



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 10 MARCH 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
APOLOGIES:	Cr. Brian Cunial Cr. Lillian O'Connor
ABSENT:	Nil.
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Ms. Kim Jaensch, Acting Chief Finance Officer Ms Leonie Reints, Acting Director Communities Mr. Cam Arullanantham, Acting Director Infrastructure and Operations Mr. Tim Bearup, Acting Director Business Innovation and Culture Mr. Stuart Caldwell, Acting Manager Planning & Environment Ms. Brianna Alcock, Manager Governance and Information Ms. Anne Sorensen, Coordinator Strategic Planning Mr. Oliver Rees, Coordinator Statutory Planning Mr. Taylor McVean, Coordinator Communications Ms. Tenille Craig, Councillor Support Officer Ms. Sharon Lozsan, Project and Business Support Officer
EXTERNAL REPRESENTATIVES:	Nil.

COUNCILLOR STATEMENT

Councillor Hampton made the following statement:

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

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

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

Chairperson's initials *S. Mayer*

PRAYER

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

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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1. PRESENTATION TO COMMUNITY GROUPS

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM2 held on 17 February 2020.

Council Decision

Moved: Councillor O'Reilly

Seconded: Councillor Toms

That the minutes of the Ordinary Meeting No. OM2 held on 17 February 2020 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES**Council Decision**

Moved: Councillor Hampton

Seconded: Councillor O'Reilly

That the apology be received and Councillors Cunial and O'Connor be granted leave from the meeting.

Carried Unanimously

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil

5. PUBLIC QUESTION TIME

Three (3) persons submitted questions to Council. As the persons were not in the gallery, the Chief Executive Officer did not read out the questions and answers and the responses will be forwarded directly to those persons. In accordance with the Public Submissions and Question Time Policy, the questions and answers will be included in the next Ordinary Council meeting minutes.

Cr Aitken entered the chamber at 7.07 pm

6. HEARING OF PUBLIC SUBMISSIONS

Mr Mark Waldon made a submission to Council regarding Item 11.2: Town Planning Application 343/2019/P – 24 and 26 Playne Street Frankston – To use the land for the sale and consumption of liquor, to construct or carry out buildings and works in a Commercial 1 Zone (1Z), to display internally illuminated business identification signage and to reduce the number of car spaces required under Clause 52.06- and bicycle parking spaces under Clause 52.34 of the Frankston Planning Scheme.

Mr Harry Kourbeis made a submission to Council regarding Item 11.2: Town Planning Application 343/2019/P – 24 and 26 Playne Street Frankston – To use the land for the sale and consumption of liquor, to construct or carry out buildings and works in a Commercial 1 Zone (1Z), to display internally illuminated business identification signage and to reduce the number of car spaces required under Clause 52.06- and bicycle parking spaces under Clause 52.34 of the Frankston Planning Scheme.

Councillor Bolam left the chamber at 7:21 pm.

Councillor Bolam returned to the chamber at 7:21 pm.

Chairperson's initials *S. Mayer*

7. ITEMS BROUGHT FORWARD

Nil

8. PRESENTATIONS / AWARDS

Nil

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

10. DELEGATES' REPORTS

Nil

Chairperson's initials *S. Mayer*

11. CONSIDERATION OF TOWN PLANNING REPORTS**11.1 Planning Scheme Amendment C130 - Rezone inappropriately zoned public open space reserves within Frankston municipality to Public Park and Recreation Zone, Public Conservation and Resource Zone and Public Use Zone (including Evelyn Street Reserve)**

(SC Community Development)

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

That Council resolves to:

1. Authorise officers to request the Minister for Planning to exempt himself from the public notification requirements of the *Planning and Environment Act 1987* for Frankston Planning Scheme Amendment C130 pursuant to Section 20(4) of the *Planning and Environment Act 1987*.
2. Authorise officers to request the Minister for Planning to prepare, adopt and approve Frankston Planning Scheme Amendment C130 pursuant to Section 20(4) of the *Planning and Environment Act 1987*, to rezone inappropriately zoned public open space reserves within the Frankston Municipality to the Public Park and Recreation Zone (PPRZ), Public Conservation and Resource Zone (PPRZ), and the Public Use Zone Schedule 6 (PUZ6), including Evelyn Street Reserve.

