



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD FRANKSTON ARTS CENTRE, DAVEY STREET, FRANKSTON  
ON 1 JUNE 2020 at 7.00PM**

PRESENT	Cr. Sandra Mayer (Mayor) Cr. Colin Hampton (by Zoom) Cr. Michael O'Reilly Cr. Glenn Aitken Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam (by Zoom) Cr. Lillian O'Connor
APOLOGIES:	Cr. Brian Cunial
ABSENT:	Nil.
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Ms. Kim Jaensch, Chief Financial Officer Dr. Gillian Kay, Director Communities Mr. Cam Arullanantham, Director Infrastructure and Operations Ms. Shweta Babbar, Director Business Innovation and Culture Ms. Brianna Alcock, Manager Governance and Information Mr. Doug Dickins, Manager Engineering Services Ms. Michelle Tipton, Coordinator Governance Mr. Stuart Caldwell, Acting Manager Planning & Environment Ms. Vera Roberts, Executive Assistant to Chief Financial Officer Ms. Sarah Pye, Acting Coordinator Communications Mr. Lucas Dawe, Systems Support Officer Mr. Rhys Parson, Frankston Arts Centre Tech Support Mr. Glenn Parry, Frankston Arts Centre Tech Support Mr. Simon Thompson, Frankston Arts Centre Tech Support
EXTERNAL REPRESENTATIVES:	Dan Thorne (Orange Elephant Productions) James Bertschik (Orange Elephant Productions)

**PROCEDURAL STATEMENT**

The Mayor made the following statement:

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

Chairperson's initials *S. Mayer*

**COUNCILLOR STATEMENT**

Councillor 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.”*

**PRAYER**

At the request of the Mayor, Councillor O’Connor read the Opening Prayer.

**ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

<b>1. PRESENTATION TO COMMUNITY GROUPS.....</b>	<b>3</b>
1.1 Belvedere Community Centre Award of Appreciation.....	3
<b>2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....</b>	<b>3</b>
Ordinary Meeting No. OM6 held on 11 May 2020 and Special Meeting No. SP1 held on 13 May 2020.....	3
<b>3. APOLOGIES.....</b>	<b>3</b>
<b>4. PUBLIC QUESTION TIME.....</b>	<b>3</b>
<b>5. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST .....</b>	<b>3</b>
<b>6. HEARING OF PUBLIC SUBMISSIONS .....</b>	<b>3</b>
<b>7. ITEMS BROUGHT FORWARD .....</b>	<b>4</b>
<b>8. PRESENTATIONS / AWARDS.....</b>	<b>4</b>
<b>9. PRESENTATION OF PETITIONS AND JOINT LETTERS.....</b>	<b>4</b>
<b>ITEMS BROUGHT FORWARD.....</b>	<b>5</b>
12.12 Further Community Consultation for Sweetwater Precinct Local Area Traffic Management Study .....	5
12.15 Adoption of Annual Budget 2020-2021 .....	6
<b>10. DELEGATES' REPORTS.....</b>	<b>11</b>
10.1 Delegate Report by the Mayor, Deputy Mayor, Cr Aitken and Cr Toms - Councillor Transition and Induction Refresher Training Learning Outcome .....	11
<b>11. CONSIDERATION OF TOWN PLANNING REPORTS .....</b>	<b>12</b>
11.1 Planning Application No.2/2020/S173 - 435 North Road Langwarrin - To amend the Section 173 Agreement AM 926223Q which affects lot 3 of Plan of Subdivision 649845X. ....	12
11.2 April 2020 Planning and Environment Progress Report .....	13
<b>12. CONSIDERATION OF REPORTS OF OFFICERS.....</b>	<b>14</b>
12.1 Council Resolution Status Update for 1 June 2020 .....	14
12.2 Record of Assemblies of Councillors .....	15
12.3 Review of S5 Instrument of Delegation to the Chief Executive Officer pursuant to commencement of new Local Government Act 2020 .....	16
12.4 Minutes of Committee meetings represented by a Councillor Delegate .....	17

