



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE FRANKSTON ARTS CENTRE, DAVEY STREET, FRANKSTON
ON 14 DECEMBER 2020 at 7.03PM**

PRESENT	Cr. Kris Bolam (Mayor) Cr. Nathan Conroy Cr. David Asker Cr. Suzette Tayler Cr. Steven Hughes Cr. Sue Baker Cr. Brad Hill Cr. Claire Harvey Cr. Liam Hughes
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Ms. Kim Jaensch, Chief Financial Officer Ms. Leonie Reints, Acting Director Communities Mr. Cam Arullanantham, Director Infrastructure and Operations Ms. Shweta Babbar, Director Business Innovation and Culture Ms. Brianna Alcock, Manager Governance and Information Ms. Michelle Tipton, Coordinator Governance Mr. Sam Clements, Manager Statutory Planning Ms. Suzane Becker, Manager Policy, Planning and Environmental Strategies Mr. Stuart Caldwell, Coordinator, Statutory Planning Ms. Tenille Craig, Councillor Support Officer Mr. Connor Rose, Desktop Support Officer Mr. Damian Clarkson, Supervising Technician Mr. Glenn Parry, Supervising Technician
EXTERNAL REPRESENTATIVES:	Nil.

COUNCILLOR STATEMENT

Councillor Conroy 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*

Chairperson's initials

- *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 Conroy read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor Conroy 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.

1. PRESENTATION TO COMMUNITY GROUPS.....	3
2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	3
Ordinary Meeting No. CM15 held on 23 November 2020.	3
3. APOLOGIES.....	3
4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST	3
5. PUBLIC QUESTION TIME	3
6. HEARING OF PUBLIC SUBMISSIONS	3
7. ITEMS BROUGHT FORWARD	4
8. PRESENTATIONS / AWARDS.....	4
9. PRESENTATION OF PETITIONS AND JOINT LETTERS.....	4
10. DELEGATES' REPORTS	4
ITEMS BROUGHT FORWARD.....	5
11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ).....	5
11.2 Town Planning No. 4/2019/P - 28 Beach Street, Frankston - To erect and display an electronic major promotion sign on the pedestrian bridge across Beach Street.....	12
12.14 Response to Petitions - 435 Robinsons Road, Langwarrin	13
11. CONSIDERATION OF TOWN PLANNING REPORTS	14
11.3 Proposed Planning Scheme Amendment C144 - Frankston Gap Heritage Review 2020 - Include properties identified as having local heritage significance into the Heritage Overlay in the Frankston Planning Scheme.....	14
11.4 Statutory Planning Progress Report - August 2020 to October 2020	15
12. CONSIDERATION OF REPORTS OF OFFICERS.....	16
12.1 Council Resolution Status Update for 14 December 2020.....	16
12.2 External Committee Minutes for the Executive Management Team	17
12.3 Minutes of Committee meetings represented by a Councillor Delegate	18
12.4 Adoption of Proposed Council Meeting Dates for 2021	19
12.5 Appointment and Authorisation of Council Staff	20

12.6	Re-appointment of a Senior Officer to the Board of Management for Frankston Football Club Incorporated	21
12.7	Draft Conflict of Interest Policy	22
12.8	Occupational Health & Safety Policy	23
12.9	Community Engagement Plans - Municipal Early Years Plan and Positive Ageing Action Plan.....	24
12.10	Update on Coronavirus (COVID-19) - 14 December 2020	25
12.11	Peninsula Leisure Pty Ltd 2019/2020 Annual Report	26
12.12	Frankston City Revitalisation	27
12.13	Award of Contract - CN10453 Brighton Street Reconstruction	28
13.	RESPONSE TO NOTICES OF MOTION	29
13.1	Further Response to 2019/NOM12 - Legal Advice Protocol	29
13.2	Response to 2019/NOM20 - Reaffirmation of Victorian Local Government Women's Charter	30
13.3	Response to 2019/NOM37 - Draft Overport Park Masterplan - Public Exhibition	31
13.4	Response to 2019/NOM50 - Climate Emergency	32
14.	NOTICES OF MOTION	33
15.	LATE REPORTS	33
16.	URGENT BUSINESS.....	33
17.	CONFIDENTIAL ITEMS	34
C.1	Proposed Recipients for Citizen, Young Citizen, Senior Citizen and Community Event of the Year Awards for 2021	34
C.2	Extension to Kerbside Collection and Receipting Service Contract 2009/10-1	34
C.3	Debrief of Ordinary Council Meeting	34
18.	OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS	35
C.2	Extension to Kerbside Collection and Receipting Service Contract 2009/10-1 (considered at this Council Meeting).....	35
C.3	Debrief of Ordinary Council Meeting (considered at this Council Meeting).....	35

1. PRESENTATION TO COMMUNITY GROUPS

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. CM15 held on 23 November 2020.

