *Public Health and Wellbeing Act 2008* or state of disaster declared under the *Emergency Management Act 1986*, the delegate may award a contract exceeding the value of \$500,000 but not exceeding the value of \$2,000,000, exclusive of all taxes, except in the case of renewal of public liability, products liability, work cover premiums, professional indemnity, building and contents insurance policies, as well as tender negotiations on supply of electricity for street lighting or other energy supply contracts and subsequent

Chairperson's initials *S. Mayer*

approval of contracts. The Value of a contract shall be the total contract spent by Council, estimated over the full possible life of the contract, assuming (where relevant) all possible extension options are exercised. In the case of a software (or other on-going) contract without specified latest end dates, it will be assumed that the contract will have a life of seven years.

3. Authorises the Instrument of Delegation to be signed and sealed;
4. Notes that the Instrument of Delegation will:
 - a. come into force immediately the Common Seal of the Council is affixed; and
 - b. remain in force until Council determines to vary or revoke the Instrument.
5. Notes the powers, duties and functions set out in the Instrument of Delegation must be performed and exercised in accordance with any guidelines or policies that Council may from time to time adopt; and
6. Adopts the amended Exercise of Delegation Policy, which makes reference to emergency situations.

Carried Unanimously

12.5 External Committee Minutes for the CEO and Executive Management Team

(BA Chief Financial Office)

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

That Council receives the Minutes of the following external Committees:

- Peninsula Campus Community Advisory Council - 21 November 2019; and
- RAD-FMP Steering Committee - 11 February 2020.

Carried Unanimously

Note: Refer to Page 16 of the Minutes where this item is block resolved

12.6 Live Streaming and Recordings of Meetings Policy

(BA Chief Financial Office)

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

That Council:

1. Notes the Live Streaming and Recordings of Meetings Policy (Policy) was publicly exhibited for a period of six (6) weeks and no written submissions were received;
2. Notes provision has been made within the Policy for Councillor Briefings (Briefings) to be video recorded, in the event Council wishes to record its Briefings;
3. Adopts the Policy; and
4. Notes the public will be encouraged to utilise the availability of live streaming of Council meetings during Council's response to the coronavirus (COVID-19) pandemic.

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

12.7 Hearing of submissions - Proposed lease of Crown land - Existing telecommunications facility at Lloyd Park

(BA Chief Financial Office)

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

That Council:

1. Notes the proposed lease was advertised in accordance with the requirements of sections 190 and 223 of the *Local Government Act 1989*, and that six submissions were received;
2. Notes four people have registered to speak in support of their written submission and have been provided with the option of attending in person or making their verbal submission via the telephone to encourage social distancing; and
3. Notes a further report will be presented to a future Council meeting, to enable Council to formally consider the matters raised in the submissions and make a decision regarding the lease. The date of this meeting is subject to any potential delays and impacts associated with Council's response to the COVID-19 pandemic.

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

12.8 Policy and Protocol Framework

(BA Chief Financial Office)

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

That Council:

1. Notes the Policy and Protocol Framework (Framework) was publicly exhibited for a period of six (6) weeks and no written submissions were received;
2. Adopts the Framework;
3. Notes the Policy and Protocol Guidelines in support of the Framework;
4. Notes officers will develop a diagram to show the alignment of policies and strategies, including any potential gaps, with a report to be provided to Council by July 2020;
5. Notes a Diversity, Access and Inclusion Policy will be developed and presented to Council for in-principle support by July 2020; and
6. Notes the reports due back to Council are subject to any potential delays and impacts associated with Council's response to the COVID-19 pandemic.

Carried Unanimously

Note: Refer to Page 16 of the Minutes where this item is block resolved

Chairperson's initials *S. Mayer*

12.9 Project Management Framework

(LU Infrastructure and Operations)

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

That Council:

1. Reviews the review and update of the Project Management Framework (2020); and
2. Notes the Project Management Framework (2020) will continue to be updated to suit the business requirements to effectively manage and deliver capital and operational projects.