12.5	Confirmation of Minutes for Frankston Cemetery Trust held on 20 April 2020 .....	18
12.6	Process for Councillor requests to conduct internal audit reviews.....	19
12.7	Amendment to Public Submissions and Question Time Policy.....	20
12.8	Draft Public Interest Disclosure Policy .....	21
12.9	Draft protocols to guide processes for involving Members of Parliament in Council functions .....	22
12.10	Update on Coronavirus (COVID-19) - June 2020 .....	23
12.11	Quarterly Performance Report - Quarter Three - January – March 2020 .....	24
12.13	Sculpture Program - COVID19 .....	25
12.14	Response to Petition in relation to the potential harm to human and environmental health by 5G technology.....	26
<b>13.</b>	<b>RESPONSE TO NOTICES OF MOTION .....</b>	<b>27</b>
	Nil	
<b>14.</b>	<b>NOTICES OF MOTION .....</b>	<b>28</b>
14.1	2020/NOM13 - Make Australia Great Again .....	28
<b>15.</b>	<b>LATE REPORTS .....</b>	<b>29</b>
15.1	Adoption of additional Council Meeting Date .....	29
<b>16.</b>	<b>URGENT BUSINESS.....</b>	<b>30</b>
<b>17.</b>	<b>CONFIDENTIAL ITEMS .....</b>	<b>31</b>
C.1	Frankston Charitable Fund Grants FY 2019/20 .....	31
C.2	Debrief of Ordinary Council Meeting.....	31
<b>18.</b>	<b>OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS .....</b>	<b>32</b>
C.1	Award of Contract - 2019/20 - 68 Clyde Street Mall Streetscape Improvement Works (considered at 2020/OM6 11 May 2020) .....	32
C.2	Award of Contract - 2019/20 - 64 Station Street Mall Stage 2 Streetscape Improvement Works (considered at 2020/OM6 11 May 2020).....	32
C.2	Debrief of Ordinary Council Meeting (considered at this meeting).....	33

**1. PRESENTATION TO COMMUNITY GROUPS****1.1 Belvedere Community Centre Award of Appreciation**

The Mayor presented a certificate of appreciation to the Belvedere Community Centre for their tireless service to the Belvedere/Seaford areas through its many activities and continued support of community members.

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

Ordinary Meeting No. OM6 held on 11 May 2020 and Special Meeting No. SP1 held on 13 May 2020.

**Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor O'Connor**

That the minutes of the Ordinary Meeting No. OM6 held on 11 May 2020 and Special Meeting No. SP1 held on 13 May 2020 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

**Carried Unanimously**

**3. APOLOGIES****Council Decision**

**Moved: Councillor O'Connor**

**Seconded: Councillor O'Reilly**

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

**Carried Unanimously**

**4. PUBLIC QUESTION TIME**

One (1) person submitted questions to Council. Due to the COVID-19 pandemic, the questions will not be read out during the meeting but a separate response will be responded to separately. The questions and response will be included in the next Ordinary Council meeting minutes.

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

Nil

**6. HEARING OF PUBLIC SUBMISSIONS**

Mr. Peter Anscombe made a submission to Council regarding Item 12.12: Further Community Consultation for Sweetwater Precinct Local Area Traffic Management Study;

Mr. Michael Crowder made a submission to Council regarding Item 12.15: Adoption of the Annual Budget.

**7. ITEMS BROUGHT FORWARD**

Items Brought Forward

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor O'Connor**

That Item 12.12: Further Community Consultation for Sweetwater Precinct Local Area Traffic Management Study and Item 12.15: Adoption of the Annual Budget be brought forward.

**Carried Unanimously**

**8. PRESENTATIONS / AWARDS**

Nil

**9. PRESENTATION OF PETITIONS AND JOINT LETTERS**

Nil.