Council Decision

Moved: Councillor Asker

Seconded: Councillor Tayler

That the minutes of the Ordinary Meeting No. CM15 held on 23 November 2020 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Nil

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil

5. PUBLIC QUESTION TIME

Nil.

6. HEARING OF PUBLIC SUBMISSIONS

Mr Nick Robins made a submission to Council regarding Item 11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ);

Ms Christine Jovic made a submission to Council regarding Item 11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ);

Mr Tim Rule made a submission to Council regarding Item 11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ);

Mr Brad McPherson made a submission to Council regarding Item 11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ);

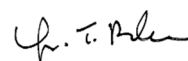
Mr Albert Louis made a submission to Council regarding Item 11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ);

Ms Adele Pignolet made a submission to Council regarding Item 11.2 Town Planning No. 4/2019/P - 28 Beach Street, Frankston - To erect and display an electronic major promotion sign on the pedestrian bridge across Beach Street;

Ms Kylie Quinn made a submission to Council regarding Item 11.2 Town Planning No. 4/2019/P - 28 Beach Street, Frankston - To erect and display an electronic major promotion sign on the pedestrian bridge across Beach Street;

Ms Patricia McDonald made a submission to Council regarding Item 12.14 Response to Petitions - 435 Robinsons Road, Langwarrin.

Chairperson's initials



7. ITEMS BROUGHT FORWARD**Items Brought Forward****Council Decision****Moved: Councillor Hill****Seconded: Councillor Baker**

That Items listed below be brought forward:

11.1: Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ);

11.2: Town Planning No. 4/2019/P - 28 Beach Street, Frankston - To erect and display an electronic major promotion sign on the pedestrian bridge across Beach Street; and

12.14: Response to Petitions - 435 Robinsons Road, Langwarrin.

Carried Unanimously**Block Motion****Council Decision****Moved: Councillor Hill****Seconded: Councillor Harvey**

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

- 12.1: Council Resolution Status Update for 14 December 2020
- 12.2: External Committee Minutes for the Executive Management Team
- 12.3: Minutes of Committee meetings represented by a Councillor Delegate
- 12.5: Appointment and Authorisation of Council Staff
- 12.13: Award of Contract - CN10453 Brighton Street Reconstruction
- 13.3: Response to 2019/NOM37 - Draft Overport Park Masterplan - Public Exhibition

Carried Unanimously**8. PRESENTATIONS / AWARDS**

Nil.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

10. DELEGATES' REPORTS

Nil

ITEMS BROUGHT FORWARD**11.1 Planning Permit Application 158/2020/P - 70 Potts Road, Langwarrin 3910 - To construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ)***(SC Communities)***Recommendation (Director Communities)**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit 158/2020/P to construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ) at 70 Potts Road, Langwarrin subject to the following conditions:

Plans

1. Before the use and/or 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 (or some other specified plan) but modified to show:
 - (a) All trees growing on the site and on the adjoining properties within 3m of the boundaries must be clearly illustrated on all relevant plans to demonstrate canopy width, trunk location and clearly labelled whether the tree is to be retained or removed.
 - (b) The Tree Protection Zone, Structural Root Zone and the tree protection fence locations for all trees to be retained illustrated on all relevant plans.
 - (c) Landscape Plan in accordance with Condition 3.
 - (d) Tree Protection Conditions noted in accordance with Conditions 6, 7 and 8.
 - (e) Drainage Strategy in accordance with Conditions 9 to 16.
 - (f) Amended Management Plan in accordance with Condition 17.
 - (g) Construction and Environmental Management Plan in accordance with Condition 24.
 - (h) Bollard lighting within the front setback in accordance with Condition 27.
 - (i) Corner splay/areas to be provided on both sides of the proposed accessway in accordance with Clause 52.06 of the Frankston Planning Scheme.

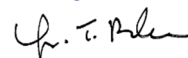
No Alterations

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

Landscaping

3. Before the commencement of buildings and works, a landscape plan in accordance with the submitted development plan, prepared by a suitably qualified landscape professional must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A survey (including botanical names) of all existing vegetation on the site and those located within three (3) metres of the boundary of the site on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed.
 - b) The tree number, TPZ, SRZ and notations regarding protection methods

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during construction of retained trees.