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

12.10 Draft Asset Management Strategy (2020 - 2024) - Public Consultation

(LU Infrastructure and Operations)

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

That Council:

1. Receives the draft Asset Management Strategy (2020-2024);
2. Endorses the commencement of the public consultation process for a period of six (6) weeks between 31 March 2020 and 15 May 2020;
3. Seeks a report back to Council no later than the June 2020 Ordinary Meeting to consider the outcomes of the public consultation and to adopt the updated Asset Management Strategy; and
4. Notes that the further Council report will be subject to any potential delays and impacts associated with Council's response to the COVID-19 pandemic.

Carried Unanimously

Note: Refer to Page 16 of the Minutes where this item is block resolved

12.11 South East Councils Climate Change Alliance (SECCCA) membership

(LU Infrastructure and Operations)

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

That Council:

1. Commits to re-joining the South East Councils Climate Change Alliance (SECCCA) for the next four financial years (2020-21 to 2023-24) through a memorandum of understanding;
2. Commits \$36,500 for the first 12 months membership in the 2020-21 Mid-Year Budget Review and refers funding for future years budget consideration;
3. Participates in SECCCA's Asset Vulnerability Assessment Project and Evidence-based Climate Mitigation Programs – Community Action Planning project, and notes that these projects align with and support Council's climate emergency response; and
4. Nominates the Mayor as the Councillor Representative to SECCCA's Councillor Advisory Group and Cr Toms as the substitute delegate, as per SECCCA's requirements upon joining the Alliance.

Carried Unanimously

12.12 Sandhurst Club Asset Transfer Proposal

(LU Infrastructure and Operations)

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

That Council:

1. Notes the extensive consultation that has been undertaken with representatives from Sandhurst Club and Sandarra Estate Body Corporate since 2017 regarding the asset transfer proposal initiated by Sandhurst Club;
2. Notes the complexities facing Sandarra Body Corporate under the Owners Corporation Act (2006) have culminated in Sandarra's decision not to partake in the current asset transfer proposal at this time;
3. Having considered Sandhurst Club's asset transfer proposal, either:
 - (a) Resolves to support the asset transfer proposal and authorises the Chief Executive Officer to execute the Sandhurst Estate Transfer Deed and Deed of Variation of the Section 173 Agreement (AB688953T) of the Planning and Environment Act (1987) and authorises the common seal to be affixed to both documents; or
 - (b) Resolves to not support the asset transfer proposal; and
4. Endorses the commencement of the Transition Period of three (3) years, effective immediately from the execution of the deed.

Carried Unanimously

Note: Refer to Page 16 of the Minutes where this item is block resolved

Chairperson's initials *S. Mayer*

12.13 Revised Child Safe Policy

(JF Communities)

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

That Council:

1. Notes the Child Safe Policy was publicly exhibited for a period of four (4) weeks and no submissions were received; and
2. Adopts the revised Child Safe Policy.

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

12.14 Draft Urban Forest Action Plan

(SC Communities)

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

That Council:

1. Notes the draft Frankston Urban Forest Action Plan;
2. Endorses the Community Engagement Plan;
3. Notes the results of the consultation and any submissions are expected to be considered at the Council Ordinary Meeting 29 June 2020; and
4. Notes that the further Council report back is subject to any potential delays and impacts associated with Council's response to the COVID-19 pandemic.

Carried Unanimously

Note: Refer to Page 16 of the Minutes where this item is block resolved

12.15 Frankston Local Shopping Strip Urban Design Review and Plan

(SC Communities)

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

That Council:

1. Notes the strategy to develop the Frankston Local Shopping Strip Urban Design Plan;
2. Notes the progress of the development of the Plan;
3. Notes a draft of the Plan will be submitted to Council by July 2020 Ordinary Meeting seeking endorsement of the Community Engagement Plan; and
4. Notes that the further Council report is subject to any potential delays and impacts associated with Council's response to the COVID-19 pandemic.

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

12.16 Quarterly Performance Report - Quarter Two - October - December 2019

(NA Chief Financial Office)

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

That Council receives the Council Plan Quarterly Performance Report for Quarter Two, October 2019 to December 2019 and that it be placed on the Council website.