**ITEMS BROUGHT FORWARD****12.12 Further Community Consultation for Sweetwater Precinct Local Area Traffic Management Study**

*(DD Infrastructure and Operations)*

**Recommendation (Director Infrastructure and Operations)**

That Council:

1. Notes the results and summary of further community consultation carried out between 27 February 2020 and 20 March 2020 regarding the Sweetwater Precinct Local Area Traffic Management (LATM) Plan;
2. Adopts the revised LATM treatments for the Sweetwater Precinct as detailed in Sweetwater Precinct Revised LATM Plan - May 2020;
3. Notes total budget of \$806,000 allocated in the draft 2020/21 Capital Works Program which includes external funding of \$250,000 to implement the treatments as per the Revised LATM Plan;
4. Supports monitoring traffic speeds and behaviour for a period of 12 months after its implementation; and
5. Continues to promote the use of Crime Stoppers as an effective tool to reduce incidents of irresponsible and anti-social driving behaviour in the precinct.

**Deferral Motion to another Council Meeting**

**Moved: Councillor Hampton**

**Seconded: Councillor Bolam**

That the matter be deferred to the 29 June 2020 Ordinary Meeting.

**Carried**

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

Against the Motion: Crs O'Reilly and Toms

**12.15 Adoption of Annual Budget 2020-2021***(NA Chief Financial Office)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That Council:

Adopts the 2020-21 Annual Budget as publicly displayed subject to the following amendments as outlined below:

**1. Adoption of the Annual Budget 2020-2021****1.1 Public Budget Submissions**

Having complied with the requirements of the *Local Government Act* (1989), and having considered, at a Special Meeting held on 13 May 2020, ten (10) written and seven (7) verbal submissions received on the proposed 2020-2021 Annual Budget resolves to adopt the budget with the following amendments.

The following capital works amendments total \$135,000 as follows:

- Allocate \$50,000 towards the concept design and planning for the refurbishment of courts and lighting at Carrum Downs Tennis Club;
- Provide \$50,000 towards the concept design and planning for the redevelopment of the Ballam Park Athletics Pavilion; and
- Provide \$35,000 towards the shared pathway on Stott's Lane from Golf Links Road to Escarpment Drive.

If Council endorses these allocations, the CEO will find savings from the Annual Budget 2020-2021 to fund these items to re-establish the accounting result to \$9.818 million surplus and an accumulated cash result of \$500,000.

Submitters are to be advised in writing of its decision in relation to their submissions on the proposed Annual Budget 2020-2021.

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

At the 30 March 2020 Ordinary Meeting, Council endorsed the provision of a \$3.37 million once-off care package for the 2020-2021 draft Annual Budget to further support our community. During the consultation period, Council endorsed at its 11 May 2020 Ordinary Meeting the total value of the Package amounts to \$6.434 million, an increase of \$3.064 million. The addition funding was sourced from the deferral of the following capital works projects:

<b>Additional funding required to deliver the Package</b>	<b>2020/21 Budget Impact</b>	<b>Amount</b>
Redeployment of existing staff	No	\$ 1,680,000
Re-purposed grants	No	\$ 395,000
Capital Works Projects	Yes	\$ 989,000

**1.3 Peninsula Leisure P/L**

Due to the impacts of the pandemic on the operations of Peninsula Leisure, Council will provide financial support to the company to ensure its ability to remain financial viable and be in a position to re-open and provide aquatic services to the community when allowed. This will involve a payment of \$679,834 in the 2019-2020 financial year with a further provision of \$2,041,328 in the 2020-2021 Annual Budget.

Both payments will be made from the PARC Asset Management Reserve fund with no impact on Councils overall 2020-2021 Annual Budget.

**1.4 Financial impacts for Frankston City Council due to COVID-19**

Outside of the points raised in sections 1.2 and 1.3 above, the COVID-19 pandemic has had several other impacts on Council's proposed 2020-2021 Annual Budget which has resulted in changes to the advertised budget in both

Chairperson's initials *S. Mayer*



revenue expectations and expenditure proposed. These are outlined in detail in the body of this report.

### **1.5 Changes in the proposed rate in the dollar and waste service charges**

Since the point at which Council endorsed in principle the 2020-2021 Annual Budget for the purposes of public consultation, Council has been advised by the Valuer-General of minor movements in the 2020 Council revaluation. In order for Council to comply with rate capping legislation and ensure that Council rate revenue does not increase by more than the rate cap of 2.00 per cent, this has resulted in minor changes to the rates in the dollar (refer to 2.2 of the recommendation). These changes are not material in nature.