Carried Unanimously

11.2 Planning Application 396/2019/P - 16-22 Playne Street Frankston - To use the land for a Place of Assembly (Amusement parlour and indoor bowling facility), the sale and consumption of liquor (on premises licence), to construct or carry out buildings and works in a Commercial 1 Zone (C1Z), to display internally illuminated business identification signage and to reduce the number of car spaces required under Clause 52.06-5 and bicycle parking spaces under Clause 52.34 of the Frankston Planning Scheme

(SC Community Development)

Recommendation (Director Communities)

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 396/2019/P to use the land for a Place of Assembly (Amusement parlour and indoor bowling facility), the sale and consumption of liquor, to construct or carry out buildings and works in a Commercial 1 Zone (C1Z), to display internally illuminated business identification signage and to reduce the number of car spaces required under Clause 52.06-5 of the Frankston Planning Scheme at 16 - 22 Playne Street Frankston, subject to the following conditions:

Plans

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application but modified to show:
 - (a) Provision of 6 bicycle spaces in the rooftop carpark in accordance with Clause 52.34 of the Frankston Planning Scheme.
 - (b) Sheet A101.3: Layout plan – rooftop car park to show dimensions of car parking spaces, circulation roadway, parking aisle and passing areas in accordance with Clause 52.06-9: Design standards for car parking.
 - (c) The Venue/Patron Management Plan in accordance with Condition 9.

No Alterations

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

Amenity

4. The amenity of the area must not be detrimentally affected by the use and development through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin; others as appropriate; or
 - e) In any other way.

5. Noise levels emanating from the premises must not exceed those required to be met under State Environment protection Policy (Control of Music Noise from Public Premises), No. N-2.

Liquor Licence Requirements

6. The sale and consumption of alcohol must only take place at the premises during the following hours:
 - Sunday to Thursday 11am to 11pm
 - Friday to Saturday 11am to 12am midnight
 - Good Friday and Anzac day – 1pm to 10pm

Patron Numbers

7. Not more than 350 patrons may be present on the premises at any one time.

Satisfactorily Completed

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

Patron/Venue Management Plan

9. Prior to the commencement of use, a Patron/Venue Management plan must be submitted, for approval to the satisfaction of the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must be generally in accordance with the Patron/Venue Management Plan including details as follows:
 - a) Hours of Operation (on the premises and off the premises);
 - b) Venue shut down procedures to encourage the patrons to leave the premises sporadically.
 - c) The number of patrons admitted on site at any one time;
 - d) Signage to be used to encourage responsible off-site patron behaviour;
 - e) The training of staff and the management of patron behaviour;
 - f) Measures to control noise emissions from the premises and amenity control;
 - g) Measures to prevent vandalism and antisocial behaviour;
 - h) Details to address waste including bottles, rubbish and reduce generated by the use;All to the satisfaction of a Responsible Authority.

Signage Requirements

10. The signs hereby permitted must be constructed to the satisfaction of the Responsible Authority, and must be maintained to the satisfaction of the Responsible Authority.
11. For the advertising signs the permit expires 15 years from the date of this permit.
12. Upon expiry of the approved signage, all structures built specifically to support the structure must subsequently be removed.

Permit Expiry

13. This permit will expire if one of the following circumstances applies:
- The development is not started within two (2) years of the date of this permit.
 - The development is not completed within four (4) years of the issued date of this permit.
 - The use is not commenced within two (2) years of the date of this permit.
 - The use ceases for a continuous period of two (2) or more years.

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.

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

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 396/2019/P to use the land for a Place of Assembly (Amusement parlour and indoor bowling facility), the sale and consumption of liquor, to construct or carry out buildings and works in a Commercial 1 Zone (C1Z), to display internally illuminated business identification signage and to reduce the number of car spaces required under Clause 52.06-5 of the Frankston Planning Scheme at 16 - 22 Playne Street Frankston, subject to the following conditions:

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1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application but modified to show:

Chairperson's initials *S. Mayer*

- (a) Provision of 6 bicycle spaces in the rooftop carpark in accordance with Clause 52.34 of the Frankston Planning Scheme.
- (b) Sheet A101.3: Layout plan – rooftop car park to show dimensions of car parking spaces, circulation roadway, parking aisle and passing areas in accordance with Clause 52.06-9: Design standards for car parking.
- (c) The Venue/Patron Management Plan in accordance with Condition 9.

No Alterations

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

Amenity

4. The amenity of the area must not be detrimentally affected by the use and development through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin; others as appropriate; or
 - e) In any other way.
5. Noise levels emanating from the premises must not exceed those required to be met under State Environment protection Policy (Control of Music Noise from Public Premises), No. N-2.