Carried Unanimously

Note: Refer to Page 16 of the Minutes where this item is block resolved

12.17 Draft 2020-2021 Annual Budget

(NA Chief Financial Office)

Recommendation (Chief Financial Officer)

That Council:

1. Recognises the serious, immediate and long term impacts of COVID-19;
2. Endorses the provision of a \$3.00 million once-off care package to support our community and address the uncertainty associated with the financial cost of responding to the virus in the future. This would be made available from the 2020-2021 financial year and drawn down from Council reserves;
3. Endorses the draft Annual Budget 2020-2021, included in the attached agenda, be the proposed Budget 2020-2021 prepared by Council for the purposes of Section 127(1) of the *Local Government Act 1989*;
4. Endorses the proposed Annual Budget 2020-2021 for public notice and advertising for community consultation from Wednesday 1 April to Monday 4 May, 2020;
5. Endorses the Chief Executive Officer, or such other person that the Chief Executive Officer selects for the purpose of giving effect to this resolution, be authorised to give public notice of the preparation of the proposed Annual Budget 2020-2021 in accordance with Section 129(1) of the *Local Government Act 1989*, noting the dates for public notice are from Wednesday 1 April 2020 to Monday 4 May 2020;
6. Invites submissions on any proposal contained in the proposed Annual Budget 2020-2021 in accordance with 129(2) of the *Local Government Act 1989* and notes that submissions will be considered at a meeting of Council to be held on Wednesday 13 May 2020 at the Civic Centre, Davey Street, Frankston; and
7. Endorses subject to changes to the proposed Annual Budget 2020-2021 after consideration of all submissions, the proposed Annual Budget 2020-2021 be presented for adoption as the Annual Budget 2019-2020, in accordance with Section 130(1) of the *Local Government Act 1989*, at the ordinary meeting of Council to be held on Monday 1 June 2020 at the Civic Centre, Davey Street, Frankston.

Alternate Recommendation

That Council:

1. Reinforces the serious, immediate and long term impacts of COVID-19 and endorses the following community relief opportunities to be introduced immediately and funded from identified savings in the current 2019-2020 financial year:
 - a. Council to not apply any penalty interest for the remainder of the rating year which will be further reviewed over the next rating period;
 - b. Council to suspend any legal action for the recovery of rates for the remainder of the rating year which will be further reviewed over the next rating period; and
 - c. For those operators that have closed and seek to resume business within three months after the emergency lockdown is lifted, provide free food registration and kerbside trading fees.

Chairperson's initials *S. Mayer*

2. Notes that refunds are also currently being provided pro-rata for food registrations and kerbside trading fees subsequent to operators closing, along with the waiving of rent for Council commercial tenants until 30 June 2020.
3. Endorses the provision of a \$3.45 million once-off care package for the 2020-2021 draft Annual Budget to further support our community that would be made available from:
 - a. Council reserves \$3,000,000
 - b. Re-allocation from the operating initiatives totalling \$165,000 listed below:

Volunteer On-line induction programs	\$30,000
Arts Centre Program Marketing	\$50,000
Facility Auditing Officer	\$85,000
 - c. Re-allocation from the capital works program all of the Councillor nominated projects totalling \$285,000 listed below:

Mural – corner of Station Street / Nepean Highway, Seaford	\$30,000
Moon and Fairy Lighting Trial	\$110,000
Construction of footpaths at Spruce St and Mitre Crescent	\$80,000
Minor Planting at plinths	\$5,000
Boulevard Tree Planting	\$50,000
Electric Box Beautification	\$10,000
4. Endorses the draft Annual Budget 2020-2021, included in the attached agenda, be the proposed Budget 2020-2021 prepared by Council for the purposes of Section 127(1) of the Local Government Act 1989;
5. Endorses the proposed Annual Budget 2020-2021 for public notice and advertising for community consultation from Wednesday 1 April to Monday 4 May, 2020;
6. Endorses the Chief Executive Officer, or such other person that the Chief Executive Officer selects for the purpose of giving effect to this resolution, be authorised to give public notice of the preparation of the proposed Annual Budget 2020-2021 in accordance with Section 129(1) of the *Local Government Act* 1989, noting the dates for public notice are from Wednesday 1 April 2020 to Monday 4 May 2020;
7. Invites submissions on any proposal contained in the proposed Annual Budget 2020-2021 in accordance with 129(2) of the *Local Government Act* 1989 and notes that submissions will be considered at a meeting of Council to be held on Wednesday 13 May 2020 at the Civic Centre, Davey Street, Frankston; and
8. Endorses subject to changes to the proposed Annual Budget 2020-2021 after consideration of all submissions, the proposed Annual Budget 2020-2021 be presented for adoption as the Annual Budget 2019-2020, in accordance with Section 130(1) of the *Local Government Act* 1989, at the ordinary meeting of Council to be held on Monday 1 June 2020 at the Civic Centre, Davey Street, Frankston.
9. Notes prior to 1 June 2020, with consultation among Councillors make alterations to the budget as required to suit the Coronavirus impact on our community.

