



## COUNCIL MEETING AGENDA

### 2022/CM13

### Monday 5 September 2022



# THE COUNCIL MEETING

## Welcome to this Meeting of the Frankston City Council

The Council appreciates residents, ratepayers and other visitors taking their places in the Public Gallery, as attendance demonstrates an interest in your Council and community affairs. Community spirit is encouraged.

This information sheet is designed to help you to understand the procedures of Council and help you to gain maximum value from your attendance.

The law regarding the conduct of Council meetings enables the public to observe the session. However, to ensure the manageability of Council meetings, opportunities for public participation are limited to Question Time and registered submissions in accordance with Council's guidelines, which are available from Council's Councillors Office (call 9768 1632) and on our website, [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au). It is not possible for any visitor to participate in any Council debate unless specifically requested by the Chairperson to do so.

If you would like to have contact with Councillors or Officers, arrangements can be made for you to do so separately to the meeting. Call the Councillors Office on 9768 1632 and ask for the person you would like to meet with, to arrange a time of mutual convenience.

## When are they held?

Generally speaking, the Council meets formally every three (3) weeks on a Monday and meetings start at 7.00 pm, unless advertised otherwise. **This Council Meeting will be held in the Council Chambers, Frankston Civic Centre, 30 Davey Street (entry via Young Street).** Livestream footage can be viewed via our website, [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au).

Council meeting dates are posted at Young Street entrance to the Civic Centre (upper level) and also on our website, [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au).

## **Frankston City Council Governance Rules (adopted 31 August 2020)**

### **25. Chair's Duty**

Any motion which is determined by the *Chair* to be:

- 25.1 *defamatory of or embarrassing to any Councillor, member of Council staff or other person;*
- 25.2 *abusive or objectionable in language or nature;*
- 25.3 *a direct negative of the question before the Chair;*
- 25.4 *vague or unclear in intention;*
- 25.5 *outside the powers of Council; or*
- 25.6 *irrelevant to the item of business on the agenda and has not been admitted as*



**79. Chair May Remove**

- 79.1 *The Chair may order and cause the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 78.2, or cause the removal of any object or material that is deemed by the Chair as being objectionable or disrespectful.*
- 79.2 *Any person removed from the meeting under sub-Rule 79.1 must not return to the meeting without the approval of the Chair or Council.*

*It is intended that this power be exercisable by the Chair, without the need for any Council resolution. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threatens his or her authority in chairing the meeting.*

The Penalty for an offence under this clause is 2 penalty units which is \$200

**Live Streaming of Council Meetings**

Frankston City Council is now Live Streaming its Council Meetings.

**Council is encouraging residents to view the meetings via the live streaming.**

Live Streaming allows you to watch and listen to the meeting in real time, giving you greater access to Council decision making and debate and improving openness and transparency.

There are three (3) fixed cameras in the Council Chambers and it is intended that the cameras will only provide vision of the Councillors who are present at the meeting.

Every care will be taken to maintain privacy and as far as practically possible, it is not intended that there be either live or recorded footage of the public or Media personnel, however, there might be incidental capture; for example footage of a person exiting the building depending on which camera is being used at the time, or audio recording of a person who interjects the meeting. Council officers who address Council will be heard on the live audio stream, and audio of them speaking will be recorded.

Archives of meetings will be published on Council's website generally within three (3) business days after the meeting date for the public's future reference. Council will make every reasonable effort to ensure that a live stream and recording is available. However technical difficulties may arise in relation to live streaming or access to Council's website.

Appropriate signage will be placed at the entrance to the meeting location notifying all attendees that the meeting will be streamed live and recorded.

It is not intended that public speakers will be visible in a live stream of a meeting. Cameras are to be positioned so that these members of the public are not visible. If you do not wish to be recorded you will need to contact the Councillors Office on telephone (03) 9768 1632 or via email [councillors.office@frankston.vic.gov.au](mailto:councillors.office@frankston.vic.gov.au) to discuss alternative options prior to the meeting.

In the event Council encounters technical issues with the livestreaming, the meeting will be adjourned for up to 30 minutes until the matter is resolved. If the matter cannot be resolved, the meeting will be postponed to another evening.

## **The Formal Council Meeting Agenda**

The Council meeting agenda is available for public inspection immediately after it is prepared, which is normally on the Thursday afternoon four (4) clear days before the meeting. It is available from the Reception desk at the Civic Centre (upper level), on our website [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au) or a copy is also available for you in the chamber before the meeting.

The following information is a summary of the agenda and what each section means:-

- **Items Brought Forward**

These are items for discussion that have been requested to be brought forward by a person, or a group of people, who have a particular item on the Agenda and who are present in the Public Gallery.

- **Presentation of Written Questions from the Gallery**

Question Time forms are available from the Civic Centre and our website, [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au).

“Questions with Notice” are to be submitted before 12 noon on the Friday before the relevant Ordinary Meeting either in person at the Frankston Civic Centre, online using the Question Time web form or via email to [questions@frankston.vic.gov.au](mailto:questions@frankston.vic.gov.au).

“Questions without Notice” are to be submitted between 12 noon on the Friday before the relevant Ordinary Meeting up until 4pm on the day of the relevant Ordinary Meeting either in person via the designated Question Time box located at the Frankston Civic Centre front reception or the after-hours mail box or via email to [questions@frankston.vic.gov.au](mailto:questions@frankston.vic.gov.au).

A maximum of 3 questions may be submitted by any one person at one meeting. There is no opportunity to enter into debate from the Gallery.

More detailed information about the procedures for Question Time is available from Council's Councillors Office (call 9768 1632) and on our website, [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au).

- **Presentation of Petitions and Joint Letters**

These are formal requests to the Council, signed by a number of people and drawing attention to matters of concern to the petitioners and seeking remedial action from the Council. Petitions received by Councillors and presented to a Council meeting are usually noted at the meeting, then a report is prepared for consideration at the next available meeting.

- **Presentation of Reports**

Matters requiring a Council decision are dealt with through officer reports brought before the Council for consideration. When dealing with each item, as with all formal meeting procedures, one Councillor will propose a motion and another Councillor will second the motion before a vote is taken. If the members of the public wish to clarify any of the items on the Agenda, please contact the relevant manager by phoning 1300 322 322.

- **Presentation of Delegate Reports**

A Councillor or member of Council staff who is a delegate may present to Council on the deliberations of the external body, association, group or working party in respect of which he or she is a delegate or an attendee at a Council approved conference / seminar.

- **Urgent Business**

These are matters that Councillors believe require attention and action by Council. Before an item can be discussed, there must be a decision, supported by the majority of Councillors present, for the matter to be admitted as “Urgent Business”.

- **Closed Meetings**

Because of the sensitive nature of some matters, such as personnel issues, contractual matters or possible legal action, these matters are dealt with confidentially at the end of the meeting.

**Opportunity to address Council**

Any person who wishes to address Council must pre-register their intention to speak before 4.00pm on the day of the meeting, by telephoning Council's Councillors Office (call 9768 1632) or by submitting the online web form or by using the application form both available on the website, [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au).

The submissions process is conducted in accordance with guidelines which are available from Council's Councillors Office and on our website. All submissions will be limited to 3 minutes in duration, except for Section 223 submitters, who have a maximum of 5 minutes. No more than ten (10) members of the public are to be permitted to address the Council. Further speakers will be permitted to address the meeting at the discretion of the Chair. All speakers need to advise if they are speaking on behalf of an organisation and it is deemed that they have been appropriately authorised by that said organisation.

Public submissions and any subsequent discussion will be recorded as part of the meeting, and audio recordings of Council meetings will be made available to members of the public. If a submitter does not wish to be recorded, they must advise the Chair at the commencement of their public submission.

**Disclosure of Conflict of Interest**

If a Councillor considers that they have, or might reasonably be perceived to have, a direct or indirect interest in a matter before the Council or a special committee of Council, they will declare their interest and clearly state its nature before the matter is considered. This will be done on every occasion that the matter is considered by the Council or special committee.

If a Councillor has an interest in a matter they will comply with the requirements of the Local Government Act, which may require that they do not move or second the motion and that they leave the room in which the meeting is being held during any vote on the matter and not vote on the matter.