Liquor Licence Requirements

6. The sale and consumption of alcohol must only take place at the premises during the following hours:

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Good Friday and Anzac day – 1pm to 10pm

Patron Numbers

7. Not more than 350 patrons may be present on the premises at any one time.

Satisfactorily Completed

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

Patron/Venue Management Plan

9. Prior to the commencement of use, a Patron/Venue Management plan must be submitted, for approval to the satisfaction of the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must be generally in accordance with the Patron/Venue Management Plan including details as follows:
 - a) Hours of Operation (on the premises and off the premises);

- b) Venue shut down procedures to encourage the patrons to leave the premises sporadically.
- c) The number of patrons admitted on site at any one time;
- d) Signage to be used to encourage responsible off-site patron behaviour;
- e) The training of staff and the management of patron behaviour;
- f) Measures to control noise emissions from the premises and amenity control;
- g) Measures to prevent vandalism and antisocial behaviour;
- h) Details to address waste including bottles, rubbish and reduce generated by the use;

All to the satisfaction of a Responsible Authority.

Signage Requirements

- 10. The signs hereby permitted must be constructed to the satisfaction of the Responsible Authority, and must be maintained to the satisfaction of the Responsible Authority.
- 11. For the advertising signs the permit expires 15 years from the date of this permit.
- 12. Upon expiry of the approved signage, all structures built specifically to support the structure must subsequently be removed.

Permit Expiry

- 13. This permit will expire if one of the following circumstances applies:
 - The development is not started within two (2) years of the date of this permit.
 - The development is not completed within four (4) years of the issued date of this permit.
 - The use is not commenced within two (2) years of the date of this permit.
 - The use ceases for a continuous period of two (2) or more years.

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.

PART B

That Council resolves to pursue with the landowner/tenant the installation of CCTV cameras as part of the development to improve community safety on the land and nearby areas.

Carried

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

Against the Motion: Cr Hampton

11.3 Options for the implementation of the Frankston Metropolitan Activity Centre Structure Plan, May 2015 - City Centre - Precincts 1, 2, 3 and 11

(SC Community Development)

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

That Council:

1. Authorises officers to undertake a review and refresh of the Frankston Metropolitan Activity Centre Structure Plan, May 2015 – Precincts 1, 2, 3 and 11 as outlined in Option 4.
2. Notes the indicative timeline of up to 1-2 years to refresh the structure plan, with subsequent Planning Scheme Amendment process of up to a further 12 months.
3. Commits a total an amount of \$120,000 funding for the project in the FY20-21 budget.

Carried Unanimously

11.4 January 2020 Planning & Environment Progress Report
(*SC Community Development*)

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Toms

That Council receives and notes the January 2020 Planning and Environment Progress Report.

Carried Unanimously

12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Council Resolution Status Update for 10 March 2020**

(PC Chief Executive Office)

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

That Council:

1. Receives the Notices of Motion Report as at 10 March 2020.
2. Receives the Urgent Business Status Update as at 10 March 2020.
3. Notes and accepts there is one Notice of Motion that has been reported as being complete:
 - 2019/NOM29 – Public Art Murals
4. Notes the report listed below will not be presented back to Council by its advised date and a detailed explanation is provided in the body of the report:
 - Accountability and Transparency Reform Update
5. Notes that, since 2020/OM2 on 17 February 2020, 29 resolutions have been completed, as listed in the body of the report.

Carried Unanimously

12.2 Record of Assemblies of Councillors

(BA Corporate Development)

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

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

- 13 January 2020 (Councillor Briefing)
- 20 January 2020 (Councillor Briefing)
- 28 January 2020 (Pre-Agenda Council Meeting)
- 3 February 2020 (Councillor Briefing)
- 10 February 2020 (Councillor Briefing)
- 17 February 2020 (Pre-Agenda Council Meeting)

Carried Unanimously

12.3 Committee Minutes

(PC Chief Executive Office)

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

That Council notes the minutes of the following Committees:

- Centenary Park Golf Liaison Committee – May 2019;
- Centenary Park Golf Liaison Committee – August 2019;
- Centenary Park Golf Liaison Committee – November 2019;
- Frankston Charitable Fund Committee – December 2019
- Soccer Liaison Committee – June 2019
- Soccer Liaison Committee – September 2019
- Soccer Liaison Committee – December 2019
- Westernport Biosphere Councillor Liaison Committee – September 2019;
- Westernport Biosphere Councillor Liaison Committee – November 2019;
- Westernport Biosphere Councillor Liaison Committee – January 2020; and
- Youth Council Meeting – July 2019