Cr Hampton left the chamber at 8.01 pm

Cr Hampton returned to the chamber at 8.03 pm

Extension of Time

Moved: Councillor McCormack

Seconded: Councillor Toms

That Cr Aitken be granted an extension of time.

Carried Unanimously

Extension of Time

Moved: Councillor Aitken

Seconded: Councillor O'Connor

That Cr McCormack be granted an extension of time.

Carried Unanimously

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

Council Decision

Moved: Councillor McCormack

Seconded: Councillor Toms

That Council:

1. Reinforces the serious, immediate and long term impacts of COVID-19 and endorses the following community relief opportunities to be introduced immediately and funded from identified savings in the current 2019-2020 financial year:
 - a. Council to not apply any penalty interest for the remainder of the rating year which will be further reviewed over the next rating period;
 - b. Council to suspend any legal action for the recovery of rates for the remainder of the rating year which will be further reviewed over the next rating period;
 - c. For those operators that have closed and seek to resume business within three months after the emergency lockdown is lifted, provide free food registration and kerbside trading fees
2. Notes that refunds are also currently being provided pro-rata for food registrations and kerbside trading fees subsequent to operators closing, along with the waiving of rent for Council commercial tenants until 30 June 2020.

Carried Unanimously

Council Decision

Moved: Councillor McCormack

Seconded: Councillor Toms

That Council:

3. Endorses the provision of a \$3.37 million once-off care package for the 2020-2021 draft Annual Budget to further support our community that would be made available from:
 - a. Council reserves \$3,000,000

Carried Unanimously

Chairperson's initials *S. Mayer*

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

That Council:

3. b. Re-allocation from the operating initiatives totalling \$165,000 listed below:

Volunteer On-line induction programs	\$30,000
Arts Centre Program Marketing	\$50,000
Facility Auditing Officer	\$85,000

Carried

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

Against the Motion: Cr Hampton

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

That Council:

3. c. Re-allocation from the capital works program all of the Councillor nominated projects totalling \$285,000 listed below:

i) Mural – corner of Station Street / Nepean Highway, Seaford	\$30,000
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Carried

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

Against the Motion: Cr Hampton

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

That Council:

3. c. Re-allocation from the capital works program all of the Councillor nominated projects totalling \$285,000 listed below:

ii) Moon and Fairy Lighting Trial	\$110,000
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Carried

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

Against the Motion: Cr Hampton

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

That Council:

3. c. Re-allocation from the capital works program all of the Councillor nominated projects totalling \$285,000 listed below:

iii) Construction of footpaths at Spruce St and Mitre Crescent	\$80,000
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Lost

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

That Council:

3. c. Re-allocation from the capital works program all of the Councillor nominated projects totalling \$285,000 listed below:

iv) Minor Planting at plinths \$5,000

Carried

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

Against the Motion: Cr Hampton

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

That Council:

3. c. Re-allocation from the capital works program all of the Councillor nominated projects totalling \$285,000 listed below:

v) Boulevard Tree Planting \$50,000

Carried

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

Against the Motion: Cr Hampton

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

That Council:

3. c. Re-allocation from the capital works program all of the Councillor nominated projects totalling \$285,000 listed below:

vi) Electric Box Beautification \$10,000

Carried

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

Against the Motion: Cr Hampton

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

That Council:

4. Endorses the draft Annual Budget 2020-2021, included in the attached agenda, be the proposed Budget 2020-2021 prepared by Council for the purposes of Section 127(1) of the Local Government Act 1989;
5. Endorses the proposed Annual Budget 2020-2021 for public notice and advertising for community consultation from Wednesday 1 April to Monday 4 May, 2020;