Council has further been advised that the proposed increase in the Victoria Government landfill levy have been deferred until 1 January 2021 which has resulted in the proposed waste charges being lower (refer to 2.6 of the recommendation) than what was included in the advertised Budget.

## **2. Declaration of Rates and Charges**

Declares the following rates and charges:

An amount of \$130,276,154 (or such other amount as is lawfully raised as a consequence of this Resolution) be declared as the amount which Council intends to raise by general rates and the annual service charge (described later in this Resolution), which amount is calculated as follows:

General Rates(1)	\$91,671,956
Annual Service Charges	\$38,604,198

(1) excludes supplementary rates and rate waiver

### **2.1 General Rates**

2.1.1 A general rate be declared in respect of the 2020-2021 Financial Year.

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

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

#### **2.1.3.1 Derelict Land (Attachment A)**

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

#### **2.1.3.2 Retirement Village Land (Attachment B)**

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

#### **2.1.3.3 Acacia Heath Land (Attachment C)**

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

#### **2.1.3.4 Commercial Land (Attachment D)**

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

#### **2.1.3.5 Farm Land (Attachment E)**

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

Chairperson's initials *S. Mayer*

**2.1.3.6 Industrial Land (Attachment F)**

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

**2.1.3.7 Vacant Residential Land (Attachment G)**

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

**2.1.3.8 Other Land (Attachment H)**

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

**2.2 Differential Rates**

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

- A general rate of 0.2326% for all rateable Other Land;
- A general rate of 0.1744% for all rateable Retirement Village Land;
- A general rate of 0.2907% for all rateable Commercial Land;
- A general rate of 0.2907% for all rateable Industrial Land;
- A general rate of 0.2326% for all rateable Acacia Heath Properties (1);
- A general rate of 0.2907% for all rateable Vacant Residential Land;
- A general rate of 0.1861% for all rateable Farm Land; and
- A general rate of 0.6976% for all rateable Derelict Land.

(1) Council supports the application of the general rate of Other Land to the Acacia Heath Properties for the 2020/2021 financial year.

**2.3** It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:

2.3.1 The respective objectives of each differential rate be those specified in the Schedule to this Resolution;

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

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

2.3.4 The relevant

- (a) uses of;
- (b) geographical locations of; and
- (c) planning scheme zonings of; and
- (d) types of buildings on the respective types or classes of land be those identified in the Schedule to this Resolution; and

**2.4** A municipal charge of \$166.40 be declared in respect of the 2020-2021 financial year.

**2.5** An annual service charge be declared in respect of the 2020-2021 financial year for the collection and disposal of refuse.

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

- \$399.00 for rateable and non-rateable land where a waste collection service with a 120 litre mobile garbage bin is applicable;
- \$317.70 for rateable and non-rateable land where a waste collection service with an 80 litre mobile garbage bin is applicable;
- \$373.60 for rateable and non-rateable land where a fortnightly waste collection service with a 120 litre mobile garbage bin is applicable;
- \$292.40 for rateable and non-rateable land where a fortnightly waste collection service with an 80 litre mobile garbage bin is applicable;
- \$399.00 for rateable and non-rateable commercial land where a waste collection service with a 120 litre mobile garbage bin is applicable;
- \$317.70 for rateable and non-rateable commercial land where a waste collection service with an 80 litre mobile garbage bin is applicable;
- \$213.30 for rateable and non-rateable commercial land where a recycling collection service mobile garbage bin is applicable;
- Where additional bins are supplied, an additional \$399.00 for each 120 litre mobile garbage bin and \$317.70 for each 80 litre mobile garbage bin is applicable;
- \$150.20 for rateable and non-rateable land where a weekly green waste collection service is provided;
- \$600.50 for rateable and non-rateable land where a waste collection service with a 240 litre mobile garbage bin is applicable.

