



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE FRANKSTON ARTS CENTRE,
CNR DAVEY AND YOUNG STREETS, FRANKSTON
ON 11 MAY 2020 at 7.00PM**

PRESENT	Cr. Sandra Mayer (Mayor) Cr. Colin Hampton Cr. Michael O'Reilly Cr. Glenn Aitken Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam (via Zoom) Cr. Lillian O'Connor
APOLOGIES:	Cr. Brian Cunial
ABSENT:	Nil.
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Ms. Kim Jaensch, Chief Finance Officer Dr. Gillian Kay, Director Communities Mr. Cam Arullanantham, 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 Ms. Leonie Reints, Manager Community Safety Ms. Sam Jackson, Manager Community Relations Mr. Stuart Caldwell, Acting Manager Planning & Environment Mr. Taylor McVean, Coordinator Communications Ms. Vera Roberts, Executive Assistant to Mayor
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*

PROCEDURAL STATEMENT

The Mayor made the following statement:

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

PRAYER

At the request of the Mayor, Councillor O'Reilly read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor O'Connor 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. OM5 held on 20 April 2020.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor McCormack

That the minutes of the Ordinary Meeting No. OM5 held on 20 April 2020 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Apology

Council Decision

Moved: Councillor Hampton

Seconded: Councillor O'Connor

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

Carried Unanimously

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil

5. PUBLIC QUESTION TIME

There were no questions, With or Without Notice submitted to Council.

6. HEARING OF PUBLIC SUBMISSIONS

Ms. Melanie Lamoureux made a submission to Council regarding Item 11.1: Planning Application 432/2019/P – 159 Nepean Highway Seaford – To construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DD06) and to create and alter access to a Road in a Road Zone Category 1;

Mr. James Burton made a submission to Council regarding Item 11.1: Planning Application 432/2019/P – 159 Nepean Highway Seaford – To construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DD06) and to create and alter access to a Road in a Road Zone Category 1;

Ms. Yvonne Johnson made a submission to Council regarding Item 11.1: Planning Application 432/2019/P – 159 Nepean Highway Seaford – To construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DD06) and to create and alter access to a Road in a Road Zone Category 1.

Councillor Bolam left the meeting at 7.12pm

Councillor Bolam returned to the meeting at 7.14pm

7. ITEMS BROUGHT FORWARD

There were no items brought forward.

8. PRESENTATIONS / AWARDS

Nil

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

10. DELEGATES' REPORTS**General Motion****Council Decision****Moved: Councillor Aitken****Seconded: Councillor Toms**

That the verbal submissions made by the Mayor, Cr Sandra Mayer on the South East Councils Climate Change Alliance – Councillor Advisory Group held on 23 April 2020 and the MAV Mayor Forum held on 5 May 2020 be accepted.

Carried Unanimously

11. CONSIDERATION OF TOWN PLANNING REPORTS

11.1 Planning application 432/2019/P - 159 Nepean Highway Seaford - To construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DDO6) and to create and alter access to a Road in a Road Zone Category 1

(SC Communities)

Recommendation (Director Communities)

That the VCAT and parties to this application be advised that should an application for review not have been lodged under S79 of the Planning and Environment Act 1987 at the Victorian Civil and Administrative Tribunal, Council would have issued a Notice of Decision to Grant a Planning Permit to construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DDO6) and to create and alter access to a Road in a Road Zone Category 1, subject to the following conditions:

Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application but modified to show:
 - (a) The setback of apartment 11 to the south boundary increased so that no part of the floor overhangs the balcony of apartment 6.
 - (b) Provision of a north facing window to the living room of apartments 1 and 8 and any screening if required.
 - (c) Deletion of east facing screening of balconies to apartments 4, 5 and 9.
 - (d) Screening with a maximum transparency of 25% to a height of 1.7 metres on the south side of the balconies to Dwellings 5 and 9.
 - (e) All trees growing on the site and on the adjoining properties within 3m of the boundaries must be clearly illustrated on all relevant plans and in accordance with the Arboricultural Assessment and Construction Impact Assessment Report prepared by DB Horticulture September 2019 to demonstrate canopy width, trunk location and clearly state whether the tree is to be retained or removed.
 - (f) Tree Protection Zones, Structural Root Zones and tree protection fencing for all trees to be retained on all relevant plans.
 - (g) Tree protection conditions noted on all relevant plans in accordance with Condition 5.
 - (h) Materials, finishes and colours schedule in accordance with Condition 4.
 - (i) Landscape plan in accordance with Condition 6
 - (j) A Stormwater Management Strategy detailing all proposed stormwater quality works within the development and drainage outfall from the development to existing SEP at 6 Beckwith Grove site frontage in accordance with Condition 7.
 - (k) Any changes as required by Department of Transport and Condition 20.