Carried Unanimously

12.4 2020 National General Assembly of Local Government from 14 - 17 June 2020

(PC Chief Executive Office)

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

That Council:

1. Endorses the suggested four motions presented and the Councillor delegates for National General Assembly, Cr O'Connor and Cr Bolam to present the motions at the conference accordingly.
2. Notes the expenditure for Councillors and Manager Community Relations totals \$9,900, funded within existing budget.
3. Supports referral of the adopted motions to be incorporated into the Council's Advocacy Strategy and the participation in any future meetings with Federal Ministers and the South East Melbourne's group representation.

Carried Unanimously

12.5 Appointment of Frankston City Council's representative to the Board of Management of the Frankston Football Club Incorporated

(BA Corporate Development)

Recommendation (Chief Financial Officer)

That Council:

1. Appoints Director Business Innovation and Culture as the Frankston City Council representative member to the Board of Management of the Frankston Football Club Incorporated for the remaining interim arrangements, until 27 December 2020.
2. Notes Director Business Innovation and Culture replaces Director Corporate Development as the Frankston City Council representative member.
3. Notes that once the interim arrangements cease the Frankston City Council representative member may take on the role in a non-voting capacity subject to Council approval.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Council:

1. Appoints Director Business Innovation and Culture as the Frankston City Council representative member to the Board of Management of the Frankston Football Club Incorporated for the remaining interim arrangements until 27 December 2020 as an observer / non-voting member but not remain in any capacity beyond that date.
2. Notes Director Business Innovation and Culture replaces Director Corporate Development as the Frankston City Council representative member.
3. Provides a report at the December 2020 Ordinary Meeting regarding the status of repayments by the Frankston Dolphins Football Club as per the commitments contained within the Deed of Company Arrangement.

Carried Unanimously

12.6 Sport and Recreation Victoria - Grant Submission

(CB Community Development)

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

That Council notes and approves a funding application to the 2019-20 World Game Facilities Fund for the following projects (closing date 13 March 2020):

- Seaford North Reserve (Seaford Soccer Club) sports lighting \$250K grant application with total cost of \$500K in 2020/21 (\$250K funded by sports lighting program)
- Lawton Park Reserve (Langwarrin Soccer Club) sports lighting \$250K grant application with total cost of \$500K in 2020/21 (\$250K funded by sports lighting program)

Carried Unanimously

12.7 Capital Works Quarterly Report - Q2 - October - December 2019/20

(LU Community Assets)

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

That Council receives and notes the quarterly progress report for the first quarter (October 2019 to December 2019) for the 2019/20 Capital Works Program.

Carried Unanimously

12.8 Capital Works Budget Variation - Sports Ground Infrastructure (Ballam Park & Jubilee Park)

(BD Community Development)

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

That Council:

1. Rescinds Notice of Motion 2019/NOM45 – Karingal Bulls adopted at the Ordinary Meeting held on 14 October 2019.
2. Notes that Council has an opportunity to assist two clubs complete much needed infrastructure with the assistance of grants the clubs have received. These grants will require Council to assist in partial funding.
3. Commits the funding of \$43,000 towards Sport Ground Infrastructure at Ballam Park and Jubilee Park as follows:
 - a. Karingal Bulls Junior Football Club
Project: Coaches boxes (Ballam North Oval), ball retainment fence (Ballam East Oval)
Total Project Cost:\$53,000
Grant:\$20,000
Council Contribution:\$33,000
 - b. Frankston YCW Junior Football Club
Project: Coaches boxes (AH Butler Oval)
Total Project Cost:\$26,000
Grant:\$8,000 with matching funding contribution from club of \$8,000
Council Contribution:\$10,000
4. Authorises the Chief Executive Officer to make the necessary adjustments to the 2019/20 Budget, noting that funding of \$36,000 has been received from grants and club contributions.
5. Transfers the required amount from the Frankston Foreshore Aquatic Risk Assessment, as this project will not be fully completed in the 2019/2020 financial year allowing completion of the sports ground infrastructure projects at both Ballam Park and Jubilee Park.