If a Councillor does not intend to be at the meeting, he or she will disclose the nature of the interest to the Chief Executive Officer, Mayor or Chairperson prior to the meeting commencing.

**MAYOR**



## NOTICE PAPER

---

### ALL COUNCILLORS

NOTICE is hereby given that a Council Meeting of the Council will be held at the Civic Centre, Davey Street, Frankston, on 5 September 2022 at 7.00pm.

### COUNCILLOR 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 in the debate or vote on the issue.*

### OPENING WITH PRAYER

*Almighty God, we ask for your blessing upon this Council. Direct and prosper its deliberations to the advancement of your glory and the true welfare of the people of Frankston City. Amen.*

### ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

*I acknowledge the Traditional Custodians of the land on which we meet today, the Bunurong People of the Kulin Nation, and pay my respect to Elders past, present and future. I would like to extend that respect to Elders of other communities who may be here today.*

**BUSINESS****1. PRESENTATION TO COMMUNITY GROUPS**

Nil

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

Council Meeting No. CM12 held on 15 August 2022.

**3. APOLOGIES****4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST****5. PUBLIC QUESTIONS****6. HEARING OF SUBMISSIONS****7. ITEMS BROUGHT FORWARD****8. PRESENTATIONS / AWARDS****9. PRESENTATION OF PETITIONS AND JOINT LETTERS**

Nil

**10. DELEGATES' REPORTS**

- 10.1 Delegate's Report - Completion of Professional Development - Australian Institute of Company Directors Course .....3

**11. CONSIDERATION OF CITY PLANNING REPORTS**

- 11.1 Statutory Planning Progress Report - July 2022 .....7

**12. CONSIDERATION OF REPORTS OF OFFICERS**

- 12.1 Council Resolution Status Update for 5 September 2022 .....51
- 12.2 Adoption of amendments to Governance Rules .....58
- 12.3 Community Satisfaction Survey 2022 .....205
- 12.4 Emergency Management Obligations - Council/stakeholder and community expectations .....208
- 12.5 Request to transfer remaining bathing-box project funds to the Rotary Club of Frankston Sunrise .....237
- 12.6 Proposed Replacement of Public Open Space for approved Council land disposals (Part of 331R Cranbourne Road Frankston and Lathams Road Carrum Downs) .....243
- 12.7 Conclusion of statutory leasing procedure - Proposed Lease of Council Land - Existing Telecommunications Facility - 45R Wedge Road Carrum Downs (Carrum Downs Recreation Reserve) .....248
- 12.8 Award of Contract - CN10851 - Seaford Wetlands Project - Construction of Pedestrian Bridge over Eel Race Canal .....253
- 12.9 Award of Contract - CN10826 - Eric Bell Reserve Pavilion

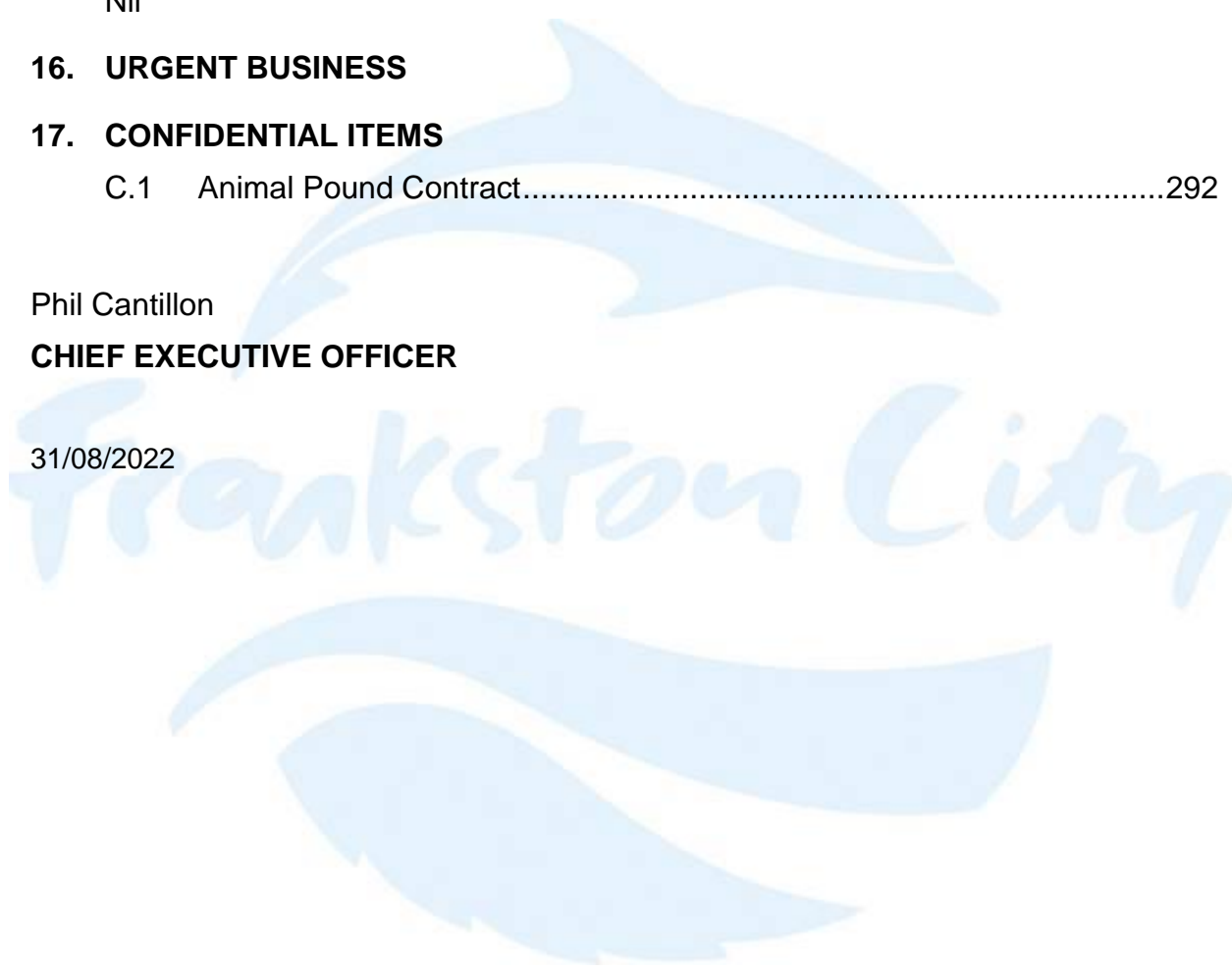


Redevelopment .....	264
12.10 Award of Contract - CN10849 - Carrum Downs Tennis Courts Reconstruction and Sports Light Upgrade .....	270
<b>13. RESPONSE TO NOTICES OF MOTION</b>	
13.1 Further response to 2022/NOM2 Kananook Station Precinct: Advocacy Update .....	278
<b>14. NOTICES OF MOTION</b>	
Nil	
<b>15. REPORTS NOT YET SUBMITTED</b>	
Nil	
<b>16. URGENT BUSINESS</b>	
<b>17. CONFIDENTIAL ITEMS</b>	
C.1 Animal Pound Contract.....	292

Phil Cantillon

**CHIEF EXECUTIVE OFFICER**

31/08/2022



**Executive Summary****10.1 Delegate's Report - Completion of Professional Development - Australian Institute of Company Directors Course**

*Enquiries: (Brianna Alcock: Corporate and Commercial Services)*

Council Plan

Level 1:

Level 2:

6. Progressive and Engaged City

6.2 Enhance strategy, policy and plan development and identify alignment to allow for prioritisation of services that are efficient, well planned, accessible and meet community needs

**Purpose**

To provide a summary of the outcomes by Crs Claire Harvey, Sue Baker, Brad Hill and Kris Bolam who attended professional development courses in 2022.

**Recommendation (Director Corporate and Commercial Services)**

That Council receives this delegate report from Councillors Claire Harvey, Sue Baker, Brad Hill and Kris Bolam on their completion of professional development courses in 2022.