## 2.7 Rebates & Concessions

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

## 2.8 Incentives

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

## 2.9 Consequential

2.9.1 It be recorded that Council requires any person to pay interest on any amount of rates and charges to which:

2.9.1.1 that person is liable to pay; and

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

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

**Carried Unanimously**

*Cr Bolam left the meeting at 7.48pm.*

*Cr Bolam returned to the meeting at 7.48pm.*

Chairperson's initials *S. Mayer*

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

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

- 10.1 Delegate Report by the Mayor, Deputy Mayor, Cr Aitken and Cr Toms - Councillor Transition and Induction Refresher Training Learning Outcome;
- 11.1 Planning Application No.2/2020/S173 - 435 North Road Langwarrin - To amend the Section 173 Agreement AM 926223Q which affects lot 3 of Plan of Subdivision 649845X;
- 11.2 April 2020 Planning and Environment Progress Report;
- 12.1 Council Resolution Satus Update for 1 June 2020;
- 12.2 Record of Assemblies of Councillors;
- 12.3 Review of S5 Instrument of Delegation to the Chief Executive Officer pursuant to commencement of new Local Government Act 2020;
- 12.4 Minutes of Committee meetings represented by a Councillor Delegate;
- 12.7 Amendment to Public Submissions and Question Time Policy;
- 12.8 Draft protocols to guide processes for involving Members of Parliament in Council functions; and
- 12.11 Quarterly Performance Report - Quarter Three - January – March 2020.

**Carried Unanimously**

**10. DELEGATES' REPORTS****10.1 Delegate Report by the Mayor, Deputy Mayor, Cr Aitken and Cr Toms - Councillor Transition and Induction Refresher Training Learning Outcome**

*(BA Chief Financial Office)*

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

That Council receives the Delegates Report by the Mayor, Deputy Mayor, Cr Steve Toms and Cr Aitken for their attendance at the Councillor Transition and Induction Refresher Training held on Monday 10 February 2020.

**Carried Unanimously**

**Note:** Refer to Page 10 of the Minutes where this item is block resolved

**11. CONSIDERATION OF TOWN PLANNING REPORTS****11.1 Planning Application No.2/2020/S173 - 435 North Road Langwarrin - To amend the Section 173 Agreement AM 926223Q which affects lot 3 of Plan of Subdivision 649845X.**

*(SC Communities)*

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

That Council having given consideration to Section 178E(2)(a) and any other matters in Section 178B of the Planning and Environment Act 1987 in respect to Planning Application 2/2020/S173, resolves to amend to amend Section 173 Agreement AM 926223Q which affects lot 3 (435 North Road Langwarrin) of Plan of Subdivision 649845X by inserting the words 'without Council's prior written consent' in clauses 6.1.1, 6.1.3, 6.1.4 and 6.1.5 as follows;

- Clause 6.1.1 with the exception of Buildings associated with effluent disposal, the Owner must not build, construct or erect or cause or permit to be built, constructed or erected any Building on Lots 2 or 3 outside a Building Envelope without Council's prior written consent;
- Clause 6.1.3 the Owner must not carry out or cause or permit to be carried out any Driveway Works on Lots 2 or 3 outside a Driveway Envelope without Council's prior written Consent;
- Clause 6.1.4 the Owner must not build, construct, erect or cause or permit to be built, constructed or erected any Buildings associated with effluent disposal outside an Effluent Disposal Envelope without Council's prior written consent and;
- Clause 6.1.5 The Owner must not carry out or cause or permit to be carried out, any Effluent Disposal Works on lot 2 or 3 outside an Effluent Disposal Envelope without Council's prior written consent.

**Carried Unanimously**

**Note:** Refer to Page 10 of the Minutes where this item is block resolved

**11.2 April 2020 Planning and Environment Progress Report**  
(SC Communities)

**Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor O'Connor**

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

**Carried Unanimously**

**Note:** Refer to Page 10 of the Minutes where this item is block resolved

**12. CONSIDERATION OF REPORTS OF OFFICERS****12.1 Council Resolution Status Update for 1 June 2020**

*(BA Chief Financial Office)*

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

That Council:

1. Receives the Notices of Motion Report as at 1 June 2020;
2. Receives the Urgent Business Status Update as at 1 June 2020;
3. Notes one (1) Notice of Motion has been reported as being complete:
  - 2019/NOM63 - Free Wi-Fi Zones.
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/NOM61 - PARC Swim Research Study; and
  - Accountability and Transparency Reforms.
5. Notes since the Ordinary Meeting held on 11 May 2020, 54 resolutions have been completed, as listed in the body of the report.