Carried Unanimously

12.9 Community Engagement for the Domestic Animal Management Plan 2020-2024*(LR Community Development)***Recommendation (Director Communities)****Moved: Councillor Toms****Seconded: Councillor O'Reilly**

That Council:

1. Approves the commencement of the review of the current Domestic Animal Management Plan (DAMP) Review;
2. Approves the Community Engagement Plan;
3. Notes community consultation will be undertaken between March and June 2020; and
4. Notes a briefing of Councillors is scheduled for 27 July 2020 outlining public submissions, recommendations and a draft DAMP 2020-2024.

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

That Council:

1. Approves the commencement of the review of the current Domestic Animal Management Plan (DAMP) Review;
2. Approves the Community Engagement Plan;
3. Notes community consultation will be undertaken between March and June 2020, excluding the consideration of dogs in the City centre; and
4. Notes a briefing of Councillors is scheduled for 27 July 2020 outlining public submissions, recommendations and a draft DAMP 2020-2024.

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

That Cr O'Reilly be granted an extension of time.

Carried Unanimously**Amendment****Moved: Councillor Aitken****Seconded: Councillor Hampton**

That the amendment becomes the motion.

Carried

For: Crs Aitken, Bolam, Hampton and McCormack

Against: Crs Mayer, O'Reilly and Toms

*The amendment became the motion***Motion be put****Moved: Councillor McCormack****Seconded: Councillor O'Reilly**

That the motion be put.

Carried

For: Crs Aitken, Bolam, Hampton, Mayer, McCormack and O'Reilly

Abstained: Cr Toms

Chairperson's initials *S. Mayer*

The motion was put and

Carried

For: Crs Aitken, Bolam, Hampton and McCormack
Against: Crs Mayer, O'Reilly and Toms

Chairperson's initials *S. Mayer*

12.10 Update of South East Melbourne (SEM) group discussions and City Deal development

(SJ Corporate Development)

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

That Council supports the progress to date and continued participation in the proposed South East Melbourne region City Deal.

Carried Unanimously

12.11 Clyde Street Mall Road Closure

(VG Community Assets)

Councillor Hampton left the chamber at 8:15 pm.

Councillor Hampton returned to the chamber at 8:18 pm.

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

That Council:

1. In accordance with section 207, 207A and Schedule 11, Clause 9 of the *Local Government Act 1989*, having considered a report from the Department of Public Transport and the submissions from South East Water and Telstra, for the reasons set out in the accompanying report, hereby resolves that Clyde Street Mall, between Balmoral Avenue and Ross Smith Avenue East as shown in the public notice attached to this report, be closed to vehicular traffic but with emergency services and utility authorities retaining access;
2. Gives notice of the road closure in the Victoria Government Gazette;
3. Notifies South East Water Corporation and Telstra Corporation in writing of Council's decision including reasons for the decision; and
4. Authorises Council officers to finalise the designs for Clyde Street Mall works including calling public tenders for the proposed works.

Carried Unanimously

12.12 Response to Petition for 3 hours parking restriction on McKenzie Street, Seaford
(DD Community Assets)**Council Decision****Moved: Councillor O'Reilly****Seconded: Councillor Bolam**

That Council:

1. Notes the community consultation undertaken with residents in McKenzie Street, Seaford in relation to the petition requesting 3 hour parking restrictions with residents excepted, on both sides of the street during weekdays;
2. Endorses the introduction of 3 hour parking restrictions between 9am and 5pm Monday to Friday with residents excepted on both sides of McKenzie Street from Park Street to the end of McKenzie Street at Seaford wetlands; and
3. Advises the Head Petitioner accordingly.

Carried Unanimously

12.13 Further Response to Petition - Provision of Parking Bays at Homestead Road, Langwarrin

(DD Community Assets)

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

That Council:

1. Notes the community consultation undertaken with property owners in Homestead Road, Langwarrin, in relation to the construction of indented parking bays along the road through a Special Charge Scheme;
2. Does not proceed with further investigations to construct indented parking bays in Homestead Road through a Special Charge Scheme at this time due to lack of support from property owners; and
3. Advises the Head Petitioner accordingly.