No Alterations

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

Prior to Occupation

3. 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.

Materials, finishes and colour schedule

4. Prior to the commencement of building and works, a colour and materials schedule 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. Increased use of lighter colours and materials that are more reflective and sympathetic of the coastal and creek environs should be utilised. When approved, the schedule will form part of the permit.

Tree Protection

5. Before the development starts, including vegetation removal, tree protection for Trees 1, 2, 3, G4 and 5 must be carried out in accordance with the following sections of the Arboricultural Assessment and Construction Impact Assessment Report prepared by DB Horticulture September 2019:
 - Section 10 – Construction Impact Assessment (page 12).
 - Section 11 – Tree Protection Requirements (pages 12 – 13).
 - Section 13 – Tree Protection Plan (page 16).

The tree protection fence must remain in place for the duration of building and works to the satisfaction of the Responsible Authority.

Landscaping

6. Before the commencement of buildings and works, a landscape plan in accordance with the submitted development plan, prepared by a suitably qualified landscape professional must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Any modifications as a result of VicRoads requirements.
 - b) 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 regarding protection methods during construction of retained trees.
 - c) Buildings on neighbouring properties within three metres of the boundary.
 - d) 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.

- e) 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.
- f) A range of plant types from ground covers to large shrubs and trees.
- g) Landscaping and planting within all open areas of the site.
- h) Adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals).
- i) A planting theme of a minimum 20% indigenous and 40% native within each plant group.
- j) All existing environmental weed species are to be removed from the site and environmental and noxious weeds found in the 'Sustainable Gardening in Frankston City' (2015) booklet are not to be planted.
- k) Canopy trees (minimum two metres tall when planted) in the following areas:
 - (i) Two (2) within the front setback with a minimum height of 9.0 metres.
 - (ii) Five (5) along each side boundary and along the rear boundary (fifteen (15) trees total) with a minimum height of 7.0 metres.
- l) 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.
- m) All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use.

Drainage

- 7. 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.
- 8. Stormwater Drainage Outfall is to be constructed to the satisfaction of the responsible authority.
- 9. Stormwater runoff must achieve the following objectives for environmental quality, as set out in the Urban Stormwater Best Practice Environmental Guidelines (CSIRO) 1999.
 - 80% retention of the typical annual load of suspended solids;
 - 45% retention of typical annual load of total phosphorous, and;
 - 45% retention of typical annual load of total nitrogen.Water Quality works within the development must be provided to achieve compliance with the above best practice standards to the satisfaction of the Responsible Authority.
- 10. 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.
11. New vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
12. Existing vehicle crossing shall be removed and reconstructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
13. Prior to occupation of the dwellings hereby permitted by this permit starts, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be:
- a. Constructed to the satisfaction of the Responsible Authority;
 - b. Properly formed to such levels that they can be used in accordance with the plans;
 - c. Surfaced with an all-weather sealcoat; and
 - d. Drained and maintained to the satisfaction of the Responsible Authority.
 - e. Line marked to show the direction in which vehicles are to travel;
 - f. Sign marked identifying the allocation of car spaces; and
 - g. Properly lit.

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

14. 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

15. Prior to the commencement of buildings and works, an amended Waste Management Plan in accordance with Council's Waste Management Guidelines, May 2017 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.
16. All waste generated by the development must be collected by a Private Waste Management Agency to the satisfaction of the responsible authority.

Construction Management Plan

17. 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:

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- 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 acid sulphate soils, vegetation protection, fauna protection, runoff, erosion, dust, litter, noise and light.
- d. Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.
- e. Proposed drainage lines and flow control measures.
- f. Location of all stockpiles and storage of building materials.
- g. Location of parking for site workers and any temporary buildings or facilities.
- h. Details to demonstrate compliance with relevant EPA guidelines.
- i. Target of recycling and re-using a minimum of 80% of construction and demolition waste by weight.
- j. Hours during which construction activity will take place.