**Carried Unanimously****Note:** Refer to Page 10 of the Minutes where this item is block resolved



**12.2 Record of Assemblies of Councillors**

*(BA Chief Financial Office)*

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

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

- 6 April 2020 (Councillor Briefing)
- 13 April 2020 (Councillor Briefing)
- 20 April 2020 (Pre-Agenda Council Meeting)
- 27 April 2020 (Councillor Briefing)
- 4 May 2020 (Councillor Briefing)
- 11 May 2020 (Pre-Agenda Council Meeting)

**Carried Unanimously**

**Note:** Refer to Page 10 of the Minutes where this item is block resolved

**12.3 Review of S5 Instrument of Delegation to the Chief Executive Officer pursuant to commencement of new Local Government Act 2020**

*(BA Chief Financial Office)*

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

That Council:

1. In the exercise of the powers conferred by Section 11(1)(b) of the *Local Government Act 2020* and the other legislation referred to in the S5 - Instrument of Delegation to the Chief Executive Officer, 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. On coming into force of the Instrument, the previous Instrument which was adopted by Council and dated 30 March 2020 is revoked; and
4. 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.

**Carried Unanimously****Note:** Refer to Page 10 of the Minutes where this item is block resolved

**12.4 Minutes of Committee meetings represented by a Councillor Delegate**

*(BA Chief Financial Office)*

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

That Council receives the minutes of the following Committees to which a Councillor delegate has been appointed:

- Centenary Park Golf Liaison Committee – February 2020;
- Frankston Charitable Fund Committee of Management – April 2020;
- South East Councils Climate Change Alliance (SECCA) Councillor Advisory Group – April 2020; and
- Metropolitan Local Government Waste Forum – April 2020.

**Carried Unanimously**

**Note:** Refer to Page 10 of the Minutes where this item is block resolved

**12.5 Confirmation of Minutes for Frankston Cemetery Trust held on 20 April 2020**

*(BA Chief Financial Office)*

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

That Council:

1. Confirms and adopts the Minutes of the Frankston Cemetery Trust (the Trust) meeting held on Monday 20 April 2020;
2. Adopts the Model Rules for Frankston Memorial Park (the Cemetery);
3. Notes a separate report will be tabled on the toilet building concept designs for the Cemetery;
4. Notes that interpretative signage maps will be arranged for each entrance with a detailed layout of the Cemetery to provide guidance to members of the public; and
5. Notes that temporary signage has been installed at each gate entrance and the Council website has been updated with information on the COVID-19 restrictions that relate to cemeteries.

**Carried Unanimously**

**12.6 Process for Councillor requests to conduct internal audit reviews**

*(KJ Chief Financial Office)*

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

That Council requires any special internal audit request by a Councillor to be considered by Council and only undertaken with the approval of Council.

**Carried**

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

**12.7 Amendment to Public Submissions and Question Time Policy**

*(BA Chief Financial Office)*

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

That Council:

1. Notes the COVID-19 Omnibus (Emergency Measures) Act 2020 came into operation on 1 May 2020, providing new mechanisms for Councils to conduct virtual meetings; and
2. Adopts the amended Public Submissions and Question Time Policy which reflects the process during a declared pandemic.

**Carried Unanimously****Note:** Refer to Page 10 of the Minutes where this item is block resolved

**12.8 Draft Public Interest Disclosure Policy**

*(BA Chief Financial Office)*

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

That Council:

1. Notes the draft Public Interest Disclosure Policy (Policy);
2. Endorses the draft Policy to be advertised for public exhibition for a period of six (6) weeks;
3. Seeks a report back no later than August 2020, to adopt the Policy, taking into account any submissions received; and
4. Notes that the report back is subject to Council's response to the COVID-19 pandemic.