**Key Points / Issues**

- At its Meeting on 11 October 2021, it was resolved that Council:
  1. *Endorses Cr Claire Harvey, Cr Brad Hill and Cr Sue Baker to undertake the Australian Institute of Company Directors' (AICD) Course and membership, commencing in 2021-2022 financial year;*
  2. *Notes the Training and Development budget allocation for Councillors is \$3,000 per financial year;*
  3. *Notes the cost of the AICD Course will be funded via each of the Councillor's respective Training and Development budget allocations over the following financial years:*
    - *Cr Claire Harvey: 2021-2022 and 2022-2023*
    - *Cr Brad Hill: 2021-2022, 2022-2023 and 2023-2024; and*
    - *Cr Sue Baker: 2021-2022, 2022-2023 and 2023-2024*
- Councillors have the opportunity to undertake professional development in order to support and assist them in the effective performance of their official duties and functions as a Councillor.
- Crs Claire Harvey, Brad Hill and Sue Baker completed the Australian Institute of Company Directors (AICD) Course, along with Cr Kris Bolam who completed the AICD Refresher course, in 2022. The Councillors have provided the following written reports:

**Cr Claire Harvey**

*"The opportunity to complete the AICD Company Directors Course has been an incredibly rich learning experience for me. The need to hold in tension various compliance obligations (and there are many) alongside efforts to improve and enhance organisational performance lies at the heart of good governance, whatever sector one is working within.*

**10.1 Delegate's Report - Completion of Professional Development - Australian Institute of Company Directors Course****Executive Summary**

*Areas of particular interest to me, from across the five units of the course, included an emerging focus on climate risk, ESG more generally, and what makes for effective governance as a diverse team committed to ongoing performance improvement.*

*The times we find ourselves in are indeed volatile, uncertain, complex and ambiguous, and this course has provided a timely opportunity to engage in relevant vocational upskilling at a time when Council itself has new challenges to navigate.*

*Stakeholder groups are demanding more from leaders across the spectrum (business, politics, community), and they are right to do so. The tone does get set at the topic, and organisations that thrive over the longer term are those that deeply value people and environment over quick financial gains.*

*While the course itself is not inexpensive, over the past five months I have spent 100+ hours of my own time engaging with the materials, completing a written assignment, and preparing for the quiz and exam. This was an investment that I have been very happy to make: this training will not just enhance the contribution that I make as a Councillor, it will also equip me to better serve the broader community through volunteer involvement on other NFP boards and committees both now and into the future."*

**Cr Sue Baker**

*"My objective for attending the course was to develop the skills and attributes required to effectively operate as a Councillor. Councils in Local Government have many similarities to the role of Boards in all other organisations. The roles and responsibilities of Councillors to question, monitor and vote on the adoption of policies and certain activities, is an integral part of the effective functioning of Frankston City Council as a whole.*

*Amongst my key learnings are:*

- The importance of asking key questions to effectively monitor the governance responsibilities of Council*
- The vital role EMT and Councillors play in identifying and embedding defined values to create an organisation culture that drives excellence in community support and development*
- Specific financial literacy skills to both build a budget, then monitor and review required changes in response to changing internal and external circumstances*
- How to work with risk when balancing the changing needs of all residents and visitors who work and live in the municipality*
- Techniques for decision making and managing the dynamics of Council to achieve a constructive culture and drive organisation performance*

*The insights and techniques learnt have already had a positive impact on my approach, endorsing my natural curiosity to understand all sides of an issue and expand my confidence in tackling a range of new and varied issues. I highly recommend the course to all Councillors."*

**10.1 Delegate's Report - Completion of Professional Development - Australian Institute of Company Directors Course****Executive Summary****Cr Brad Hill**

*"I attended the AICD Company Directors course from July 6 to July 10, attending in person each day at their Collins St office for five days. I took annual leave from my day job to attend this training.*

*The course was aimed at company directors, but there is a lot of overlap between the role of a director and the role of a councillor. A number of Frankston City councillors have undertaken this training to date.*

*The course was split into five parts:*

- Governance
- The legal environment
- Understanding risk
- Effective boards
- Financial literacy

*The course was well worthwhile and I would recommend it to any councillor. These skills and understanding are critical for a councillor to properly perform their role, and as councillors can come from all kinds of background and experience, at varying levels, it's so important that councillors have the skills to undertake the role to the best of their ability.*

*Councillors need to understand financial reports presented to them, councillors need to understand governance concepts, how to work with other councillors and staff. Councillors need to ask the right questions. Councillors need to make the right decisions when they vote, be properly informed in respect to risk, financials, and other areas that the course covered. The council is a large organisation and informed and understanding view is required. The course delivered on all of that.*

*This course along with other training is a key contributor towards becoming the best councillor you can be."*

**Cr Kris Bolam**

*"I found the course valuable insofar the focus on good corporate governance, and a board member's fiduciary functions. The teaching of this course are akin to the sought of good governance provisions contained within both Frankston City Council's Code of Conduct and the Victorian Local Government Act. I plan on using these learnings to further improve governance procedures at Frankston City Council."*

**Financial Impact**

There were financial costs, however, these costs were accommodated within existing budgets.

Description	Cost
Cr Kris Bolam – AICD Refresher course	\$2127.00
Cr Kris Bolam – accommodation	\$792.23
Cr Brad Hill – AICD course (in-person)	\$8,168.00
Cr Sue Baker – AICD course (On-line)	\$6,699.00
Cr Claire Harvey – AICD Course (self-paced)	\$4,879.00

**10.1 Delegate's Report - Completion of Professional Development - Australian Institute of Company Directors Course****Executive Summary****Consultation****1. External Stakeholders**

Nil

**2. Other Stakeholders**

Nil

**Analysis (Environmental / Economic / Social Implications)**

There are no implications involved with this Delegates report.

**Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

There are no legal issues identified with this report.

Policy Impacts

There are no impacts on Council policies.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

**Risk Mitigation**

There are no risks identified with this report.

**Conclusion**

Councillors have the opportunity to undertake professional development in order to support and assist them in the effective performance of their official duties and functions as a Councillor.

Councillors Claire Harvey, Sue Baker, Brad Hill completed the AICD course and Councillor Kris Bolam completed the AICD Refresher course in 2022.

It is recommended that Council receives this delegate's report.

---

**ATTACHMENTS**

Nil



**Executive Summary****11.1 Statutory Planning Progress Report - July 2022**

*Enquiries: (Sam Clements: Communities)*

Council Plan

- |          |   |
|----------|---|
| Level 1: | 4. Well Planned and Liveable City   |
| Level 2: | 4.1 Integrate land use planning and revitalise and protect the identity and character of the City |

**Purpose**

To provide Council with an update on the exercise of planning delegations by Council officers for the month of July 2022 and highlight notable planning process improvements implemented these last 4 years, including those arising from past Council resolutions over that same period.

**Recommendation (Director Communities)**

That Council:

1. Receives the Statutory Planning Progress Report for the month of July 2022;
2. Notes the areas of improvement in the delivery of Statutory Planning services over the last 4 years and plans for further service enhancements;
3. Notes the past Council Resolutions relating to Statutory Planning Process Improvements (Attachment C); and
4. Resolves that the Applications of Councillor Interest (Attachment B) remain confidential indefinitely on the grounds that it contains land use planning information and private commercial information (*Local Government Act 2020, s.3(1)(c) and (g)*). These grounds apply because it contains private development information and would, if prematurely released, impact the reputation of Councillors and Council.