Urban Design

18. 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.
19. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

Department of Transport Requirements

20. Prior to the commencement of the development, amended plans must be submitted to VicRoads for approval. Once approved, the plans may be endorsed by the responsible authority and will then become part of the permit. The amended plans shall be generally in accordance with Design Response- Ground Floor Plan Drg No.PA 16022-TP3(2) but modified to show:
 - A crossover that is at least 6.1 metres wide at the property boundary and with the edges of the crossover angled at 60 degrees to the road reserve boundary, at least for the first 3 metres from the edge of the road with 3.0 metre radial turnouts.
21. Prior to the commencement of the use or occupation of the development, all disused or redundant vehicle crossings must be removed, and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to Head, Transport for Victoria.
22. Prior to the occupation of the development a sealed crossover and accessway must be constructed to the satisfaction of the responsible authority and at no cost to Head, Transport for Victoria.
23. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 2017 and any other relevant acts or regulations created under those Acts.

Satisfactorily Completed

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

Permit Expiry

25. This permit will expire if one of the following circumstances applies:
- The development is not started within two years of the date of this permit.
 - The development is not completed within four years of the issued date of this permit.

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

Notes

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. Prior to the commencement of construction the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Frankston City Council's Infrastructure Department.
- C. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed timeframes:
- 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.

Councillor Hampton left the meeting at 7:22 pm.

Councillor Hampton returned to the meeting at 7:25 pm.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Toms

That the VCAT and parties to this application be advised that should an application for review not have been lodged under S79 of the Planning and Environment Act 1987 at the Victorian Civil and Administrative Tribunal, Council would have issued a Notice of Refusal to Grant a Planning Permit to construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DDO6) and to create and alter access to a Road in a Road Zone Category 1, on the following grounds:

1. The proposed development is inconsistent with the objectives of the State and Local Policy Framework of the Frankston Planning Scheme, including:
 - a) Clause 15: Built Environment

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- b) Clause 16: Housing
 - c) Clause 22.08: Neighbourhood Character Policy
2. The proposal does not achieve the objectives of the Neighbourhood Character Policy (Clause 22.08 of the Frankston Planning Scheme), and the objectives of the Seaford 7 Neighbourhood Character Precinct.
 3. The proposal is inconsistent with the objectives and decision guidelines of the Design and Development Overlay Schedule 6.
 4. The siting, mass and bulk of the proposed development will have an unreasonable impact on the amenity of neighbouring properties and character of the area

Carried

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

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

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

- 11.2 March 2020 Planning and Environment Progress Report;
- 12.1 Council Resolution Satus Update for 11 May 2020;
- 12.5 March 202 Quarterly Financial Report;
- 12.6 Capital Works Quarterly Report – Q3 – January – March 2019/20
- 12.7 Six-monthly Report on Council's Greenhouse Gas Emissions, Energy and Water Usage and Costs
- 12.8 Update on Coronavirus (COVID-19) – May 2020
- 12.9 Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions – January, February, March 2020;
- 13.3 Response to 2019/NOM39 – Lighting Frankston
- 13.4 Response to 2019/NOM62 – Hoon Driving

Carried Unanimously

11.2 March 2020 Planning and Environment Progress Report

(SC Communities)

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

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

Carried Unanimously

Note: Refer to Page 13 of the Minutes where this item is block resolved

12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Council Resolution Status Update for 11 May 2020**

(BA Chief Financial Office)

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

That Council:

1. Receives the Notices of Motion Report as at 11 May 2020;
2. Receives the Urgent Business Status Update as at 11 May 2020;
3. Notes three (3) Notice of Motions have been reported as being complete:
 - 2018/NOM6 - Letter to the Minister regarding Level Crossing Removal Projects
 - 2019/NOM8 - Local Law to regulate Short Stay Rental Accommodation
 - 2019/NOM17 - Kananook Rail Stabling Facility
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:
 - Response to 2019/NOM10 - Reforms
 - Response to 2019/NOM65 - Cemetery Caretaker Provisions
 - Response to Urgent Business – Casey City Council Corruption Allegations
 - Accountability and Transparency Reform Update
5. Notes two (2) Notice of Motions listed below have been reopened by Council Officers and a detailed explanation is provided in the body of the report:
 - 2019/NOM29 – Public Art Murals
 - 2019/NOM54 - Mass Tree Planting Program
6. Notes since 2020/OM5 on 20 April 2020, 26 resolutions have been completed, as listed in the body of the report.