- c) Buildings on neighbouring properties within three metres of the boundary.
- d) All landscape design and construction to adhere to the tree protection requirements for all neighbouring trees.
- e) The delineation and details of surface finishes of all garden beds, grassed areas, pathways, driveways, retaining walls and other landscape works including areas of cut and fill throughout the development site.
- f) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant.
- g) A range of plant types from ground covers to large shrubs and trees.
- h) Landscaping and planting within all open areas of the site.
- i) A planting theme of a minimum 20% indigenous and 40% native within each plant group.
- j) All existing environmental weed species are to be removed from the site and environmental and noxious weeds found in the 'Sustainable Gardening in Frankston City' (2015) booklet are not to be planted.
- k) The provision of suitable canopy trees (minimum two metres tall when planted) in the areas specified below (trees are not to be sited over easements) with species chosen to be approved by the Responsible Authority:
 - One (1) tree within the front setback of both buildings with a minimum mature height of 5 metres.
 - One (1) tree within the POS areas of both buildings with minimum mature heights of 8 metres.
- l) The provision of notes on the landscape plan regarding site preparation, including in-ground irrigation system to be provided to all landscaped areas, removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- m) All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use.
- n) The provision of screen planting (minimum mature height of 1.5m) within a landscape strip of 60cm at the interface of the property side boundaries.

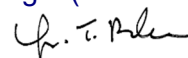
Prior to Occupation

- 4. The landscaping as shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or commencement of the use or at such later date as is approved by the Responsible Authority in writing.
- 5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged trees are to be replaced.

Tree Protection

- 6. Tree protection must be carried out in accordance with the Australian Standard AS 4970-2009 Protection of trees on development sites to the satisfaction of the Responsible Authority.
- 7. Prior to the commencement of the development (including vegetation removal), a Tree Protection Fence defined by a 1.8 metre high (minimum) temporary

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fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape, must be installed around Trees 3 and 4 to protect the trees to the satisfaction of the Responsible Authority. A fixed sign is to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from Frankston City Council".

The requirements below must be observed within this area –

- a) Coarse mulch laid to a depth of 50-100 mm (excluding street trees).
- b) No vehicular or pedestrian access.
- c) The existing soil level must not be altered either by fill or excavation.
- d) The soil must not be compacted or the soil's drainage changed.
- e) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.
- f) No storage of equipment, machinery or material is to occur.
- g) Open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used unless approved by the Responsible authority to tunnel beneath.
- h) Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.
- i) Tree roots must not be severed or injured.
- j) Machinery must not be used to remove any existing concrete, bricks or other materials.

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

Tree Pruning

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

Drainage

- 9. The development must be provided with a Stormwater Detention System with a volume capable of retarding the 10 year ARI flow from the development site back to a 5 year ARI pre-development value to the satisfaction of the Responsible Authority. Including providing over-land stormwater surcharge routes and cut-off drains for the safe and effective passage of stormwater flows arising from the subject land;
- 10. Soakage systems for Stormwater drainage shall be provided with Geotechnical design to demonstrate that effective drainage can be provided without detriment to premises and/or other properties.
- 11. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:

- On-site stormwater detention and rainwater tanks.
 - Soil percolation
 - Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc.
 - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
12. Prior to commencement of the development construction detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority.
13. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
14. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.
15. Prior to commencement of the use hereby permitted by this permit starts, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be:-
- Constructed to the satisfaction of the Responsible Authority;
 - Properly formed to such levels that they can be used in accordance with the plans;
 - Surfaced with an all-weather sealcoat; and
 - Drained and maintained to the satisfaction of the Responsible Authority.
 - Car spaces, access lanes and driveways must be kept available for these purposes at all times.
16. Where the development involves work on or access to Council controlled land including roads, reserves and right of way, the owner, operator and their agents under this permit must at all times take adequate precautions to maintain works to the highest public safety standards, to the satisfaction of the Responsible Authority.

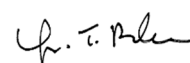
Precautions must include, appropriate signage to AS 1743 Road Works Signing Code of Practice, the provision of adequate barricading of works, including trenches of Service Authorities and any other road openings, sufficient to ensure public safety.

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

Amended Management Plan

17. Before the commencement of the use, the owner of the land must prepare an Amended Management Plan and have it approved by the Responsible Authority. The Management Plan must, to the satisfaction of the Responsible Authority:
- a. set out the proposed method of operation of the use carried out on the land including the use of outdoor areas, maintenance of grounds and landscaping, storage and collection of garbage.
 - b. set out the house guest rules to be observed and the action to be taken if they are not observed;
 - c. explain the role of the Manager/caretaker;

Chairperson's initials



- d. provide that management arrangements to be put in place when the manager/caretaker is not on the site;
 - e. set out a process or procedure that will be available to neighbours in the event that they need to contact the Manager/caretaker in relation to some aspect of the operation of the use, and
 - f. Any other matter that is relevant to the conduct of the use in accordance with the conditions of this permit.
18. When the plan is approved by the Responsible Authority, the use must therefore be conducted in accordance with the Management Plan. The Management Plan may be amended by the Responsible Authority after a written request by the owner or the operator of the use.
19. A copy of this permit and the Management Plan shall be displayed at all times in a prominent location within the premises to the satisfaction of the Responsible Authority.