**Key Points / Issues**Statutory Planning Progress Report

- This report is provided in accordance with Council's resolution of 29 January 2018 requiring that:  
*Council receives Town Planning Progress Reports no later than two months after the cessation of a given months.*
- At its meeting on 25 July 2022, it was resolved that Council:
  1. *Receives the Statutory Planning Progress Reports for the month of May and June 2022;*
  2. *Resolves that all liquor licence applications are no longer required to be reported to Council for decision, except where called-in by Councillors in accordance with protocol;*
  3. *Resolves that officers distribute a list to Councillors on a fortnightly basis, commencing in the week of 8 August 2022, of: all liquor licence applications; (and) applications seeking retrospective approval for non-compliance with permits; and*

**11.1 Statutory Planning Progress Report - July 2022****Executive Summary**

4. *Resolves that the Applications of Councillor Interest (Attachment C) remain confidential indefinitely on the grounds that it contains land use planning information and private commercial information (Local Government Act 2020, s.3(1)(c) and (g)). These grounds apply because it contains private development information and would, if prematurely released, impact the reputation of Councillors and Council.*
  5. *That the September 2022 Statutory Planning Report highlight notable planning process improvements implemented these last 4 years, including those arising from past Council resolutions over that same period.*
- The report provides Council with an update on the exercise of planning delegations by Council officers on the following items:
    - Planning applications received;
    - Planning decisions;
    - Subdivision applications received;
    - Subdivision decisions;
    - VCAT appeal register; and
    - VCAT decisions.
  - In July 2022, ninety-eight (98) applications for planning permits, amendments to permits and consents were received, and 97 applications determined. A total of 60% of permit decisions were made within the statutory timeframe. This was below Council's target of 70%.
  - Recruitment for multiple vacant roles continues with measures being implemented to fill the resource gap and improve the competitiveness of Council's employment offer. These measures include taking on more Student Planners and providing greater progression opportunities for planners within the team.
  - Additional resource support through consultants and contractors has been secured to help stabilise and then to progressively assist in reducing the outstanding load of applications. Notwithstanding, recruitment and retention of staff in a labour market that is continuing to evolve and will remain challenging.
  - As at the time of preparation of this report, there are 344 undecided planning permits, amendment to planning permits, and plan approval applications currently with Council.
  - During the period, 16 decisions related to multi-dwelling applications. All of these applications complied with the Multi-Dwelling Visitor Car Parking Guidelines.
  - Two VCAT decisions were reported during the period.
  - Also included in this progress report is the list of 'applications of interest' at Attachment B for Council's reference. As agreed with Council, the purpose of providing this report is to enable Councillors to understand progress on current or future applications of interest and potential timings for decision making.

**Statutory Planning Process Improvements (update)**

- As detailed above, the draft minutes for Council's meeting of 25 July 2022 detail that Council resolved '*that the September 2022 Statutory Planning Report highlight notable planning process improvements implemented these last 4*

**11.1 Statutory Planning Progress Report - July 2022****Executive Summary**

*years, including those arising from past Council resolutions over that same period.'*

- Council resolutions from the last four years pertaining to Statutory Planning process improvements are included in Attachment C.
- On 4 June 2018, there was a Council resolution that requested six improvements to the planning process.
- In August 2019, Council was provided with a report entitled Town Planning Improvements Update Report. Amongst other matters, the report noted that:
  - Since 2014, Council had adopted approximately 120 resolutions relating to the Frankston Planning Scheme and Town Planning work systems, which had been actioned.
  - Actioned items mentioned above, include the six improvements requested on 4 June 2018.
  - The volume of planning applications received by Council had been increasing over time, and that this related to the content of planning scheme controls (triggering more permits/more detailed assessments), levels of economic activity, and increasing infill development.
  - Timeframes for processing of applications had varied over time, but were comparable to neighbouring Councils.
  - The (then) Planning and Environment Department had implemented a program of systems improvements through implementation of digital and on-line work processes and document availability.
- The report also noted that additional resource allocation would likely be required to support work on systems improvements.
- Council resolved that a further update report be provided by the March 2020 ordinary meeting.
- This 'further' Town Planning Improvements update report was received by Council at its ordinary meeting of 30 March, 2020. Amongst other matters, the reported noted that:
  - Since the August 2019 report, two substantive cross functional system improvement projects had been undertaken. These were the 'Referrals Project' and 'Better Approvals Project'.
  - The 'Referrals Project' involved transitioning key referrals into the Pathway software system (rather than via email), and moving most referrals to being sent early in the application process (rather than mid-way through).
  - The 'Better Approvals Project' resulted in improved web information and co-ordination between internal departments where multiple permissions might be required for new business activity. A trial of a 'Business Concierge' position was being commenced.
  - A continued focus on reducing outstanding application volumes and prioritising work more effectively, had seen a material improvement in the number of decisions made within 60 statutory days (from 49% in 2017 and 18, to 73% in 2019).

**11.1 Statutory Planning Progress Report - July 2022****Executive Summary**

- Further improvements to improvements in work systems utilising potentially improved capability of Council's corporate software systems was mooted, with support from Council's new Business Innovation and Culture directorate and resource allocation in the Digital Transformation team, were anticipated in FY20-21.
- Council resolved to receive the report and note the improved on-time performance, and service improvements as outlined in the report.
- Since its March 2020 resolution, a variety of service improvements have been undertaken, some directly by the team and others in partnership with Council's Business Transformation Team as follows:
  - Public Information – Improving the content and formatting of information on Council's website.
  - Pre-Lodgement – Undertaking a project jointly with DELWP to improve streamlining of pre-application meeting requests. This project included enabling web lodgements/requests, fee requirements, and improved allocation, communication, and recording of meeting outcomes using Council's enterprise software system.
  - Lodgement – Enabling web lodgements for new applications, establishing a pre-lodgement administrative process which enables applications to be lodged into Council's system pending fee payment (reducing risk in previous manual handling of credit card numbers).
  - Referrals – Now created in Council's enterprise software system for all internal referral types, with 'dashboards' which enable real-time monitoring of referrals status and timeframes.
  - Public Notice – a new format planning notice (still in yellow) which is better formatted and includes information about the steps in the planning assessment process and QR code linking the customer to advertised planning application page on the Council website. Council has engaged a contractor to erect signs on site on behalf of the applicant (on payment of a fee). This ensures that the signs are properly erected and can be seen without the potential hindrance of vegetation, etc. Use of software applications has also materially reduced the time involved in sending of physical mail notices and updating Council's website with the advertised documents for applications which are on public notice.
  - Objections – enabling objections to be made via Council's website and thus automatically recorded and acknowledged immediately to the objecting party.
  - Decision making – Council granting officer delegation to determine liquor licence applications (previously required mandatory reporting to Council for even minor applications). Also, modifications to Councillor call-in forms and requirements for multiple Councillors to support a call-in request.
  - Digital information – 3D modelling software has been purchased and continues to be enhanced to support decision making on larger developments in the Frankston Metropolitan Activity Centre (FMAC).
  - Councillor communications – Providing regular updates to Council regarding major development applications.

**11.1 Statutory Planning Progress Report - July 2022****Executive Summary**

- Additionally, a number of resourcing and structural changes have been made to the former Planning and Environment Department, as follows:
  - Creation of the 'Development Services' department to improve integration of related services involving Statutory Planning, Building and Environmental Health (a further step beyond the 'Better Approvals Project').
  - Elevation of the 'Major Projects Planner' into a 'Coordinator Major Developments' position with a clearer focus on the project management of large developments within the FMAC and a remit to expediently process those applications and provide guidance and support to integrate post-planning permit approval processes.
  - Elevation of Senior Planner positions to Principal Planner roles in recognition of need to be market competitive and provide opportunities for growth and development for mid-level planning employees.
  - Creation of three additional statutory planner/technical officer positions to support better workload management and improved customer service.
  - Engagement of additional Student Planners to provide support and potential future staff optionality.
  - Creation of an additional Planning Investigations Officer to undertake proactive compliance inspections, with a new target to undertake 250 per year. These officers have access to two additional Council vehicles to provide for more immediate access to a vehicle for prompt investigation of matters.
- Notwithstanding the improvement work undertaken and additional resources authorised, Council's target of 70% decisions in 60 Statutory Days has generally not been achieved during the last financial year. This is due to a number of factors including:
  - Staffing - having been relatively stable 'pre-covid', turnover in staff has increased due to key staff retirements and promotions/departures, leading to resource and service gaps whilst new starters are recruited and trained.
  - Employment market place – competition for experienced or capable planning staff has increased, making retention and recruitment of staff more challenging. In this regard, some positions previously authorised or created have/are only now being able to be filled.
  - Work volumes – application and particularly enquiry volume unexpectedly increased during the last two years, which combined with resource gaps has created a backlog of outstanding applications which will need to be cleared before decisions made in statutory days performance improves.
  - Additional statutory requirements – new state government requirements to protect private information (through redacting documents) have added a significant resource cost to Council, more than off-setting gains made in administrative process efficiencies.
  - Whilst process improvements have been made in Statutory Planning, other internal departments need assistance to improve turnaround times and support to the planning process.