Carried Unanimously

Note: Refer to Page 13 of the Minutes where this item is block resolved

Chairperson's initials *S. Mayer*

12.2 Proposed Community Local Law 2020

(BA Chief Financial Office)

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

That Council:

1. Endorses the draft Community Local Law 2020 for commencement of the statutory procedure for the making of a new local law;
2. Gives a notice in the Victoria Government Gazette and a public notice in the Herald Sun of its intention to make the Community 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. Notes that a Community Impact Statement will be available for inspection together with the draft Local Law during the public consultation period;
4. Directs that submissions on this matter will be accepted for a period of six weeks from the date on which the public notice is published, to accommodate impacts associated with the COVID-19 pandemic;
5. Notes that any submissions received will be presented for consideration at a Council meeting, which is expected to be in August 2020;
6. Notes that a report will be presented to a future Council meeting, which is expected to be in September, regarding the outcome of the submissions process, to enable Council to determine whether to adopt the draft Community Local Law 2020; and
7. Notes that the dates of the meetings referred to in paragraphs 5 and 6 of this resolution are subject to any potential delays and impacts associated with Council's response to the COVID-19 pandemic.

Carried Unanimously

12.3 Foreshore Parking Permits 2020*(LR Communities)*

Councillor Bolam left the meeting at 7:58 pm.

Councillor Bolam returned to the meeting at 7:59 pm.

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

That Council:

1. Notes the current Foreshore Parking Permits expire in September 2020;
2. Adopts a "by application" process whereby 2 permits are issued to rate payers and tenants, other than commercial property owners;
3. Notes additional permits can be purchased with a maximum of 5 allocated per property dependant on the amount of vehicles at the property and permits can be applied for online; and
4. Notes names and addresses will be recorded.

Carried

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

Against the Motion: Crs Aitken and Toms

Chairperson's initials *S. Mayer*

12.4 Proposed lease of Crown land - Existing telecommunications facility at Lloyd Park

(BA Chief Financial Office)

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

That Council:

1. Having complied with the requirements of sections 190 and 223 of the *Local Government Act 1989*, and having considered the submissions in respect of the proposed lease of Crown land at Lloyd Park, resolves to enter into the lease renewal for the following reasons:
 - A. The proposed lease will provide renewed tenure for an existing equipment shelter which has been located on the land since 1998 and does not preclude recreational or community use of the Lloyd Park reserve. The proposed lease will provide security of tenure for Optus and allow Council more control over the site;
 - B. Six submissions were received, all of which objected to the proposed lease on the basis of health concerns associated with radiation from existing 5G infrastructure; and
 - C. The submitters' views have been considered, and none of the issues raised warrant a refusal to grant the proposed lease.
2. Authorises the CEO to finalise arrangements for the lease; and
3. Authorises the lease documents to be signed and sealed.

Carried

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

Against the Motion: Crs Aitken and Toms

Abstained: Cr McCormack

Chairperson's initials *S. Mayer*

12.5 March 2020 Quarterly Financial Report

(NA Chief Financial Office)

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

That Council receives and notes the Council Financial Report for the quarter ended 31 March 2020.

Carried Unanimously

Note: Refer to Page 13 of the Minutes where this item is block resolved

12.6 Capital Works Quarterly Report - Q3 - January - March 2019/20

(LU Infrastructure and Operations)

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

That Council receives and notes the quarterly progress report for the third quarter (January 2020 to March 2020) of the 2019/20 Capital Works Program.

Carried Unanimously

Note: Refer to Page 13 of the Minutes where this item is block resolved

12.7 Six-monthly Report on Council's Greenhouse Gas Emissions, Energy and Water Usage and Costs

(LU Infrastructure and Operations)

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

That Council:

1. Receives the six-monthly progress report on the organisation's greenhouse gas emissions, energy and water usage and costs for July to December 2019;
2. Notes that between July to December 2019 (Quarters 1 and 2):
 - a) Council's electricity usage increased by 6.4%, whilst natural gas usage and water usage decreased by 8% and 23.9% respectively, when compared to the same period in 2018;
 - b) Council's total cost of utilities (electricity, natural gas and water) increased by 3% (cost of \$46,307), when compared to the same period in 2018;
 - c) Council's greenhouse gas emissions increased by 4%, predominantly due to the Peninsula Aquatic Recreation Centre.
3. Notes that further work is planned in the 2020/21 Capital Works Program to complete the technical design and approvals for solar power for the Peninsula Aquatic Recreation Centre, plus continue the implementation of energy efficiency works on Council assets, as per Council's Towards Zero Emissions Plan (2019-2023) and Long Term Infrastructure Plan.