**Carried Unanimously****Note:** Refer to Page 10 of the Minutes where this item is block resolved

**12.9 Draft protocols to guide processes for involving Members of Parliament in Council functions**

*(SJ Business Innovation and Culture)*

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

That Council adopts the Council Function Protocols for Members of Parliament and Government Representatives.

**Carried Unanimously**



**12.10 Update on Coronavirus (COVID-19) - June 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**

**12.11 Quarterly Performance Report - Quarter Three - January – March 2020**

*(NA Chief Financial Office)*

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

That Council receives the Council Plan Quarterly Performance Report for Quarter Three, January 2020 to March 2020 and that it be placed on the Council website.

**Carried Unanimously**

**Note:** Refer to Page 10 of the Minutes where this item is block resolved

**12.13 Sculpture Program - COVID19**

(AM Communities)

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

That Council:

1. Notes the impact of COVID19 has called for an assessment of critical and urgent works and potential savings to support the community during the relief and recovery phases of the pandemic. The short term financial savings may support Council's COVID19 - Community Care Package for the greater good of the community.
2. Defers the following scheduled projects from the 19/20 and 20/21 financial years, and return the funds of up to \$485K to the Strategic Asset Reserve for potential continuation of the projects at future date:
  - Projects 2,3,4,5 – lease of four sculptures (from the 19/20 financial year)
  - Project 6 - restoration of 'Roadside Marker', (from the 19/20 financial year)
  - Project 8 - Fletcher Road murals, (from the 19/20 financial year)
  - Project 10 - illuminated blade – Seaford, (from the 19/20 financial year)
  - Project 11 - three gateway art installations - Frankston North, (from 19/20 financial year)
  - Project 12 - Gateway Sculpture - Eel Race Road, (from the 20/21 financial year)
  - Project 13 - topiary sign – installation, (from the 19/20 financial year)
3. Proceeds with:
  - The removal and safe storage of 'Roadside Marker', for safety
  - Project 7 the repair of 'Sandcastles & Kelp' – adjacent to Long Island Tennis Club, for safety
4. Proceeds with Project 9 in 19/20 financial year – the finalisation of the selection of the winning submission for a Gateway Sculpture – Eel Race Road concept, noting this is a contractual obligation with the five shortlisted artists.

**Carried**

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

Against the Motion: Nil

Abstained: Cr Bolam

**12.14 Response to Petition in relation to the potential harm to human and environmental health by 5G technology**

*(SB Business Innovation and Culture)*

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

That Council:

1. Notes the information by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), the Australian Government Department of Health and World Health Organisation (WHO) who advise that there are no established health effects from the radio waves that the 5G network uses;
2. Notes the additional sources of information that have been provided by the Head Petitioner in relation to their concerns about the impacts of the 5G network;
3. Continues to monitor the advice being provided by ARPANSA and relevant health authorities in relation to the health effects from the radio waves that the 5G network uses; and does not intervene in the 5G network roll-out at this time; and
4. Advises the Head Petitioner accordingly of its decision.

**Carried Unanimously**

**13. RESPONSE TO NOTICES OF MOTION**

Nil

**14. NOTICES OF MOTION****14.1 2020/NOM13 - Make Australia Great Again**

(*SJ Business Innovation and Culture*)

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

That Council writes to the Prime Minister, the Honourable Scott Morrison MP, the Federal Opposition Leader, along with all other and appropriate Federal Members of Parliament with a view to:

- a. encourage the government to rebuild Australian commerce industries and produce;
- b. strengthen the Australian internalised economy;
- c. provide jobs for Australian people;
- d. provide economic security within our nation;
- e. actively reduce or strictly limit the amount of overseas ownership of Australian soil and real estate; and
- f. ensure that all products made in Australia clearly display, in bolded letters, that the item is produced here and also display the percentage of profit that are returned to the Australian economy through purchase of that product..

The clear objective being to recapture our own place in the world economy for the security of this generation and future generations.

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

That Cr Aitken be granted an extension of time.

**Carried**

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

Against the Motion: Cr Hampton

*Cr Hampton left the meeting at 8.27pm.*

*Cr Hampton returned to the meeting at 8.29pm.*

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

That Cr Bolam be granted an extension of time.