6. Endorses the Chief Executive Officer, or such other person that the Chief Executive Officer selects for the purpose of giving effect to this resolution, be authorised to give public notice of the preparation of the proposed Annual Budget 2020-2021 in accordance with Section 129(1) of the *Local Government Act 1989*, noting the dates for public notice are from Wednesday 1 April 2020 to Monday 4 May 2020;
7. Invites submissions on any proposal contained in the proposed Annual Budget 2020-2021 in accordance with 129(2) of the *Local Government Act 1989* and notes that submissions will be considered at a meeting of Council to be held on Wednesday 13 May 2020 at the Civic Centre, Davey Street, Frankston; and
8. Endorses subject to changes to the proposed Annual Budget 2020-2021 after consideration of all submissions, the proposed Annual Budget 2020-2021 be presented for adoption as the Annual Budget 2019-2020, in accordance with Section 130(1) of the *Local Government Act 1989*, at the ordinary meeting of Council to be held on Monday 1 June 2020 at the Civic Centre, Davey Street, Frankston.
9. Notes prior to 1 June 2020, with consultation among Councillors make alterations to the budget as required to suit the Coronavirus impact on our community.

Carried Unanimously

12.18 Frankston North Education Plan - Lease & Licence

(GK Communities)

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

That Council authorises the execution of a Lease Agreement for space in the Aldercourt Primary School, Frankston North to operate early childhood health and learning services.

Carried Unanimously

Note: Refer to Page 16 of the Minutes where this item is block resolved

12.19 Progress Update on Work at Nat's Track

(CB Communities)

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

That Council:

1. Notes the update to the progress of the works already undertaken to Nat's Track reflecting an investment to date of:
 - \$13,400 for signs and grants by Council; and
 - \$80,000 as a 2020/21 commitment for CCTV on Skye Road.
2. Notes costings of \$87K for solar lighting, landscape beautification work and a further grant contribution in response to resolution 8 resolved by Council at the meeting 18 November 2019; and
3. Notes further to the resolutions resolved at Ordinary Meeting 18 November 2019, additional work has been requested; and subject to Council support refers \$87,000 to the 2020/21 mid-year budget review process for Council consideration of the following:
 - \$25,000 for the installation of 6 solar lights at intervals along Nat's Track;
 - \$50,000 for the landscape beautification works at both ends of Nat's Track; and
 - \$12,000 as a grant contribution towards the memorial artwork installation, in consultation with the Russell family and the golf clubs.

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolvedChairperson's initials *S. Mayer*

13. RESPONSE TO NOTICES OF MOTION**13.1 Response to NOM1312 - Unemployment in Frankston - Work Ready Program Progress Report**

(FB Business Innovation and Culture)

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

That Council:

1. Notes the progress and success of the Work Ready Program; and
2. Notes the employment of an additional trainee from an indigenous background is underway and will bring the total to 5 trainee positions.

Carried Unanimously

Note: Refer to Page 16 of the Minutes where this item is block resolved

13.2 Response to 2018/NOM69 - White Street Mall Revitalisation

(SC Communities)

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

That Council:

1. Notes the various revitalisation strategies developed for White Street Mall;
2. Notes, in January 2020, Vicinity Centres lodged a planning permit application to revitalise 12 Balmoral Walk, including the re-opening of White Street Mall into a proposed open air pedestrian link;
3. Notes Council officers have applied for funding from the Office of Suburban Development (Suburban Revitalisation). If successful, the Department would co-contribute \$100,000 to support the revitalisation of White Street Mall, including a two year place activation program and the development of a permanent public realm infrastructure improvement plan; and
4. Commits \$100,000 to the 2021/22 Capital Program as an initial co-contribution to the revitalisation of White Street Mall.