Carried Unanimously

Note: Refer to Page 13 of the Minutes where this item is block resolved

12.8 Update on Coronavirus (COVID-19) - May 2020

(PC Chief Executive Office)

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

That Council:

1. Notes this report that outlines its response to the impacts of the Coronavirus (COVID-19); and
2. Notes that an update will be provided to each Council meeting for the foreseeable future during this Pandemic.

Carried Unanimously**Note:** Refer to Page 13 of the Minutes where this item is block resolved

**12.9 Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions -
January, February, March 2020**

(KL Communities)

Council Decision**Moved: Councillor O'Connor****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 January to 31 March 2020;
 - a) Miscellaneous Grants Program (\$7,503);
 - 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); and
 - f) Urgent Grants \$0 (No applications).
2. Notes that \$2,737 was re-allocated from under-expended funds within the Urgent Grants category of the 2019/20 FY Miscellaneous Grants Program to support grant applications within the general Miscellaneous Grants Program;
3. Notes that \$1,500 was re-allocated from under-expended funds within the Youth Action Grants category of the 2019/20 FY Miscellaneous Grants Program to the Rotary Club of Frankston Sunrise 2020 Charity Golf Day;
4. Notes that the 2019/20 Miscellaneous Grants Program has underspent funds of \$24,513 and approves re-purposing the program in response to the impact and recovery of COVID-19; and
5. Notes year to date community concessions and discounts in the Frankston Arts Centre for the 2019-2020 financial year is \$208,088.

Carried Unanimously

Note: Refer to Page 13 of the Minutes where this item is block resolved

Chairperson's initials *S. Mayer*

12.10 Draft Reconciliation Action Plan 2020-2022

(KL Communities)

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

That Council:

1. Notes the draft Reconciliation Action Plan 2020-2022 will be placed on public exhibition for a period of 6 weeks following this meeting.
2. Notes a report reflecting submissions and any draft amendment will be submitted to the July 2020 Ordinary Meeting; and
3. Notes that the report back is subject to any potential delays and impacts associated with Council's response to the COVID-19 pandemic.

Carried Unanimously

12.11 Frankston City Council COVID-19 Relief and Recovery Package

(SJ Business Innovation and Culture)

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

That Council:

1. Endorses the COVID-19 Relief and Recovery Package (Package), comprising of:
 - a. Identified priority areas (supported individuals, connected community and economy & employment); and
 - b. Identified projects that could be delivered in the short, medium and/or long term.
2. Notes the total value of the Package amounts to \$6.434 million and commits an increase of \$3.064 million as identified over the current \$3.37 million funding announced as part of the proposed 2020-2021 Annual Budget;
3. Endorses the deferral of the following capital works projects to offset some of the costs of delivering the Package in 2020-2021, valued at \$713,000:
 - a. Young Street Public Toilet - \$300,000 (deferred from 2020-2021)
 - b. Boulevard Tree planting - \$205,000 (deferred from 2020-2021)
 - c. Belvedere Community Centre - \$100,000 (identified as saving from 2020-2021)
 - d. Upgrade of lighting within the Frankston Visitor Information Centre - \$20,000 (deferred from 2020-2021)
 - e. Upgrade of the Visitor Information Centre signage to incorporate variable LED messaging - \$20,000 (deferred from 2020-2021)
 - f. Building Upgrade – Frankston Visitor Information Centre - \$41,000 (deferred from 2020-2021)
 - g. Mountain Bike Track Design and Construction at Overport Park - \$27,000 (total project cost reduced to \$223,000 without impact)
4. Notes that the funding allocations identified in this Package are ‘one-off’ contributions that will not extend beyond the 2020-2021 financial year;
5. Notes the governance framework that has been established to ensure there is accountability and transparency in the delivery of the Package;
6. Notes that the description of **Item 38 – Miscellaneous fee waivers** should read “Full waiver of the Council component only of the following fees during the 2020-2021 financial year”;
7. Notes that the Package has been developed on the basis of the understanding of current social distancing restrictions and expectations for the gradual removal of these during 2020, and should circumstances change in relation to the impacts of COVID-19, the Package may need to be reviewed.