Carried Unanimously

13. RESPONSE TO NOTICES OF MOTION

Nil

Chairperson's initials *S. Mayer*

14. NOTICES OF MOTION**14.1 2020/NOM10 - Reforms**

(TC Chief Executive Office)

Councillor Recommendation

That Council:

1. Seeks to ensure that all future reports to Council with new and revised council policies and strategies are accompanied by a community engagement plan from 1 June 2020.
2. Ensures that Community Impact Statements accompany the making of Local Laws and meets the requirements for explanatory documents as per section 119(2A)(b) of the Local Government Act 1989.
3. Prepares a report for the Ordinary Meeting on 20 April 2020, that explores enhancing the independence of internal investigations, including:
 - a) The process for referral of internal investigations by the CEO to the Internal Ombudsman, the Audit and Risk Committee or IBAC;
 - b) Steps to safeguard against interference in how internal investigations are undertaken;
 - c) Guidance on options for how the public can request for an internal investigation to be undertaken.
 - d) Ensuring the independence of the Internal Ombudsman position and their investigations without undue influence or institutional favour

Leave of Council

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Cr Bolam be granted leave of Council to amend 2018/NOM10 - Reforms.

Carried Unanimously

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Council

Prepares a report for the Ordinary Meeting on 20 April 2020 that explores enhancing the independence of internal investigations, including:

1. The process for referral of internal investigations by the CEO to the Internal Ombudsman, the Audit and Risk Committee or IBAC;
2. Steps to safeguard against interference in how internal investigations are undertaken;
3. Ensuring the independence of the Internal Ombudsman position and their investigations without undue influence or institutional favour.

Carried Unanimously

**14.2 2020/NOM12 - Peninsula Link and Kananook Railway Station Masterplan
Advocacy**

(TC Chief Executive Office)

Cr Bolam withdrew his Notice of Motion

Councillor Recommendation

That Council:

1. Notes that a response to 2018/NOM66 – Peninsula Link (tabled at 19 November 2018 Council Meeting), has not been received by Southern Way Pty Ltd and Lendlease Operations in relation to the lack of maintenance on bike and walking paths bordering Peninsula Link;
2. a) Notes that a response to 2018/NOM67 – Kananook Railway Station Improvements (tabled at 10 December 2018), has been received from the Hon Jacinta Allan MP (Minister for Public Transport) for improvements in disability access at Kananook Railway Station and an overarching masterplan strategy for the Kananook Railway precinct that addresses various aspects ranging from enhanced public safety to improved amenity outcomes (i.e.. aesthetics);
b) Notes, however, the response received is insufficient in detail and fails to provide a roadmap forward for the issues raised by Council;
3. Requests that the CEO forward further correspondence with the relevant authorities expressing Council's disappointment in the lack of response and fulsomeness to date, and seeks ample and timely replies to the matters raised in the respective past motions;
4. Receives a report at the June 2020 Ordinary Meeting in relation to the status of the aforementioned motions.

15. LATE REPORTS

Nil

16. URGENT BUSINESS

Nil

Cr Hampton apologised to Council and members of the public in relation to comments he had made to a reporter about the Green Wedge Management Plan. Cr Hampton stated "I actually spoke to a reporter after we discussed the Green Wedge and to be honest, I did not realise it was a code of conduct violation, because all I said to the reporter were the comments I made during the meeting. Because the meeting was over and the decision was made, apparently I was in violation of the code of conduct which I didn't know at the time and I apologise. I provided comments as the reporter because there was no audio recording of the Council Meeting. I acknowledge this was a mistake on my part".

The Mayor apologised to Council and members of the public in relation to the views she made on the Green Wedge Management Plan during the Council Meeting on 17 February 2020. The Mayor stated "I already had a strong view on the matter and I felt like I wasn't impartial in my Chairing and you raised that with me and I apologise to the Council for not being entirely impartial. I am obliged to vote on matters, I just felt like I could have been a bit more impartial when I chaired the meeting. I have taken that on board since that meeting and you will have noticed tonight that I really haven't debated anything and I have just voted accordingly. It was something that was raised in the meeting and I just wanted to acknowledge that, so thank you".

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

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

C.1 Pines Forest Aquatic Centre - Tender Evaluation Group Structure

Agenda Item C.1 Pines Forest Aquatic Centre - Tender Evaluation Group Structure is designated confidential as it relates to contractual matters (s89 2d)

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

Agenda Item C.2 Frankston Health and Wellbeing Hub - Expression of Interest (EOI) update is designated confidential as it relates to contractual matters (s89 2d)

C.3 Debrief of Ordinary Council Meeting

Agenda Item C.3 Debrief of Ordinary Council Meeting is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

Carried Unanimously

.....
Signed by the CEO

18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS**C.8 Standing Grants Program 2018-2019 - Update on Alliance for Gambling Reform membership (Considered at 2019/OM2 18 February 2019)**

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

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

That Council notes:

1. The update on the effectiveness of Council's annual membership of the Alliance for Gambling Reform, and
2. The officer recommendation to renew Council's annual membership of the Alliance for Gambling Reform for 2019-2020, in advance of receiving the recommendations for the 2019-2020 Standing Grants program at the Ordinary Meeting of 12 March 2019.
3. That the resolution be released following the March 2019 Council Meeting.