Carried Unanimously

Note: Refer to Page 16 of the Minutes where this item is block resolved

13.3 Response to 2019/NOM25 - Progress Report on Recycled Water Scheme Projects
(LU Infrastructure and Operations)**Council Decision****Moved: Councillor O'Reilly****Seconded: Councillor Toms**

That Council:

1. Notes the progress to date in response to Notice of Motion 25 – Recycled Water Scheme Projects;
2. Seeks a report be presented back to Council at its Ordinary Meeting in June 2020 to report on the evaluation of the outcomes of Stage 1 Robinsons Road Recycled Water Scheme, findings of the feasibility study and recommendations of future projects;
3. Notes that a provisional allocation of \$50,000 has been included in the draft 2020-21 Capital Works program for the detailed design of the recycled water scheme for Lawton Reserve, should the project be viable; and
4. Notes that the further Council report is subject to any potential delays and impacts associated with Council's response to the COVID-19 pandemic.

Carried Unanimously**Note:** Refer to Page 16 of the Minutes where this item is block resolved

13.4 Response to 2019/NOM37 - Overport Park Masterplan - Preliminary Consultation Summary

(CB Communities)

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

That Council:

1. Notes the summary of first round consultation for updating the Overport Park Master Plan;
2. Supports the proposed Overport Park Masterplan design thematic directions;
3. Endorses continuation of engagement of the community to present the design thematic directions for further input and feedback;
4. Notes the results of the community engagement will be presented to Council for consideration and direction at the Council briefing on 4 May 2020;
5. Notes Council's resolution/s of the Ordinary Meeting 1 June 2020 will inform and guide the completion of the draft Overport Park Masterplan; and
6. Notes the aforementioned resolution(s) are subject to any potential delays and impacts associated with Council's response to the COVID-19 pandemic.

Carried Unanimously

Note: Refer to Page 16 of the Minutes where this item is block resolved

13.5 Response to 2019/NOM49 - Glyphosate Herbicide - Implementation Update on ban

(BH Communities)

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

That Council:

1. Notes the positive and proactive action to implement the glyphosate ban by ceasing use of all herbicides as of 1 January 2020 within high priority sites;
2. Notes advice is being sought from MAV, research institutes and other local government areas to seek alternative weed control methods and smart asset design to reduce requirements for herbicide use;
3. Notes additional operating budget item of \$600,000 beyond the current weed management budget has been included in the draft 2020/21 budget to implement the glyphosate ban through alternative weed control, including both chemical and brush cutting techniques;
4. Endorses the communications of the Glyphosate ban to stakeholders and broader community including relevant State Government agencies and Municipal Association of Victoria (MAV) regarding experiences and feedback from overseas nations that have implemented glyphosate bans;
5. Requires a report to be provided to Council after 12 months of implementation to provide information regarding community feedback, service impacts, budget impacts and new industry developments;
6. Notes that the further Council report is subject to any potential delays and impacts associated with Council's response to the COVID-19 pandemic.
7. Notes the effectiveness and impacts on service standards of alternative methods are not yet clearly understood and that ongoing adaptive refinement of alternative methods and priorities will occur during implementation; and
8. Notes the additional \$600,000 budget provision is an estimate due to the uncertainty of seasonal variations in climatic conditions affecting weed growth and the industry yet to be in a position to quantify costs and effectiveness of glyphosate bans.

Carried Unanimously

Note: Refer to Page 16 of the Minutes where this item is block resolved

Chairperson's initials *S. Mayer*

13.6 Response to 2019/NOM63 - Free Wi-Fi Zones

(DT Business Innovation and Culture)

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

That Council:

1. Notes public Wi-Fi has recently been made available at 15 locations within the municipality for free public use; and
2. Notes that a marketing campaign will be delivered to promote the recently established public Wi-Fi locations and the availability of this Council service.

Carried Unanimously

Note: Refer to Page 16 of the Minutes where this item is block resolved

14. NOTICES OF MOTION

Nil

15. LATE REPORTS

Nil.

16. URGENT BUSINESS

Cr Hampton raised a matter of Urgent Business in relation to the proposed closure of the car parks along the foreshore during COVID-19. After discussions with Councillors and the Chief Executive Officer, it was determined that the matter would be investigated by the Chief Executive Officer, in conjunction with Councillors and Council's Emergency Management Coordination Group, to determine what action will be taken in light of the Stage 3 restrictions that came into effect midnight on Monday 30 March 2020.

17. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor O'Reilly****Seconded: Councillor Toms**

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

C.1 Outcomes of the Audit and Risk Committee meetings

Agenda Item C.1 Outcomes of the Audit and Risk Committee meetings 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 Management approach of the redeveloped Jubilee Park Indoor Sports Stadium

Agenda Item C.2 Management approach of the redeveloped Jubilee Park Indoor Sports Stadium 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 Variation to Kerbside Collection (Waste, Recyclables & Organics) Services Contract 2009/10-1

Agenda Item C.3 Variation to Kerbside Collection (Waste, Recyclables & Organics) Services Contract 2009/10-1 is designated confidential as it relates to contractual matters (s89 2d)

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

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

Against the Motion: Crs Aitken and Hampton

.....
Signed by the CEOChairperson's initials *S. Mayer*

18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS**C.1 Response to Petition: Animals Housed at Warrandyte Road Langwarrin (considered at 2020/OM2 17 February 2020)**

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

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

That Council:

1. Notes the petition tabled at Ordinary Meeting 28 January 2020 of 165 signatures called for immediate action regarding the property at Warrandyte Road Langwarrin and the canines that reside at the property.
2. Notes Officers have written to the head petitioner 14 January 2020 advising them of actions undertaken by Frankston City Council.
3. Resolves to release the recommendation only as part of the public minutes of the next Ordinary Council Meeting.

The motion was put and Carried

C.2 Centenary Park Golf Course - Clublinks Performance 2019 (considered at 2020/OM2 17 February 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 McCormack****Seconded: Councillor Bolam**

That Council:

1. Receives the 2019 performance report of Clublinks following their first calendar year of operation of the management of the Centenary Park Golf Course;
2. Notes that as per the Licence Agreement, Clublinks will provide Council a full and detailed report for the 2019/2020 financial year including a comprehensive performance review of performance targets and standards stipulated in the Licence, and an update on the status of the Centenary Park Golf Course Master Plan.

The motion was put and Carried

C.3 Award of Contract 2019/20-47 - Centenary Park Tennis Pavilion Redevelopment (Considered at 2020/OM2 17 February 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 O'Reilly****Seconded: Councillor Bolam**

That Council:

1. Approves the acceptance of the tender from More Building Group Pty Ltd (ABN 44 614 992 933) for the contract 2019/20-47 – Centenary Park Tennis Pavilion Redevelopment;
2. Authorises the Chief Executive Officer to sign 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.4 Award of Contract 2019/20-25 - RF Miles Pavilion and Precinct Redevelopment (considered at 2020/OM2 17 February 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 O'Reilly****Seconded: Councillor Bolam**

That Council:

1. Approves the acceptance of the tender from Lloyd Group Pty Ltd for the Contract 2019/20-25 – RF Miles Pavilion and Precinct Redevelopment;
2. Authorises the Chief Executive Officer to sign 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 or nominated representative 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.1 Pines Forest Aquatic Centre - Tender Evaluation Group Structure (considered at 2020/OM3 10 March 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'Reilly**

That Council:

1. Notes the Pines Forest Aquatic Centre Tender Evaluation Group Structure.
2. Notes that RSM Australia Pty Ltd has been appointed to provide probity advice pertaining to Contract 2019/20 – 48 Management and Operations of Pines Forest Aquatic Centre.
3. Endorse the tender panel, two (2) Council Officers and two (2) Independent Evaluators on the Tender Evaluation Panel for Contract 2019/20 – 48 Management and Operations of Pines Forest Aquatic Centre. The tender panel being:

Council Officers:

- a. Martin Poole – Manager Commercial Services
- b. Byron Douglas – Recreation Coordinator and Panel Chair

Independent Panel Members:

- c. Warren Green – Managing Director (Warren Green Consulting)
- d. Sara Townsend – Recreation & Events Coordinator (Bayside City Council).

The motion was put and Carried

C.2 Management approach of the redeveloped Jubilee Park Indoor Sports Stadium (considered at this meeting)

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

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

That Council:

1. Notes the management model options for the redeveloped Jubilee Park Stadium;
2. Supports the drafting of a Foundation Agreement that sets usage and asset management expectations for key users at the redeveloped multisport stadium at Jubilee Park;
3. Supports drafting of a 5 to 7 year Lease Agreement with the Frankston District Netball Association (FDNA) for management of the redeveloped multisport stadium at Jubilee Park, which will form part of the foundation agreement; and
4. Notes this resolution will be released as part of the public minutes of this meeting and the report will remain confidential indefinitely.