Carried UnanimouslyChairperson's initials *S. Mayer*

13. RESPONSE TO NOTICES OF MOTION**13.1 Response to NOM1361 - Seaford Substation**

(VG Infrastructure and Operations)

Recommendation (Director Infrastructure and Operations)

That Council:

1. Notes the plan for the proposed improvement works to the Seaford Substation;
2. Notes the outcome of recent discussions with Metro and VicTrack regarding improvements to the Seaford Substation;
3. Notes that Metro has included Seaford Substation in its new ongoing corridor based graffiti removal program and removed more than 750 square metres of graffiti from the building in May 2019; and
4. Notes responses received from office of Minister for Public Transport, Hon Melissa Horne MP and State Member for Carrum District, Sonya Kilkenny MP.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor O'Reilly

That Council:

1. Notes the plan for the proposed improvement works to the Seaford Substation;
2. Notes the outcome of recent discussions with Metro and VicTrack regarding improvements to the Seaford Substation;
3. Notes that Metro has included Seaford Substation in its new ongoing corridor based graffiti removal program and removed more than 750 square metres of graffiti from the building in May 2019; and
4. Notes responses received from office of Minister for Public Transport, Hon Melissa Horne MP and State Member for Carrum District, Sonya Kilkenny MP.
5. Notes a copy of this report, and a response required in relation to the maintenance impasse be provided to and from State Member for Carrum District, Sonya Kilkenny MP.
6. Requests that the CEO formally congratulates relevant staff for the designs/drawings for the proposed revamp of the Seaford Substation.

Carried Unanimously

13.2 Response to 2018/NOM31 - Improvements to the Planning Process - Establishing a Frankston Native Vegetation Offsets Program

(SC Communities)

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

That Council:

1. Notes the Business Case in response to item 6 of 2018/NOM31 and;
2. Approves Option 3 of the Business Case to 'Establish a Council operated Native Vegetation Offset Program through the registration of Studio Park and Witternberg Bushland Reserves as Native Vegetation Offset sites with sale of credits available for internal permit holders only'.

Carried Unanimously

13.3 Response to 2019/NOM39 - Lighting Frankston

(SC Communities)

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

That Council:

1. Notes progress on the development of the Lighting Frankston Action Plan;
2. Supports a Draft Lighting Frankston Action Plan being submitted to the Council Ordinary Meeting 31 August 2020; and
3. Notes that the timing of the report is subject to any potential delays and impacts associated with Councils response to the COVID-19 pandemic.

Carried Unanimously

Note: Refer to Page 13 of the Minutes where this item is block resolved

13.4 Response to 2019/NOM62 - Hoon Driving

(LR Communities)

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

That Council:

1. Notes Hume City Council and Victoria Police do not recommend the use of coarse spray seal to reduce hoon driving;
2. Notes hoon driving is governed by legislation administered by Victoria Police who do not support a bounty type program to identify hoon drivers;
3. Endorses a strong media campaign encouraging residents to report hoon driving to Crime Stoppers; and
4. Continues to utilise existing CCTV equipment to support Police investigations where requested.

Carried Unanimously**Note:** Refer to Page 13 of the Minutes where this item is block resolved

14. NOTICES OF MOTION

Nil

15. LATE REPORTS

Nil

16. URGENT BUSINESS

Nil

Chairperson's initials *S. Mayer*

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

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

C.1 Award of Contract - 2019/20 - 68 Clyde Street Mall Streetscape Improvement Works

Agenda Item C.1 Award of Contract - 2019/20 - 68 Clyde Street Mall Streetscape Improvement Works is designated confidential as it relates to contractual matters (s89 2d)

C.2 Award of Contract - 2019/20 - 64 Station Street Mall Stage 2 Streetscape Improvement Works

Agenda Item C.2 Award of Contract - 2019/20 - 64 Station Street Mall Stage 2 Streetscape Improvement Works is designated confidential as it relates to contractual matters (s89 2d)

C.3 Belvedere Precinct (formerly Linen House) - Release of Confidential Resolution

Agenda Item C.3 Belvedere Precinct (formerly Linen House) - Release of Confidential Resolution is designated confidential as it relates to contractual matters (s89 2d)

C.4 Accommodation of Strategic Groups at the Belvedere Precinct Facility (Former Linen House)