The motion was put and Carried

C.5 Standing Grants Program 2019-2020 (Considered at 2019/OM5 23 April 2019)

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

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

That Council:

1. Notes the budget of \$401,199 and recipients for the Standing Grants Program 2019/20 (the recipients of these grants have been allocated on a historical basis);
2. Notes the Lyrebird Community Centre did not submit an application for the Christmas Festival and Carols event for 2019/20 as the event will no longer proceed; and
3. Approves the following Grants and distributes as follows:
 - a. Carrum Downs Toy Library Grant - \$3,300
 - b. Centenary Park Golf Club – \$3,500
 - c. Frankston Toy Library - \$26,700
 - d. McClelland Gallery - \$50,000
 - e. Peninsula Community Legal Centre (PCLC) - \$30,000
 - f. SES Building Insurance - \$1,464
 - g. SES Contribution to Operations - \$25,195

Chairperson's initials *S. Mayer*

- h. Impact Volunteering – \$76,300 (comprising \$50,000 retained by Council to pay staffing costs; \$23,600 distributed to Impact Volunteering)
 - i. Membership of the Alliance for Gambling Reform - \$25,000
 - j. Neighbourhood Houses - \$135,925 distributed as follows:
 - i. Belvedere Community Centre \$17,600
 - ii. Karingal Place Neighbourhood House \$32,450
 - iii. Langwarrin Community Centre \$21,000
 - iv. Orwil Street Community House \$20,000
 - v. Lyrebird Community Centre \$44,875
4. Advises McClelland Gallery that an additional \$25,000 will be considered upon receipt of information that details how the extra allocated funds would be spent and that information be provided on income sources from outside the municipality secured by McClelland Gallery.
- In the event that the information is forthcoming in time for the adoption of the 2019/2020 Budget, Council will give due consideration to the increased funding. Alternatively if the information is not received in time as part of the draft budget process, Council will give further consideration to the increased funding at the mid-year budget, December 2019.
5. Refers consideration of CPI increases to Standing Grants as part of the 2019-2020 budget process.

The motion was put and Carried

C.1 Frankston Charitable Fund Grants (Considered at 2019/OM6 13 May 2019)

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

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Mayer

That Council:

1. Notes the 2019 Frankston Charitable Fund grant recommendations to the Lord Mayor's Charitable Foundation (LMCF) Board.
2. Notes unallocated funds to be returned to the Frankston Charitable Fund account.
3. Notes applicants will be notified after the LMCF Board of Management meeting on Thursday 20 June 2019.
4. Approves a 'gifting ceremony' to successful applicants as part of the August Ordinary Council Meeting; and
5. Releases this recommendation following notification from LMCF Board of Management meeting on Friday 21 June 2019.

The motion was put and Carried

Chairperson's initials *S. Mayer*

C.3 Standing Grants Program 2019-2020 Supplementary Report (Considered at 2019/OM6 13 May 2019)

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

In accordance with Section 43 of the Council's Governance Local Law No. 1, this motion was moved in parts

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

That Council:

1. Approves the inclusion of Committee For Greater Frankston in Standing Grants list at \$10,000 per annum for Council's membership

The motion was put and Carried

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

2. Approves the requested additional \$25,000 to McClelland for 2019 -2020 (1 year only) and advises McClelland that the evaluation of the program must be submitted to Council for a further grant allocation in 2020-21.

The motion was put and Carried

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

3. Notes Karingal Neighbourhood House Inc. (KNH Inc) will hold an extraordinary AGM 9 May to formally vote to dissolve their incorporation due to insolvency; and
 - 3a Resolves to hold \$30,000 of KNH Inc.'s allocated Standing Grant (total \$32,450) for consideration of the overall Neighbourhood House grant model when it is submitted to Council in July; and
 - 3b Approves expenditure of \$2,450 towards the legal cost associated with the wind up of KNH Inc., in the event they have insufficient funds to complete the process.

The motion was put and Carried

C.6 Reconciliation Action Plan - Appointment of Advisory Committee (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 (h) 'Any other matter which the Council or special committee considers would prejudice the Council or any person'.