Telephone

20. A telephone number or numbers with 24 hour access to the operator, manager and/or caretaker of the residential building must be displayed on the front door entry in order that any neighbouring resident can register a complaint or address any other matter arising from the use of the site.

Maximum Number of Residents

21. Not more than 16 residents shall be accommodated on the premises at any one time unless with the prior written consent of the Responsible Authority.

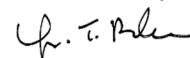
Amenity

22. The amenity of the area must not be detrimentally affected by the use or development, through the:
- Transportation of materials, goods or commodities to or from the land;
 - Appearance of any building, works or materials;
 - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil;
 - Presence of vermin, or
 - In any other way.

Construction and Environment Management Plan

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

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

Waste Management Plan

24. The waste management procedures identified within the Waste Management Plan submitted with the application identified as *'70 Potts Road, Langwarrin Waste Management Plan, prepared by Frater, dated 15 May 2020'* must be implemented to the satisfaction of the Responsible Authority.

Urban Design

25. Air-conditioning plant, compressors and exhaust fans must be located so as to minimise adverse amenity impacts on abutting and nearby residential properties, to the satisfaction of the Responsible Authority.
26. Outdoor lighting, external sign lighting and building illumination must at all times be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
27. All fences must be maintained in sound condition, to the satisfaction of the Responsible Authority.
28. All bins and receptacles must be screened from view and be maintained in a clean and tidy condition and free from offensive odour.

Use of Car Parking Spaces

29. Car spaces must not be used for any other purpose other than the parking of vehicles in association with residents of and visitors to the land, to the satisfaction of the Responsible Authority.

Satisfactorily Completed

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

Permit Expiry

31. This permit will expire if one of the following circumstances applies:
- The development is not started within two years of the date of this permit.
 - The development is not completed within four years of the issued date of this permit.
 - The use is not commenced within two (2) years of the date of this permit.
 - The use is discontinued for a period of two (2) 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 Tayler****Seconded: Councillor Asker**

That Council resolves to issue a Notice of Refusal to Grant a Planning permit in respect of Planning Permit Application number 158/2020/P to construct and use two (2) rooming houses on one lot in a General Residential Zone (GRZ) at 70 Potts Road Langwarrin, on the following grounds:

1. The site is an unacceptable location for a rooming house as it is not located close to key services and infrastructure that is encouraged by Frankston Planning Scheme including Clause 11 (Settlement), Clause 16 (Housing), Clause 21.04 (Settlement) and 21.07 (Housing); and
2. The proposed tree removal is contrary to Clause 55.03-8 (Landscaping objectives) as the mature vegetation proposed for removal cannot adequately be replaced on site due to the limited landscaping opportunities available as part of the development.

Carried

For the Motion: Crs Asker, Conroy, Liam Hughes, Steven Hughes and Tayler
Against the Motion: Crs Baker, Harvey and Hill
Abstained: Cr Bolam

11.2 Town Planning No. 4/2019/P - 28 Beach Street, Frankston - To erect and display an electronic major promotion sign on the pedestrian bridge across Beach Street (SC Communities)

Council Decision

Moved: Councillor Hill

Seconded: Councillor Harvey

That Council resolves to issue a Notice of Refusal to Grant a Planning Permit in respect to Planning Permit Application number 4/2019/P to erect and display an electronic major promotion sign on the pedestrian bridge across Beach Street at 28 Beach Street, Frankston, subject to the following grounds:

1. The proposal is contrary to Conditions 5 and 6 of Planning Permit 568/2003/P, associated with the pedestrian bridge, issued by the Minister for Planning.
2. It has not been adequately demonstrated via an independent Road Safety Audit and an independent Traffic Engineering assessment that the sign will not have road safety impacts and it is not known what measures are required to mitigate any impacts.
3. The submitted plans do not include survey information, or the land parcel boundaries and therefore there is not sufficient information to demonstrate the sign is able to be wholly constructed within the private title boundaries of the site.
4. No information has been submitted to demonstrate the engineering and structural integrity of the sign and supporting structure on the pedestrian bridge.
5. The location, scale and form of the sign, including the projection of the sign and stairwell structure do not appropriately integrate with the bridges architectural style, which include lightness of design and an open transparent appearance.
6. The location, scale and form of the sign, including the projection of the sign and stairwell structure, does not meet the decision guidelines of Clause 52.05 (Signs) of the Frankston Planning Scheme.