Agenda Item C.4 Accommodation of Strategic Groups at the Belvedere Precinct Facility (Former Linen House) is designated confidential as it relates to proposed developments (s89 2e)

C.5 Peninsula Leisure P/L - Financial Sustainability Impacts from COVID-19

Agenda Item C.5 Peninsula Leisure P/L - Financial Sustainability Impacts from COVID-19 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

18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS**C.2 Sandhurst and Sandarra Estates - Asset Condition Audit and Investigation (considered at 2018/OM7 - 4 June 2018)**

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 Mayer****Seconded: Councillor Aitken**

That Council:

1. Commits undertaking further investigations to assess road and drainage infrastructure that will better understand the lifecycle implications associated with the infrastructure subject to a proposed handover by the Sandhurst and Sandarra Estates.
2. Allocates the funding required to undertake these further investigations as part of the 2018/19 budget,
3. Notes that this recommendation remains confidential until Council has had the opportunity to consider the results of the audit.

The motion was put and Carried

C.4 Frankston North Education Plan (considered at 2019/OM8 - 1 July 2019)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (a) 'Personnel Matters' and (c) 'Industrial Matters'

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

That Council:

1. Supports Option 2 to sign licence agreement with SBA to operate the new Early Learning Centre (ELC) at Aldercourt Primary School in addition to Mahogany Rise ELC (99 and 84 place facilities respectively) subject to:
 - a) Delaying the ELC services at Aldercourt Primary School but instead running small scale Council programs e.g. supported playgroups and story times sessions and progress incrementally if evidence supports.
 - b) Working with the Colman Foundation as they undertake a 12 month consultation period with the community to clarify what services the community is looking for.
 - c) Undertaking a further review of ELC services demand in 12 months' time and make a judgement of whether to remain in the service or outsource to a third party not for profit provider; and
 - d) Seeking additional funding support to operate additional supported playgroups in Frankston North to engage more parents and children 0 – 3 years of age to increase demand and improve enrolments in kindergarten
2. Notes Council officers have provided community needs /service demand requirements to DET to support DET and the Colman Foundation in the development of their plans.
3. Notes DET requires Council's decision by 1 July 2019.

4. Approves the report recommendations only be advised immediately following the Ordinary Council Meeting 1 July to the Regional Director DET and Local Area Executive Director DET for their information.

The motion was put and Carried

C.5 Response to NOM1377 - McClelland Gallery Interconnectedness and Peninsula Link (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) (e) 'Proposed Developments'.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Council:

1. Notes progress of discussions between Frankston Arts Board, Council officers and McClelland Sculpture Park and Gallery related to improving the interconnectedness of McClelland with the city are regularly reported through the Frankston Arts Board recommendations and minutes to Council. The ongoing discussions identify both challenges and opportunities going forward as outlined in the report
2. Notes officers have negotiated the installation of 'Reflective Lullaby' in the city at the conclusion of its placement on Penlink.
3. Notes Penlink sculptures are selected through a pre-existing and formal commercial arrangement (concluding 2036), precluding the possibility for Council to be represented on this panel. Discussions continue with respect to a FAB member joining an advisory panel of a new roads/sculpture project.
4. Notes Council noted the costs of installing gateway sculptures at 2018/OM15 and in addition Council also resolved not to pursue the banner poles on Peninsula Link at the same meeting.
5. Notes progress of the sculpture commission for Eel Race Road gateway entrance and refers up to \$300k in the 2020/2021 annual budget for the Eel Race Road / Nepean Highway 'Beacon' public art piece on the proviso that LXRA fund the installation of the plinth before the adoption of the 2020/21 budget.
6. Projected digital art at the Frankston Railway Station has been proposed as an alternative to sculpture due to spatial limitations
7. Notes in relation to a NOM proposed sculpture, landscaping plans for White Street mall are yet to be determined by Council
8. Notes Council at its OM 23 September endorsed (subject to budget) leased sculptures for Frankston Dandenong Road, the Pines Pool, Cranbourne Road/ Beach Street intersection, Library Forecourt, Baxter Street.
9. The recommendation be released at the next Ordinary Meeting minutes in December 2019.