**11.1 Statutory Planning Progress Report - July 2022****Executive Summary**

- Decisive action has been taken and we are better positioned to meet the timeframe performance target for FY22/23, with the following actions being taken:
  - Filling vacant roles and reducing the volume of outstanding applications. Council has recently successfully appointed one Principal Planner.
  - Integrating processes to and enhancing the utility of Council's enterprise system (Pathway) to enable features such as automatic updates to applicants and transparency of application status.
  - Improving public information on the website and understanding of applicants and prospective applicants regarding planning requirements.
  - Improving handling of general requests for planning information so that these can be channelled to the correct staff for response in an efficient way.
  - Continuing to enhance proactive compliance checking.
- Further updates will be provided to Councillors in future Councillor briefings.

**Financial Impact**

As identified above, additional costs are being incurred to engage additional contractors and consultants to support application processing and preparation of decision reports. These costs are offset by cost savings related to vacant staff positions.

Where a party seeks review of Council's decision at the Victorian Civil and Administrative Tribunal, Council will incur representation costs. Often, Council is represented by its officers and these costs are managed within Council's adopted budget. However, where a matter is complex or involves legal issues, or where Council decides an application at variance with the officer's recommendation, an external representative will be engaged. The type and cost of the representative engaged will vary depending on the nature of the application and issues in contention.

Indicatively, costs to engage a planning consultant representative for a VCAT case typically range between \$4,000 and \$8,000 (depending on hearing length), and between \$10,000 and \$50,000+ for legal representation (again, depending on hearing length and potential engagement of expert witnesses).

**Consultation**

This report provides details of all planning applications and decisions that are required to be considered in accordance with the Frankston Planning Scheme and the Planning and Environment Act (1987).

Consultation occurs with the community as part of the planning process of each application that requires public advertising.

**Analysis (Environmental / Economic / Social Implications)**

This report will not result in any identified environmental, economic or social impacts.

**Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

**11.1 Statutory Planning Progress Report - July 2022****Executive Summary**Legal

No legal implications.

Policy Impacts

No policy impacts.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

**Risk Mitigation**

There are no identified risks noted in relation to the preparation of this report.

**Conclusion**

This report provides Council with an overview of the activities and decisions made on planning applications in the month of July 2022 and updates regarding previous, current and future planning process improvements.

---

**ATTACHMENTS**

- Attachment A: [↓](#) Statutory Planning Progress Report - July 2022
- Attachment B: Applications of Councillor Interest - July 2022 - **CONFIDENTIAL**
- Attachment C: [↓](#) Past Council Resolutions Relating to Statutory Planning Process Improvements

<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
441/2022/P	North-East	22 Long Street, Langwarrin 3910	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	1/07/2022
449/2022/P	North-East	53 Lathams Road, Carrum Downs 3201	Building and works for warehouse development and associated car parking.	5/07/2022
116/2022/P/VS	North-East	17/7 Lakewood Boulevard, Carrum Downs 3201	To construct a mezzanine floor in existing warehouse	8/07/2022
117/2022/P/VS	North-East	26/59 Cadles Road, Carrum Downs 3201	Extension to existing dwelling on a lot less than 300sq in a General Residential Zone (GRZ)	11/07/2022
451/2022/P	North-East	34 Brett Drive, Carrum Downs 3201	To construct forty three (43) warehouses in an Industrial 1 Zone (IN1Z)	11/07/2022
469/2022/P	North-East	Clay Target/Shooting Range 123M Rossiter Road, Carrum Downs	To construct two (2) flat standing awnings (carport )	11/07/2022
485/2022/P	North-East	110 Cadles Road, Carrum Downs 3201	To construct thirteen (13) double storey dwellings in a General Residential Zone (GRZ)	14/07/2022
125/2022/P/VS	North-East	51 Access Way, Carrum Downs 3201	To construct buildings and works (mezzanine floor) to an existing building (retrospective) in an Industrial 1 Zone (I1Z).	18/07/2022
494/2022/P	North-East	24 Lathams Road, Carrum Downs 3201	To erect and display business identification signage in a Commercial 2 Zone (B4Z)	19/07/2022
126/2022/P/VS	North-East	1 Malibu Circuit, Carrum Downs 3201	To construct building and works to an existing warehouse in an Industrial 1 Zone (IN1Z)	25/07/2022
512/2022/P	North-East	3 Turner Road, Langwarrin 3910	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ)	25/07/2022
129/2022/P/VS	North-East	11B Industry Boulevard, Carrum Downs 3201	Building and works for retrospective mezzanine	26/07/2022
<b>North-East Ward - 12</b>				
444/2022/P	North-West	31 Park Street, Seaford 3198	To construct a building or carry out works (dwelling) within the TPZ of a significant tree in an Environmental Significance Overlay (ESO4)	1/07/2022

<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
110/2022/P/VS	North-West	15 Brunning Crescent, Frankston North 3200	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	1/07/2022
442/2022/P	North-West	10 Kookaburra Street, Frankston 3199	To use the land for sale and consumption of food & liquor (on-premise licence)	1/07/2022
111/2022/P/VS	North-West	4 Martin Street, Seaford 3198	To construct an outbuilding (shed and gazebo) in a Special Building Overlay (SBO).	4/07/2022
459/2022/P	North-West	20 McAlister Street, Frankston 3199	To construct one (1) double storey dwelling to rear of existing dwelling (two (2) dwellings) in a General Residential Zone (GRZ)	5/07/2022
468/2022/P	North-West	50 Rosslyn Avenue, Seaford 3198	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) a General Residential Zone (GRZ) and to construct buildings and works in a Special Building Overlay (SBO)	11/07/2022
473/2022/P	North-West	31 Henry Crescent, Seaford 3198	To construct two (2) double storey dwellings in a General Residential Zone (GRZ)	11/07/2022
486/2022/P	North-West	18 Eel Race Road, Seaford 3198	To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ)	14/07/2022
120/2022/P/VS	North-West	4 Madden Street, Seaford 3198	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	15/07/2022
4/2022/P	North-West	4 Pildra Court, Seaford 3198	Certificate of compliance	19/07/2022
491/2022/P	North-West	81 McMahon's Road, Frankston 3199	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	19/07/2022
504/2022/P	North-West	90 Railway Parade, Seaford 3198	To construct two (2) single storey dwellings (two (2) dwellings on a lot) in a General Residential Zone (R1Z)	21/07/2022
505/2022/P	North-West	Coonara Avenue, Seaford Railway Parade, Seaford Selsey Street, Seaford	To remove native vegetation in an Environmental Significance Overlay Schedule 1 (ESO1) and under Clause 52.17 Native Vegetation of the Frankston Planning Scheme	21/07/2022

<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
508/2022/P	North-West	47 Ashleigh Avenue, Frankston 3199	To construct two (2) double storey dwellings in a General Residential Zone (GRZ) and Special Building Overlay (SBO)	22/07/2022
127/2022/P/VS	North-West	246 Nepean Highway, Seaford 3198	To remove one (1) significant tree listed in the schedule to the Environmental Significance Overlay Schedule 4 (ESO4)	22/07/2022
511/2022/P	North-West	21 Radiata Street, Frankston North 3200	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings) in a General Residential Zone (GRZ)	25/07/2022
518/2022/P	North-West	9 Pascal Road, Seaford 3198	To construct buildings and works associated with a warehouse in an Industrial 1 Zone (IN1Z) and to reduce the number of car spaces required under Clause 52.06-5 of the Frankston Planning Scheme	26/07/2022
<b>North-west Ward - 17</b>				
443/2022/P	South	19-21 Gulls Way, Frankston South 3199	To construct one (1) double storey dwelling in a Design and Development Overlay Schedule 2 (DDO2) and removal of vegetation in a Significant Landscape Overlay Schedule 3 (SLO3)	1/07/2022
113/2022/P/VS	South	657 Nepean Highway, Frankston South 3199	To construct a domestic swimming pool in a Design and Development Overlay Schedule 9 (DDO9)	4/07/2022
121/2022/P/VS	South	3 Hume Court, Frankston South 3199	To remove one (1) tree in a Significant Landscape Overlay Schedule 4 (SLO4)	4/07/2022
114/2022/P/VS	South	37 Playne Street, Frankston 3199	To construct building and works to existing building in a Commercial 1 Zone (B1Z)	7/07/2022
115/2022/P/VS	South	24 Young Street, Frankston 3199 Suite 1-8/Level 1, 38 Young Street, Frankston	To construct building and works to existing building in a Commercial 1 Zone (B1Z)	7/07/2022