**Carried Unanimously****The motion was then Put  
and Carried**

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

Against the Motion: Cr O'Connor

Abstained: Cr Hampton

**15. LATE REPORTS****15.1 Adoption of additional Council Meeting Date**

*(MT Chief Financial Office)*

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

That Council:

1. Resolves to schedule an additional Ordinary Council Meeting (Meeting) for Monday 15 June 2020 at 7pm;
2. Notes the Council Resolutions Status report will not be tabled at this additional Meeting; and
3. Notes the additional Meeting date will be advertised by way of public notice and on Council's website.

**Carried Unanimously**

**16. URGENT BUSINESS**

Nil.



**17. CONFIDENTIAL ITEMS****Council Decision****Moved: Councillor Bolam****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), as confidential information pursuant to Section 3(1) of the Local Government Act 2020 (the Act) on the following grounds:

**C.1 Frankston Charitable Fund Grants FY 2019/20**

Agenda Item C.1 Frankston Charitable Fund Grants FY 2019/20 is designated confidential

- on the grounds that they contain personal information, being information which if released, would result in the unreasonable disclosure of information about any person or their personal affairs; and
- these grounds apply because the information details funding recommendations that have been made in accordance with the Frankston Charitable Fund guidelines and would, if prematurely released, impact the funding allocation of these grants.

**C.2 Debrief of Ordinary Council Meeting**

Agenda Item C.2 Debrief of Ordinary Council Meeting is designated confidential

- on the grounds that they contain information that was confidential information for the purpose of section 77 of the Local Government Act 1989; and
- these grounds apply because the information contains details of a Councillors personal view on the conduct of the Ordinary Meeting and would, if prematurely released, impact the reputation of Councillors and Council

**Carried Unanimously**

**18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS****C.1 Award of Contract - 2019/20 - 68 Clyde Street Mall Streetscape Improvement Works (considered at 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) (d) 'Contractual Matters'.*

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

That Council:

1. Approves the acceptance of the tender from 2Construct Pty Ltd, ACN 109 517 188 for the *Contract 2019/20 -68 Clyde Street Mall Streetscape Improvement Works*;
2. Approves reallocation of budget savings from the Clyde Street Mall budget (CWP 4176) to Station Street Mall Stage 2 (CWP 4309) in the 2020/21 draft budget;
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 if any from that sum;
4. Authorises the CEO to sign the contract; and
5. Notes that the recommendation (without commercially sensitive information) be released at the next open meeting of Council.

*The motion was put and Carried*

**C.2 Award of Contract - 2019/20 - 64 Station Street Mall Stage 2 Streetscape Improvement Works (considered at 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) (d) 'Contractual Matters'.*

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

That Council:

1. Approves the acceptance of the tender from 2Construct Pty Ltd, ACN 109 517 188 for the *Contract 2019/20 – 64 Station Street Mall Stage 2 Streetscape Improvement Works*;
2. Notes the project contingency will be reserved outside the contract sum and vests specific authority in the Chief Executive Officer to authorise the payment of variations from that sum;
3. Authorises the CEO to sign the contract; and
4. Notes that the recommendation (without commercially sensitive information) be released at the next open meeting of Council.

*The motion was put and Carried*

**C.2 Debrief of Ordinary Council Meeting (considered at this meeting)**

*In accordance with the Local Government Act 2020, Council resolved this item be considered in-camera under Section 3(1)(l).*

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

That Council:

1. Notes an assessment of the Ordinary Council Meeting held on 1 June 2020 was made based on the following eight (8) pillars identified in the Framework for Good Governance Commission of Inquiry into Greater Geelong City Council:
  - Direction and Leadership
  - Culture and Behaviour
  - Structure, Systems and Policies
  - Decision making
  - Communication and community engagement
  - Capability
  - Risk and Compliance; and
  - Monitoring and Review
2. Confirms the Good Governance Debrief Notes made at the Ordinary Council Meeting held on 11 May 2020; and
3. 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 1 June 2020, confirmed on Monday 15 June 2020.

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

Dated this

day of

2020