The motion was put and Carried

Chairperson's initials *S. Mayer*

C.4 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) (d) (h) 'Contractual Matters' and 'Any other matter which the Council or special committee considers would prejudice the Council or any person'.

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

That Council:

1. Notes an assessment of the Ordinary Council Meeting held on 30 March 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. Notes the recommendation will be published as part of the public minutes of this meeting.

The motion was put and Carried

The meeting was closed to the public at 8.42 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, 30 March 2020, confirmed on Monday, 20 April 2020.

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

Dated this

day of

2020

QUESTION TIME

The following Questions With Notice were presented at the Ordinary Meeting 2020/OM3 – 10 March 2020. The submitters were not in the Gallery and the questions and answers were not read during the meeting. The answers were provided separately after the meeting to the submitters. In accordance with the Public Submissions and Question Time Policy, the questions and response(s) are published at the next Ordinary Council Meeting Minutes.

Fay Roth**Question 1**

Which Councillors have read the 5G information books that was deposited in their pigeon holes before Christmas?

Response by Director Business Innovation and Culture

The 5G information books were distributed to Councillors prior to Christmas for their information.

Question 2

Where is the petition requesting a moratorium on 5G?

Response by Director Business Innovation and Culture

A report in response to the petition requesting a moratorium on 5G will be considered by Council at its next Ordinary Meeting on the 30 March 2020.

Question 3

Is the tower that exists at Lloyd Park insured with the public liability insurance whether by the Telco who owns it or the Council?

Response by Chief Financial Officer

The responsibility for insuring the infrastructure installed at Lloyd Park rests with the telecommunications companies who own it.

Sandy Riley**Question 1**

Has Council received a response from Paul Fletcher, Minister of Communications?

Response by Director Business Innovation and Culture

Council has received a response from the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) on behalf of The Hon Paul Fletcher MP dated 25 February 2020.

The response from ARPANSA indicates that they are the Australian Government's primary authority on radiation protection and nuclear safety and they undertake their own research and review relevant scientific research. Current research indicates that there is no established or expected health effects from mobile phones/mobile towers or 5G technology.

ARPANSA continues to research the potential health effects of radio wave emissions to ensure information is accurate and up to date for the Australian Government and the Australian people

Question 2

When is Council going to make the public aware of Frankston's Smart City Plan?

Response by Director Business Innovation and Culture

Council has noted the advantages of being a smart city and is exploring options for how to develop both a localised or collaborative regional approach to developing a smart city strategy. In alignment with this approach, Council has submitted an application to the Federal Government (which was unfortunately unsuccessful). Council will continue to pursue these opportunities.

Question 3

Does the Council have the right to lease or sell Crown Land e.g. Lloyd Park?

Response by Chief Financial Officer

*Yes, Council has the right to lease Crown Land, following receipt of approval from DELWP.
Council cannot sell Crown Land.*

Jenny Smith**Question 1**

Have any of the Council members, the Mayor, the CEO or others on Council payroll been instructed by Government or other sources to help promote the roll out of 5G and Smart Cities?

Response by Director Business Innovation and Culture

No council staff or representatives have been requested to promote the roll out of 5G or any smart city solution from either state or federal governments or other sources

Question 2

Could I please have a letter stating that the long term exposure to 5G is harmless to all living people, animals and trees signed by all Council members (that believe its safe), the Mayor, CEO etc.? (So I can move on)

Response by Director Business Innovation and Culture

Council is not in a position to offer a view and rely on the advice provided by Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). The latest advice received on 25 February 2020 noted that current research indicates that there is no established or expected health effects from mobile phones/mobile towers or 5G technology.

ARPANSA continues to research the potential health effects of radio wave emissions to ensure information is accurate and up-to-date for the Australian Government and the Australian people.

Question 3

Are the people providing information on the dangers of 5G wasting their time asking Council to take their concerns seriously?

Response by Director Business Innovation and Culture

All concerns from our residents are important and considered on their merits in conjunction with the research and information available to Council at the time.