Carried Unanimously

12.14 Response to Petitions - 435 Robinsons Road, Langwarrin
(SC Communities)**Council Decision****Moved: Councillor Liam Hughes****Seconded: Councillor Conroy**

That Council:

1. Notes a petition of 14 signatures seeking that Council take action to cancel planning permit 72/2020/VS issued to 435 Robinsons Road, Langwarrin which was received by Council at its meeting of 21 September 2020;
2. Notes a further petition of 7 signatures suggesting it is Frankston City Council's responsibility to enforce the Public Health and Wellbeing Act 2008 s.61 in regards to a fence at 435 Robinsons Road, Langwarrin, which was received at its meeting of 23 November 2020;
3. Notes that senior officers from Council's Building Services, Environmental Health, Prosecutions and Planning Compliance teams have attended the subject sites and have not determined that any breach of the Planning & Environment Act 1987, Public Health and Wellbeing Act 2008, Building Act 1993 and Community Local Law 2020 is in existence;
4. Notes and advises the head petitioner:
 - a. That Council will not take action to cancel planning permit 72/2020/VS as such action would be futile;
 - b. That Council will review the Neighbourhood Character Policy in the Frankston Planning Scheme and its application in statutory controls;
 - c. Of the findings of the investigations regarding the fence and complaints of nuisance; and
 - d. Further appeal rights in regard to the decision pursuant to the Public Health and Wellbeing Act 2008 can be made by seeking assistance through the Dispute Settlement Centre.

Carried Unanimously

11. CONSIDERATION OF TOWN PLANNING REPORTS**11.3 Proposed Planning Scheme Amendment C144 - Frankston Gap Heritage Review 2020 - Include properties identified as having local heritage significance into the Heritage Overlay in the Frankston Planning Scheme***(SB Communities)***Recommendation (Director Communities)**

That Council:

1. Notes the findings and recommendations of the draft Frankston Gap Heritage Review 2020 Reports (Volume 1 and 2);
2. Authorises Council officers to prepare the documentation for Planning Scheme Amendment C144;
3. Authorises officers to request authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C144 in accordance with Section 9(3) of the Planning and Environment Act 1987;
4. Subject to Ministerial authorisation, publicly exhibits Planning Scheme Amendment C144 for a minimum period of six (6) weeks in accordance with Sections 17-19 of the Planning and Environment Act 1987; and
5. Seeks a report back to Council after the closing of the public exhibition period of Planning Scheme Amendment C144.

Council Decision**Moved: Councillor Hill****Seconded: Councillor Baker**

That Council:

1. Resolves to defer consideration of the Frankston Gap Heritage Review 2020 and proposed Planning Scheme Amendment C144, pending further consultation with landowners.
2. Seeks a report regarding the Frankston Gap Heritage Study and proposed Planning Scheme Amendment C144 to be presented to the January 2021 Ordinary Council meeting

Carried Unanimously

11.4 Statutory Planning Progress Report - August 2020 to October 2020
(SC Communities)**Council Decision****Moved: Councillor Hill****Seconded: Councillor Tayler**

That Council receives the Statutory Planning Progress Reports for the months of August, September and October 2020.

Carried Unanimously

12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Council Resolution Status Update for 14 December 2020***(BA Chief Financial Office)***Council Decision****Moved: Councillor Hill****Seconded: Councillor Harvey**

That Council:

1. Receives the Notices of Motion Report for 14 December 2020;
2. Receives the Urgent Business Status Update for 14 December 2020;
3. Notes there are no Notices of Motion that have been reported as being complete;
4. Notes there are no reports that will not be delayed in their presentation back to Council; and
5. Notes, since the Ordinary Meeting held on 23 November 2020, 25 resolutions have been completed, as listed in the body of the report.

Carried Unanimously**Note:** Refer to Page 4 of the Minutes where this item is block resolved.

12.2 External Committee Minutes for the Executive Management Team*(KJ Chief Financial Office)***Council Decision****Moved: Councillor Hill****Seconded: Councillor Harvey**

That Council receives the Minutes of the following external committees:

- Municipal Emergency Management Planning Committee – 24 September 2020;
- RAD-FMP Steering Committee - 13 October 2020;
- Frankston Football Club Inc Board Meeting – 19 June 2020;
- Frankston Football Club Inc Board Meeting – 17 July 2020;
- Frankston Football Club Inc Board Meeting – 21 August 2020; and
- Frankston Football Club Inc Board Meeting – 18 September 2020.