<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
463/2022/P	South	6A Orchard Grove, Frankston South 3199	To construct one (1) double storey dwelling on a lot under 300 square metres in a General Residential Zone (R1Z), to construct buildings and works in a Design and Development Overlay Schedule 9 (DDO9) and to construct buildings and works in the tree protection zone of substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4)	7/07/2022
460/2022/P	South	14 John Street, Langwarrin 3910	To use and develop the land for a child care centre and to display business identification signage in a General Residential Zone (GRZ)	7/07/2022
465/2022/P	South	Sweetwater Creek Lower 28R Fenton Crescent, Frankston South	To remove three (3) trees in a Significant Landscape Overlay Schedule 4 (SLO4), Environmental Significance Overlay Schedule 1 (ESO1) and under Clause 52.17 Native Vegetation of the Frankston Planning Scheme	8/07/2022
472/2022/P	South	78 Young Street, Frankston 3199	Change of use (from retail premises to place of assembly), carparking waiver/reduction and liquor license	11/07/2022
118/2022/P/VS	South	32 Baden Powell Drive, Frankston South 3199	To construct a garage in a Design and Development Overlay Schedule 8 (DDO8)	11/07/2022
474/2022/P	South	34 Violet Street, Frankston South 3199	To construct an extension to an existing dwelling (carport)	11/07/2022
471/2022/P	South	435 Robinsons Road, Langwarrin 3910	To remove seven (7) trees in a Significant Landscape Overlay (SLO1)	12/07/2022
484/2022/P	South	4 Cooina Court, Frankston South 3199	Extension to existing dwelling	14/07/2022
487/2022/P	South	Jubilee Park 83R-85R Hillcrest Road, Frankston 3199	To remove one (1) tree under Clause 52.17 Native Vegetation of the Frankston Planning Scheme	15/07/2022
119/2022/P/VS	South	5 Palmerston Crescent, Frankston South 3199	To subdivide the land into two (2) lots in a General Residential Zone (GRZ) and Design and Development Overlay Schedule 9 (DDO9)	15/07/2022

<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
489/2022/P	South	225 Cranbourne Road, Frankston 3199 Com Prop 225-227 Cranbourne Road, Frankston 3199	Proposed refurbishment of new wall finishes to current brand standard, refacing building signages, existing height bar signage, existing directional signages and existing pylon sign to an existing restaurant	18/07/2022
7/2022/P	South	39 Foot Street, Frankston 3199	Satisfaction Matters	19/07/2022
122/2022/P/VS	South	1 Fulham Close, Frankston South 3199	The removal of one (1) tree in a Significant Landscape Overlay (SLO4)	19/07/2022
123/2022/P/VS	South	2 Grosvenor Street, Frankston South 3199	To remove one (1) tree in a Significant Landscape Overlay Schedule 4 (SLO4)	19/07/2022
497/2022/P	South	3 Parzay Court, Langwarrin South 3911	To construct one (1) single storey dwelling and two (2) outbuildings in a Design and Development Overlay Schedule 4 (DDO4)	20/07/2022
510/2022/P	South	1565A Dandenong-Hastings Road, Langwarrin 3910	To erect and display business identification signage in a Low Density Residential Zone (LDRZ)	25/07/2022
524/2022/P	South	18 Gould Street, Frankston 3199	To construct a carport within the common property	26/07/2022
128/2022/P/VS	South	20 Barretts Road, Langwarrin South 3911	To construct an outbuilding in a Design and Development Overlay Schedule 4 (DDO4)	26/07/2022
516/2022/P	South	19 Sibyl Avenue, Frankston South 3199	To remove three (3) trees in a Significant Landscape Overlay (SLO3)	26/07/2022
513/2022/P	South	122 Overport Road, Frankston South 3199	To subdivide the land into two (2) lots in a General Residential Zone (GRZ) and Design and Development Overlay Schedule 1 (DDO1)	26/07/2022
523/2022/P	South	8 Robinsons Road, Frankston South 3199	To construct five (5) single storey dwellings	28/07/2022
526/2022/P	South	86C Kars Street, Frankston South 3199	Extension to existing dwelling in Significant Landscape Overlay - Schedule 6 (SLO6 )	29/07/2022
South Ward - 27				

Total - 56

<b>Progress Report – Amendments to Planning Permits Received</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
250/2016/P/B	North-East	665 Dandenong-Hastings Road, Skye 3977	Secondary Consent - To use the site for Place of Assembly (various events other than dog shows)	4/07/2022
41/2017/P/C	North-East	1105 Frankston-Dandenong Road, Carrum Downs 7 Kieran Court, Carrum Downs 3201	Section 72 - To undertake buildings and works for an aged care facility and to remove native vegetation.  To amend the permit by: - Amending the plans and permit to include a carpark at 7 Kieran Court Carrum Downs	7/07/2022
181/2020/P/D	North-East	26 Union Road, Langwarrin 3910	Secondary Consent - To use and develop the land for a child care centre in a Commercial 1 Zone (B5Z), to construct a building or construct or carry out works in a Special Building Overlay (SBO) and to reduce the number of car parking spaces required under Clause 52.06-5	8/07/2022
19/2021/P/B	North-East	17 Yarralumla Drive, Langwarrin 3910	Secondary Consent - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ)	11/07/2022
153/2020/P/A	North-East	34 O'Gradys Road, Carrum Downs 3201	Extension of time - To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	18/07/2022
267/2016/P/G	North-East	87 Clifton Grove, Carrum Downs 3201	Secondary Consent - The use and construction of twenty-six (26) warehouses with ancillary offices and the use and construction of a takeaway food premises (cafe)	18/07/2022
309/2019/P/D	North-East	81 Luscombe Avenue, Carrum Downs 3201	Secondary Consent - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot)	19/07/2022
267/2016/P/H	North-East	87 Clifton Grove, Carrum Downs 3201	Secondary Consent - The use and construction of twenty-six (26) warehouses with ancillary offices and the use and construction of a takeaway food premises (cafe)	25/07/2022
171/1998/P/A	North-East	52 Lathams Road, Carrum Downs 3201	Secondary Consent - Motor Vehicle Sales Yard	26/07/2022

<b>Progress Report – Amendments to Planning Permits Received</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
234/2022/P/C	North-East	185-291 North Road, Langwarrin 3910	Secondary Consent - To remove, destroy or lop vegetation and native vegetation and to construct buildings and works in the Tree Protection Zone of a substantial tree in a Significant Landscape Overlay Schedule 1 (SLO1)	29/07/2022
<b>North-East Ward - 10</b>				
420/2017/P/D	North-West	42 Nepean Highway, Seaford 3198	Extension of time - To construct eight (8) triple storey dwellings and to create or alter access to a road in a Road Zone Category 1	4/07/2022
128/2019/P/B	North-West	4 The Glen, Frankston 3199	Extension of time - To construct four (4) double storey dwellings in a General Residential Zone	4/07/2022
140/2020/P/C	North-West	57 Fortescue Avenue, Seaford 3198	Extension of time - To construct one (1) double storey dwelling to rear of existing dwelling (two (2) dwellings) in a General Residential Zone (GRZ) and to construct a building and works within the Special Building Overlay (SBO)	4/07/2022
22/2018/P/C	North-West	122 Seaford Place, Seaford 3198	Extension of time - To construct one (1) double storey dwelling to rear of existing dwelling (two (2) dwellings).	4/07/2022
434/2019/P/C	North-West	40 East Road, Seaford 3198	Extension of time - To construct three (3) double storey dwellings to the rear of an existing dwelling (four (4) of dwellings on a lot) in a General Residential Zone (GRZ)	4/07/2022
366/2008/P/C	North-West	25-27 Ashleigh Avenue, Frankston 3199	Secondary Consent - Seven (7) dwelling development (four (4) existing and three (3) new dwellings consisting of one (1) double storey and two (2) single storey dwellings)	4/07/2022
341/2017/P/C	North-West	Seaford RSL Club 17 Station Street, Seaford 3198	Section 72 - To construct alterations and extensions to the existing RSL building	5/07/2022
251/2017/P/C	North-West	4-5 Railway Parade, Seaford 3198	Extension of time - To construct four (4) double storey dwellings and four (4) lot subdivision	7/07/2022