The motion was put and Carried

C.6 Award of Fuel Contract - Procurement Australia Contract Number: 2206-0108 (considered at 2020/OM5 - 20 April 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 O'Connor**

That Council:

1. Approves the acceptance of the tender from Procurement Australia for the supply of fuel at retail outlets for Council vehicles at 360,000 combined fuel litres using the FleetCor Multi Brand Card;
2. Authorises the Chief Executive Officer to award the contract; and
3. Releases the resolution (without commercially sensitive information) only when contracts have been signed.

The motion was put and Carried

C.2 Frankston Health and Wellbeing Hub - Expression of Interest (EOI) update (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'.

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 Bolam**

1. Notes the list of submitters for Stage 1 of the Frankston Health and Wellbeing Hub future occupancy- Expression of Interest (EOI) process.
2. Determines a change of policy to utilise Council land holdings at Belvedere Reserve to accommodate strategic priority groups, thereby resolving to discontinue the EOI process on the basis of being satisfied with the submissions received for Stage 1 and in an effort to both reduce costs and gain maximum community benefit as soon as practicable.
3. Recognises the St Kilda Football Club's assistance with the EOI process, their submission and the need to work collaboratively with respect to the future of Belvedere Reserve.
4. Requests a preliminary report be returned to Council in May 2020 outlining the relevant possibilities, issues and costs with potential occupants, to enable a decision as to occupancy to be made at a later date.

The motion was put and Carried

Council Decision

5. In response to the request for fee relief from St Kilda for the maintenance fee of the oval, halves the fees that are owed (\$19,657).

The motion was put and Carried

C.3 Variation to Kerbside Collection (Waste, Recyclables & Organics) Services Contract 2009/10-1 (considered at 2020/OM4 - 30 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 O'Reilly****Seconded: Councillor McCormack**

That Council:

1. Approves the contract variation from 16 December 2019;
2. Authorises the CEO to execute the Deed of Variation and Commitment Notice with Solo Resource Recovery; and
3. Authorises the recommendation (without commercially sensitive information) be released by the next open meeting of Council following signing of the Contract.

The motion was put and Carried

C.4 Accommodation of Strategic Groups at the Belvedere Precinct Facility (Former Linen House) (considered at this meeting)

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

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

That Council:

1. Endorses Belvedere Community Centre as a strategic priority group with regard to the Belvedere Precinct Facility;
2. Notes Bayside Gymnastics' was identified as a priority group however, spatial requirements cannot be adequately met by the Belvedere Precinct Facility, and there is potential conflict with other users of the gym hall;
3. Re-appoints Cr Hampton and Cr McCormack as Councillor representatives on the Council delegation to negotiate with St Kilda Football Club in relation to a revised lease/licence to reflect the changes associated with the future shared use of the Belvedere Precinct Facility;
4. Approves the engagement of relevant stakeholders in the development of designs, cost estimates and potential management models to accommodate Belvedere Community Centre at the Belvedere Precinct Facility, noting there is \$250K included in the 20/21 capital budget;
5. Approves further investigation into the potential for other complementary services/groups to also operate at the site once the agreements are established with Belvedere Community Centre and St Kilda Football Club (which are to be ratified by Council).

The motion was put and Carried

C.5 Peninsula Leisure P/L - Financial Sustainability Impacts from COVID-19 (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 Hampton****Seconded: Councillor O'Reilly**

That Council:

Chairperson's initials *S. Mayer*

1. Notes the request from Peninsula Leisure Pty Ltd (PL) for Council to provide a cash injection to address the financial impacts of COVID-19 on its ongoing financial sustainability;
2. Commits the upfront funding of \$679,834 paid immediately to PL and authorises the Chief Executive Officer to make the necessary adjustments to the current 2019-2020 Annual Budget;
3. Commits a further provision of up to \$2,041,328 in the 2020-2021 Annual Budget that would be processed quarterly, after proper assessment and acquittal, under arrangements to be worked through between PL and Council;
4. Allocates these funds in the capped amount of \$2,721,162 to be sourced from Council's PARC Asset Management Reserve;
5. Notes that the disbursement of any funds in the 2020/21 financial year is subject to a further report to Council that authorises a mechanism that would have the effect of returning the funds to Council with interest;

The motion was put and Carried

C.6 Debrief of Ordinary Council Meeting (Considered at this meeting, 2020/OM6 11 May 2020)

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 O'Reilly

Seconded: Councillor Toms

That Council:

1. Notes an assessment of the Ordinary Council Meeting held on 11 May 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 8.37 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 11 May 2020 confirmed on Monday 1 June 2020.

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

Dated this

day of

2020