Carried Unanimously**Note:** Refer to Page 4 of the Minutes where this item is block resolved.

12.3 Minutes of Committee meetings represented by a Councillor Delegate
(BA Chief Financial Office)**Council Decision****Moved: Councillor Hill****Seconded: Councillor Harvey**

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

- Centenary Park Golf Liaison Committee – August 2020; and
- Soccer Liaison Committee – September 2020.

Carried Unanimously

Note: Refer to Page 4 of the Minutes where this item is block resolved.

12.4 Adoption of Proposed Council Meeting Dates for 2021*(BA Chief Financial Office)***Council Decision****Moved: Councillor Baker****Seconded: Councillor Harvey**

That Council:

1. Sets the following meeting dates for the coming 12 months:
 - Wednesday, 27 January 2021
 - Monday, 15 February 2021
 - Tuesday, 9 March 2021
 - Monday, 29 March 2021
 - Monday, 19 April 2021
 - Monday, 10 May 2021
 - Monday, 31 May 2021
 - Monday, 28 June 2021
 - Monday, 19 July 2021
 - Monday, 9 August 2021
 - Monday, 30 August 2021
 - Monday, 20 September 2021
 - Monday, 11 October 2021
 - Thursday, 4 November 2021 (Statutory Meeting)
 - Monday, 15 November 2021
 - Monday, 6 December 2021
2. Notes both planning and ordinary matters will continue to be presented for Council's consideration at the three-weekly Council meetings;
3. Notes the meetings will be held at the Frankston Arts Centre, unless advised otherwise;
4. Notes the meetings will commence at 7pm, unless advised otherwise; and
5. Notes the meeting dates set out in part 1 of the recommendation, be advertised by way of public notice and on Council's website.

Carried Unanimously

12.5 Appointment and Authorisation of Council Staff*(BA Chief Financial Office)***Council Decision****Moved: Councillor Hill****Seconded: Councillor Harvey**

That Council:

1. Pursuant to the provisions of Section 147 (4) of the *Planning and Environment Act 1987* and Section 313 of the *Local Government Act 2020* (Act), appoints the officers listed in the Instrument of Appointment and Authorisations; and
2. Authorises for the updated Instruments of Appointment and Authorisation to be signed and sealed.

Carried Unanimously**Note:** Refer to Page 4 of the Minutes where this item is block resolved.

12.6 Re-appointment of a Senior Officer to the Board of Management for Frankston Football Club Incorporated
(BA Chief Financial Office)

Council Decision

Moved: Councillor Conroy

Seconded: Councillor Steven Hughes

That Council:

1. Continues to appoint the Manager Community Strengthening as Council's member to the Board of Management (Board) for Frankston Football Club Incorporated in a non-voting capacity, until an update can be provided to Council on the status of repayments; and
2. Notes that a further report will be considered by no later than May 2021, to determine if the appointment should continue once the interim arrangements cease.

Carried Unanimously

12.7 Draft Conflict of Interest Policy*(BA Chief Financial Office)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Hill**

That Council:

1. Notes the draft Conflict of Interest Policy (Policy) was publicly exhibited for a period of four (4) weeks from Monday 26 October 2020, following the Election Period, and no written submissions were received; and
2. Adopts the Policy.

Carried Unanimously

12.8 Occupational Health & Safety Policy
*(FB Business Innovation and Culture)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Liam Hughes**

That Council:

1. Notes the Occupational Health and Safety Policy (Policy);
2. Endorses the Policy to be placed on public exhibition for a period of six (6) weeks; and
3. Seeks a report back no later than February 2021, to adopt the Policy, taking into account any submissions received.

Carried Unanimously

12.9 Community Engagement Plans - Municipal Early Years Plan and Positive Ageing Action Plan*(JF Communities)***Council Decision****Moved: Councillor Baker****Seconded: Councillor Conroy**

That Council:

1. Endorses the Municipal Early Years Community Engagement Plan to enable the development of the Municipal Early Years Action Plan, which is expected to be submitted to Council for adoption by May 2021; and
2. Endorses the Positive Aging Community Engagement Plan to enable the development of the Positive Ageing Action Plan which is also expected to be submitted to Council for adoption by May 2021.