<b>Progress Report – Amendments to Planning Permits Received</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
598/2021/P/A	North-West	300 Frankston-Dandenong Road, Seaford 3198	Section 72 - To subdivide the land into two (2) lots in an Industrial 1 Zone (IN1Z) To subdivide land adjacent to a road in a Road Zone, Category 1 and creation of access to a Road Zone Category 1	8/07/2022
31/2019/P/A	North-West	17 Coolgardie Street, Frankston North 3200	Extension of time - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot )	11/07/2022
35/2013/P/I	North-West	127 Beach Street, Frankston 3199	Extension of time - Alterations to existing building to provide five (5) dwellings and waiver of visitor carparking requirements	11/07/2022
450/2019/P/C	North-West	3 Silver Avenue, Frankston North 3200	Extension of time - To construct one (1) double storey dwelling to the rear of an existing dwelling (two (2) of dwellings on a lot) in a General Residential Zone (GRZ)	11/07/2022
252/2017/P/C	North-West	33 Royle Street, Frankston 3199	Section 72 - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings).  Amend the permit by; 1. Amending plans endorsed under the permit to alter the footprint and setback to the south boundary for Dwelling 2. 2. Changes to internal layout and window locations for Dwelling 2.	11/07/2022
27/2020/P/E	North-West	7 Luxton Terrace, Seaford 3198	Secondary Consent - To construct two (2) double storey dwellings on a lot in a General Residential Zone	18/07/2022
526/2017/P/C	North-West	5 Marion Street, Seaford 3198	Extension of time - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	19/07/2022
490/2016/P/F	North-West	5 Nabilla Avenue, Seaford 3198	Extension of Time - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	19/07/2022
228/2017/P/C	North-West	9 Parwan Court, Frankston 3199	Extension of time - To construct two (2) double storey dwellings	19/07/2022
211/2021/P/VS	North-West	27 Lorna Street, Seaford 3198	Secondary Consent - To construct a Habitable Outbuilding in a Special Building Overlay (SBO)	19/07/2022

<b>Progress Report – Amendments to Planning Permits Received</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
333/2020/P/A	North-West	4 Raymond Avenue, Frankston 3199	Section 72 - To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ)  Amendments: - To subdivide the land into two (2) lots - To remove easement E-1 - Amended dwelling design	19/07/2022
392/2020/P/B	North-West	339 Frankston-Dandenong Road, Frankston North 3200	Secondary Consent - To construct two (2) double storey dwellings to rear of existing dwelling (three (3) dwellings on a lot) in a General Residential Zone and to alter access to a road in a Road Zone	21/07/2022
59/2014/P/G	North-West	13 Lewis Street, Frankston 3199	Extension of Time - To construct two (2) single storey dwellings	25/07/2022
359/2019/P/B	North-West	28-30 Cricklewood Avenue, Frankston 3199	Secondary Consent - To construct eight (8) double storey dwellings on a lot in a General Residential Zone (GRZ)	26/07/2022
10/2011/P/B	North-West	1/39 Hallifax Street, Seaford 3198 39 Hallifax Street, Seaford 3198	Section 72 - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings).	26/07/2022
<b>North-West Ward - 23</b>				
533/2017/P/C	South	159 Kars Street, Frankston South 3199	Secondary Consent - To construct a front fence (retrospective) and to construct buildings and works in association with extensions to an existing dwelling	4/07/2022
293/2020/P/A	South	122 Heatherhill Road, Frankston 3199	Extension of time - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ)	5/07/2022
300/2021/P/B	South	633 Nepean Highway, Frankston South 3199	Secondary Consent - Use and development of the land for a Display Home Centre, construction of a dwelling over 8 metres in height in a Design and Development Overlay Schedule 9 and to alter access to a road in a Road Zone Category 1	11/07/2022



<b>Progress Report – Amendments to Planning Permits Received</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
69/2020/P/C	South	27A Picnic Street, Frankston South 3199	Secondary Consent - To construct one (1) double storey dwelling in a Design and Development Overlay Schedule 9 (DDO9) and to carry out works within the tree protection zone of a substantial tree in a Significant Landscape Overlay Schedule 4 (SLO4).	19/07/2022
6/2018/P/B	South	5/24-26 Robinia Street, Frankston 3199	Section 72 - To construct extensions to an existing dwelling on a lot of less than 300 square metres.	19/07/2022
479/2017/P/B	South	5 Hastings Road, Frankston 3199	Extension of time - Use of the land for a Medical Centre and the construction of a three (3) storey building (plus basement), business identification signage, and creation of access to a road in a Road Zone Category 1	21/07/2022
363/2016/P/D	South	32 Glenview Crescent, Frankston 3199	Secondary Consent - To construct one (1) single storey dwelling to the rear of existing dwelling ( two (2) dwellings)	21/07/2022
22/2016/P/A	South	2/22 Robinia Street, Frankston 3199	Section 72 - To extend a dwelling on a lot containing two dwellings (one (1) double garage)	25/07/2022
<b>South Ward - 8</b>				
931/2004/P/E	South West	27 Wells Street, Frankston 3199	Section 72 - The use of tenancy G05 and G06 for an Indoor Recreation Facility, under an On-Premises Licence  Amendment: To amend the red line area where liquor is allowed to be consumed and sold to tenancy G05 (Strike Bowling)	8/07/2022
<b>South West Ward - 1</b>				
<b>Total - 42</b>				

<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
686/2021/P	North-East	88 Potts Road, Langwarrin 3910	To use and develop the land for a child care centre in a General Residential Zone (GRZ) and to construct a building and construct and carry out works in a Bushfire Management Overlay (BMO)	Permit Approved	6/07/2022
135/2022/P	North-East	7 Larch Street, Langwarrin 3910	To construct one (1) double storey dwelling to the rear of an existing dwelling, to construct an extension to an existing dwelling and to subdivide the land into two (2) lots in a General Residential Zone (GRZ)	Permit Approved	11/07/2022
240/2022/P	North-East	11 Kingston Road, Langwarrin 3910	To remove substantial trees and native vegetation in a Significant Landscape Overlay Schedule 1 (SLO1)	Permit Approved	11/07/2022
207/2021/P	North-East	37 McCormicks Road, Carrum Downs	Construction of Nine (9) Double Storey Dwellings on a lot in a General Residential Zone (GRZ) and to alter access to a road in a Transport Zone 2	Permit Approved	13/07/2022
73/2022/P	North-East	131 Ballarto Road, Carrum Downs	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ) and Bushfire Management Overlay Schedule 1 (BMO1). To create access to a road in a Transport Zone 2.	Permit Approved	13/07/2022
308/2022/P	North-East	87 Clifton Grove, Carrum Downs	To display business identification pole signage in common property in an Industrial 1 Zone (I1Z).	Application Lapsed	13/07/2022
115/2022/P	North-East	29 Edward Street, Langwarrin 3910	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) on a lot in a General Residential Zone (GRZ)	Permit Approved	14/07/2022
North-East Ward - 7					

<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
70/2022/P/VS	North-West	1/92 Brunel Road, Seaford 3198	To construct a mezzanine and extensions (partially retrospective) to an existing warehouse in an Industrial 1 Zone (IN1Z) To reduce the number of car spaces required under Clause 52.06-5 of the Frankston Planning Scheme	Permit Approved	1/07/2022
792/2021/P	North-West	45 Galway Street, Seaford 3198	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) Dwellings on a Lot) in a General Residential Zone (GRZ) and buildings and works in a Special Building Overlay (SBO).	Permit Approved	1/07/2022
584/2021/P	North-West	32 Lorna Street, Seaford 3198	To construct three (3) double storey dwellings on a lot in a General Residential Zone (GRZ) and a Special Building Overlay (SBO)	Permit Approved	1/07/2022
659/2021/P	North-West	5 Berringa Street, Frankston 3199	To construct two (2) single storey dwellings on a lot in a General Residential Zone (GRZ)	Permit Approved	6/07/2022
718/2021/P	North-West	8 Corsican Street, Frankston North 3200	To construct two (2) double storey dwellings in a General Residential Zone (GRZ)	Permit Approved	7/07/2022
795/2021/P	North-West	Kananook Creek Reserve 299N Nepean Highway, Seaford 3198	To remove native vegetation under Clause 52.17 and 42.01 (Environmental Significance Overlay Schedule 1)	Permit Approved	7/07/2022
110/2022/P/VS	North-West	15 Brunning Crescent, Frankston North 3200	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	Permit Approved	7/07/2022
369/2022/P	North-West	5 Spray Street, Frankston 3199	To subdivide the land into two (2) lots in a General Residential Zone (R1Z)	Permit Approved	7/07/2022
291/2022/P	North-West	4 Jasmine Court, Frankston 3199	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings.) in a General Residential Zone (GRZ)	No Permit Required	8/07/2022