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

That:

1. Council approves the following for appointment to the Frankston City Reconciliation Advisory Committee:
 - N'arweet Carolyn Briggs – Traditional Owner representative
 - Aunty Rosina Woods – Aboriginal and Torres Strait Islander community representative
 - Kirralea Sheppard – Koori Youth community representative
 - Debbie Clifford, Victorian Aboriginal Child Care Agency – Aboriginal Controlled Community Organisation
 - Tim Bearup, Manager Community Strengthening – Senior representative of Frankston City Council
2. Council approves the release of the resolution in the Open Minutes for 2019/OM8.

The motion was put and Carried

C.2 Appointment of Independent Member to the Audit and Risk Committee (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) (a) 'Personnel Matters' and (h) 'Any other matter which the Council or special committee considers would prejudice the Council or any person'.

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

That:

1. Council appoints Ms Lisa Tripodi to the Audit and Risk Committee for a three (3) year term, expiring on 30 November 2022.
2. This resolution be released to the public at the next Ordinary Meeting.

The motion was put and Carried

C.7 Award of Contract 2019/20-9 - IT Core Infrastructure Renewal (Considered at 2019/OM14 18 November 2019)

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

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

That Council:

1. Approves the acceptance of the tender from Perfekt Pty Ltd for *Contract 2019/20-9 Core Infrastructure Renewal - Acquisition and Implementation (The Contract)* for four (4) years.
2. Notes that a contingency will be reserved outside of the contract sum and vests specific authority in the CEO to authorise the payment of variations from that sum;
3. Authorises the Chief Executive Officer to execute the Contract; and
4. Authorises release of the recommendation (without commercially sensitive information) at the next open meeting of Council.

The motion was put and Carried

C.3 Debrief of Ordinary Council Meeting (considered at this meeting)

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

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

That Council notes:

1. An assessment of the Ordinary Council Meeting held on 10 March 2020 was made based on the following eight (8) pillars identified in the Framework for Good Governance Commission of Inquiry into Greater Geelong City Council:
 - Direction and Leadership
 - Culture and Behaviour
 - Structure, Systems and Policies
 - Decision making
 - Communication and community engagement
 - Capability
 - Risk and Compliance; and
 - Monitoring and Review
2. 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 8.30 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 Tuesday 10 March 2020, confirmed on Monday 30 March 2020.

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

Dated this

day of

2020

QUESTION TIME

These Questions With Notice were presented at the Ordinary Meeting 2020/OM2 – 17 February 2020. As the submitter was in the gallery at the time, the questions and answers were read out publicly. In accordance with the Public Submissions and Question Time Policy, the questions and response(s) are published at the next Ordinary Council Meeting Minutes.

Benjamin Shepherd

Question 1

Why 30km when the rest of Frankston central has been a 40kmh zone for quite some time now?

Response by Director Infrastructure and Operations

The speed limit reduction was implemented to Young Street following a review on road safety after the road and streetscape upgrade which is recently completed by Department of Transport. The 30 km/h speed was one of the initiatives to manage risks with bus movements, pedestrian crossings and vehicle travelling. This was approved by Department of Transport with support from the working group including Public Transport Victoria and Council.

Question 2

Do you intend on lowering the speed limits to 30kmh, in the current 40kmh zones later down the track?

Response by Director Infrastructure and Operations

The 30 km/h speed was only implemented along Young Street to address the unique road configuration, bus movements and high pedestrian volume near Frankston Station. Other streets within central Frankston have wider pavement and dedicated crossing points. At this point, there are no other streets considered for a lower speed limit.

Question 3

Have you considered the long term repercussions of 30kmh on both the environment & vehicle wear and tear?

Response by Director Infrastructure and Operations

Council officers are not aware of known correlation between lower speed with environment or vehicle wear and tear. On the other hand, lower speed limit provides safer roads, by reducing severity of crashes for more vulnerable road users such as pedestrians. This is consistent with the Victorian Safe System Principles. Information from Department of Transport indicate that many other municipalities have also recently implemented 30 km/h speed to mitigate similar risks with pedestrians.

Merridee Pilkington**Question 1**

I find it very difficult to get up the stairs to access the public gallery when attending a council meeting. Would the council consider upgrading its disability access to include a ramp at one side of the steps?

Response by Director Infrastructure and Operations

Ensuring equal opportunity access for all is important for consideration of Council.

Council officers will investigate the possibility to include compliance access into the Council Chamber.

In the meantime, the website will be updated to provide accessibility information on how the public can gain access for Council meetings.