Carried Unanimously

12.10 Update on Coronavirus (COVID-19) - 14 December 2020*(PC Chief Executive Office)***Council Decision****Moved: Councillor Hill****Seconded: Councillor Conroy**

That Council:

1. Notes this report that outlines its response to the impacts of the Coronavirus (COVID-19);
2. Notes that an update will be provided to each Council meeting for the foreseeable future during this Pandemic;
3. Increases the Relief and Recovery Package by \$258,500 to a total package value of \$7,121,153 by approving the financial adjustments proposed in this report:
 - Increase the redeployment funding for emergency backup and support for Community Support Frankston by \$255,000 to a total activity value of \$525,000;
 - Increase the redeployment funding for donation drop off activity to support the Community Support Frankston Christmas Appeal by \$3,500 to a total activity value of \$3,500.
4. Commits reallocation of \$200K of identified savings in the 2020/21 Capital Works Program against the Frankston South Drainage Strategy (CW4464); previously proposed to be used for the Outdoor Dining project to the following:
 - \$103K to Peninsula Community Legal for advocacy and legal services for family violence and tenant's rights;
 - \$47K to the Frankston Charitable Fund to support grant allocations;
 - \$50K to 'top up' existing grants to attract businesses to operate long term vacant shop fronts in the municipality.

Carried

For the Motion: Crs Asker, Baker, Bolam, Conroy, Harvey, Hill and Tayler

Against the Motion: Crs Liam Hughes and Steven Hughes

12.11 Peninsula Leisure Pty Ltd 2019/2020 Annual Report*(KJ Chief Financial Office)***Recommendation (Chief Financial Office)**

That Council:

1. Receives the Peninsula Leisure (PL) 2019/2020 Annual Report and the PL Financial Report; and
2. Resolves that the Peninsula Leisure 2019-2020 Financial Report remains confidential indefinitely as it contains private commercial information, being information provided by a business, commercial or financial undertaking that, if released, would impact the relationship between Council and Peninsula Leisure Pty Ltd.

Council Decision**Moved: Councillor Hill****Seconded: Councillor Steven Hughes**

That Council:

1. Receives the Peninsula Leisure (PL) 2019/2020 Annual Report and the PL Financial Report; and
2. Resolves that the Peninsula Leisure 2019-2020 Financial Report remains confidential, unless otherwise resolved by Council as it contains private commercial information, being information provided by a business, commercial or financial undertaking that, if released, would impact the relationship between Council and Peninsula Leisure Pty Ltd

Carried Unanimously

12.12 Frankston City Revitalisation*(SB Communities)***Council Decision****Moved: Councillor Liam Hughes****Seconded: Councillor Conroy**

That Council:

1. Supports the work undertaken to date to reactivate business precincts and outdoor dining; and
2. Notes \$650,000 has been received from the State Government in addition to Council's current financial contribution of \$220,000.

Carried Unanimously

12.13 Award of Contract - CN10453 Brighton Street Reconstruction*(VG Infrastructure and Operations)***Council Decision****Moved: Councillor Hill****Seconded: Councillor Harvey**

That Council:

1. Awards contract CN10453 to G&S Fortunato Group Pty Ltd (ACN 102 562 685) for \$987,732.75 GST exclusive;
2. Authorises the Chief Executive Officer to sign the contract;
3. Delegates approval of contract variations to the Chief Executive Officer; and
4. Resolves for attachments 1 and 2 of this report to be retained confidential, pursuant to section 125 of the *Local Government Act 2020*, on the grounds that it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, pursuant to 3 (1)(c) of the *Local Government Act 2020*.

Carried Unanimously**Note:** Refer to Page 4 of the Minutes where this item is block resolved.

13. RESPONSE TO NOTICES OF MOTION**13.1 Further Response to 2019/NOM12 - Legal Advice Protocol***(BA Chief Financial Office)***Council Decision****Moved: Councillor Liam Hughes****Seconded: Councillor Steven Hughes**

That Council:

1. Notes the future quarterly summary reports on external legal expenditure will be included in the CEO's quarterly report to Council going forward; and
2. Adopts the Legal Advice Protocol which has been developed in response to 2019/NOM12.

Carried Unanimously

13.2 Response to 2019/NOM20 - Reaffirmation of Victorian Local Government Women's Charter*(BA Chief Financial Office)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Reaffirms its commitment as a signatory to the Victorian Local Government Women's Charter; and
2. Authorises a letter to be sent to the Victorian Local Governance Association (VLGA) to reaffirm Council's status as a signatory to the Victorian Local Government Women's Charter.

Carried Unanimously

13.3 Response to 2019/NOM37 - Draft Overport Park Masterplan - Public Exhibition
(TB Communities)**Council Decision****Moved: Councillor Hill****Seconded: Councillor Harvey**

That Council:

1. Notes two rounds of consultation that have been undertaken to develop the draft Overport Park Master Plan;
2. Notes the draft Overport Park Master Plan and Netball Court Needs Analysis;
3. Endorses the draft Overport Park Master Plan to be publicly exhibited for a period of eight (8) weeks; and
4. Seeks a report back no later than March 2021, to adopt the Overport Park Master Plan, taking into account any submissions received.

Carried Unanimously**Note:** Refer to Page 4 of the Minutes where this item is block resolved.

13.4 Response to 2019/NOM50 - Climate Emergency
(SB Communities)**Council Decision****Moved: Councillor Harvey****Seconded: Councillor Hill**

That Council:

1. Resolves to close 2019/NOM50 as a result of the following work undertaken to date:
 - a. The review and final report on the implementation of Council's Climate Change Impacts Action Plan (2011);
 - b. The work undertaken by Council to raise community awareness of the climate emergency and support actions to mitigate greenhouse gas emissions and build resilience;
 - c. Council's Climate Change Community Survey; and
 - d. That the previous Council wrote to the Federal Minister for the Environment, The Hon. Susan Ley MP, as well as State Minister for Energy, Environment and Climate Change, The Hon. Lily D'Ambrosio MP in April 2020, calling upon their government to also declare a climate emergency and back this up with legislated programs.
2. Approves the public release of the Climate Change Survey Final report and uses the key findings to inform Council's future climate actions.
3. Supports an investigation by officers into the various climate emergency responses across local government to determine potential options and budget implications for Council to prepare a Climate Change Strategy and Action Plan with a briefing of the finding and costs to come back to Councillors in March 2021.
4. Notes, subject to funding in the 2021-22 budget, a report outlining the draft Climate Change Strategy and Action Plan, will be presented to Council by June 2022.

Carried Unanimously

14. NOTICES OF MOTION

Nil

15. LATE REPORTS

Nil

16. URGENT BUSINESS

Nil

17. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Hill****Seconded: Councillor Tayler**

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 Proposed Recipients for Citizen, Young Citizen, Senior Citizen and Community Event of the Year Awards for 2021

This document and all relevant attachments have been designated by me, the Chief Executive Officer, pursuant to Section 77(2)(c) of the Local Government Act 1989, as confidential information under Section 3(1) of the Local Government Act 2020:

- on the grounds that it contains information that was confidential information for the purposes of section 77 of the Local Government Act 1989; and
- these grounds apply because the information relates to personal information and would, if prematurely released, would put Council's reputation at risk as the finalists details are embargoed until Australia Day 2021.

C.2 Extension to Kerbside Collection and Receipting Service Contract 2009/10-1

This document and all relevant attachments have been designated by me, the Chief Executive Officer, pursuant to Section 77(2)(c) of the Local Government Act 1989, as confidential information under Section 3(1) of the Local Government Act 2020:

- on the grounds that it contains information that was confidential information for the purposes of section 77 of the Local Government Act 1989; and
- these grounds apply because the information relates to private commercial information and would, if prematurely released, impact the contractual arrangements between Council and the contractor.

C.3 Debrief of Ordinary Council Meeting

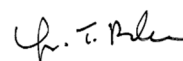
This document and all relevant attachments have been designated by me, the Chief Executive Officer, pursuant to Section 77(2)(c) of the Local Government Act 1989, as confidential information under Section 3(1) of the Local Government Act 2020:

- on the grounds that it contains information that was confidential information for the purposes of section 77 of the Local Government Act 1989; and
- these grounds apply because the information details the views of Councillors and would, if prematurely released, impact the reputation of Councillors and Council.

Carried Unanimously

.....
Signed by the CEO

Chairperson's initials



18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS**C.2 Extension to Kerbside Collection and Receipting Service Contract 2009/10-1 (considered at this Council Meeting)****Moved: Councillor Tayler****Seconded: Councillor Harvey**

That Council:

1. Awards 12 month extension to contract 2009/10-1 to Solo Resource Recovery;
2. Authorises the Chief Executive Officer to execute the contract extension with Solo Resource Recovery;
3. Delegates approval of contract variations to the Chief Executive Officer; and
4. Resolves for the recommendation to be released without the commercially sensitive information.

*This motion was put and Carried***C.3 Debrief of Ordinary Council Meeting (considered at this Council Meeting)****Moved: Councillor Harvey****Seconded: Councillor Conroy**

That Council:

1. Notes an assessment of the Council Meeting held on 14 December 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 Council Meeting held on 23 November 2020; and
3. Notes the recommendation will be published as part of the public minutes of this meeting.

This motion was put and Carried

The meeting was closed to the public at 9.05 pm

CONFIRMED THIS

DAY OF

2020

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Kris Bolam, 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 14 December 2020, confirmed on 27 January 2021.

.....
(Cr. Kris Bolam, Chairperson – Council Meeting)

Dated this

day of

2020

Chairperson's initials