<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>					
<b><u>Application</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Status</u></b>	<b><u>Date</u></b>
153/2022/P	North-West	60 Fortescue Avenue, Seaford 3198	To construct two (2) double storey dwellings and domestic swimming pool in a General Residential Zone (GRZ) and Special Building Overlay (SBO)	Permit Approved	8/07/2022
404/2022/P	North-West	6 Lorna Street, Seaford 3198	To subdivide the land into six (6) lots in a General Residential Zone (GRZ).	Permit Approved	13/07/2022
111/2022/P/VS	North-West	4 Martin Street, Seaford 3198	To construct an outbuilding (shed and gazebo) in a Special Building Overlay (SBO).	Permit Approved	14/07/2022
660/2021/P	North-West	5 Parer Street, Frankston 3199	To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ)	Permit Approved	14/07/2022
239/2022/P	North-West	137 Beach Street, Frankston 3199	To use the land for the sale and consumption of liquor (Restaurant and Cafe Licence)	Permit Approved	14/07/2022
75/2022/P	North-West	4 Lorraine Street, Frankston 3199	To subdivide the land into three (3) lots in a General Residential Zone (GRZ)	Permit Approved	19/07/2022
145/2022/P	North-West	162 Cranbourne Road, Frankston	To construct two (2) double storey dwellings in a General Residential Zone (GRZ) and to alter access to a road in a Transport Zone 2.	Permit Approved	27/07/2022
120/2022/P/VS	North-West	4 Madden Street, Seaford 3198	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	Permit Approved	27/07/2022
522/2021/P	North-West	6 John Street, Frankston 3199	To use and develop a Community Care Accommodation facility, comprising three (3) units in a General Residential Zone (GRZ)	Permit Approved	27/07/2022
<b>North-West Ward - 18</b>					
61/2022/P/VS	South	13 Humphries Road, Frankston South	To construct a front fence in a Significant Landscape Overlay Schedule 4 (SLO4)	Application Refused	1/07/2022
250/2022/P	South	2/60 Cranbourne-Frankston Road, Langwarrin 3910	To re-subdivide the land into two (2) lots (realignment of boundaries) in a Rural Conservation Zone (RCZ2)	Permit Approved	1/07/2022

<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
159/2022/P	South	29 Bergman Road, Langwarrin 3910	To construct an extension to an existing dwelling in a Bushfire Management Overlay Schedule 2 (BMO2) and to remove substantial trees and undertake buildings and works within the Tree Protection Zones of substantial trees in a Significant Landscape Overlay (SLO1)	Permit Approved	4/07/2022
61/2022/P	South	28 Lee Street, Frankston 3199	To construct four (4) double storey dwellings in a General Residential Zone (GRZ)	Permit Approved	4/07/2022
18/2022/P	South	473 Nepean Highway, Frankston 3199	To use the land to sell and consume liquor, to construct a building and construct and carry out works in a Commercial 1 Zone (C1Z), to erect and display business identification signage and to reduce the number of car parking spaces required under Clause 52.06-5 of the Frankston Planning Scheme	Permit Approved	4/07/2022
344/2022/P	South	45 Margate Avenue, Frankston 3199	To construct a front fence in a Special Building Overlay (SBO)	Permit Approved	6/07/2022
505/2021/P	South	1 Casuarina Drive, Frankston South	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone and Design and Development Overlay Schedule 9 (DDO9). To remove substantial trees and construct buildings and works within the tree protection zone of a substantial tree in a Significant Landscape Overlay Schedule 4 (SLO4) and to create access to a Transport Zone 2	Permit Approved	6/07/2022

<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
349/2020/P	South	2 Victoria Parade, Frankston 3199	To construct two (2) double storey dwellings on a lot and a two (2) lot subdivision in a General Residential Zone (GRZ); to construct and building and construct and carry out works in a Design and Development Overlay Schedule 10 (DDO10); and to construct and carry out works in a Specific Controls Overlay Schedule 3 (SCO3)	Decision to Issue - Awaiting planner signature	7/07/2022
239/2021/P	South	137 Overport Road, Frankston South	To use and develop the land for a child care centre in a General Residential Zone (GRZ)	Permit Approved	11/07/2022
85/2022/P	South	1 Kenilworth Avenue, Frankston 3199	To construct five (5) double storey dwellings on a lot in a General Residential Zone (GRZ)	Permit Approved	13/07/2022
786/2021/P	South	16 George Street, Frankston 3199	To construct three (3) double storey dwellings in a General Residential Zone (GRZ) and Design and Development Overlay Schedule 6 (DDO6).	Permit Approved	13/07/2022
341/2022/P	South	106 Yuille Street, Frankston South	To remove two (2) substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4)	Permit Approved	13/07/2022
635/2021/P	South	28 Bondi Avenue, Frankston 3199	To use and develop a Community Care Accommodation facility, comprising five (5) units in a General Residential Zone (GRZ)	Permit Approved	13/07/2022
417/2022/P	South	35 Playne Street, Frankston 3199	Erect and display of a major promotion sign	Permit Approved	14/07/2022
680/2021/P	South	21 Barmah Court, Frankston South	To construct an extension to an existing dwelling in a Design and Development Overlay Schedule 1 (DDO1) and Bushfire Management Overlay Schedule 1 (BMO1)	Permit Approved	14/07/2022
465/2020/P	South	57 Foot Street, Frankston 3199	To use the land to sell and consume liquor (Restaurant and Cafe Licence)	Permit Approved	14/07/2022

<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
243/2022/P	South	12 Sussex Road, Frankston South 3199	To construct an extension to an existing dwelling in a Design and Development Overlay Schedule 1 (DDO1) and to remove significant vegetation within a Significant Landscape Overlay Schedule 3 (SLO3)	Permit Approved	15/07/2022
114/2022/P/VS	South	37 Playne Street, Frankston 3199	To construct building and works to existing building in a Commercial 1 Zone (B1Z)	Permit Approved	18/07/2022
143/2022/P	South	4F Kristen Close, Frankston South	To construct a double storey dwelling in a Design and Development Overlay Schedule 1 (DDO1) To construct a building or construct or carry out works within the Tree Protection zone of a substantial tree and to remove substantial trees in a Significant Landscape Overlay Schedule 3 (SLO3)	Application Withdrawn	19/07/2022
94/2022/P/VS	South	2 Rushmere Court, Langwarrin South	To construct an outbuilding (garage/carport) in a Design and Development Overlay Schedule 4 (DDO4)	Permit Approved	21/07/2022
594/2021/P	South	25 Cliff Road, Frankston 3199	To construct four (4) double storey dwellings on a lot in a General Residential Zone (GRZ) and a Design and Development Overlay Schedule 6 (DDO6)	Permit Approved	21/07/2022
8/2022/P	South	9 Catherine Parade, Frankston 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) in a General Residential Zone (GRZ).	Permit Approved	22/07/2022
95/2022/P/VS	South	41 Leisureland Drive, Langwarrin 3910	To construct an outbuilding in a Design and Development Overlay Schedule 4 (DDO4)	Permit Approved	25/07/2022
102/2022/P/VS	South	18 Kilmiston Court, Frankston South	To construct building and works in a Design and Development Overlay Schedule 1 (DDO1) and to construct buildings and works in the tree protection zone of substantial trees in a Significant Landscape Overlay Schedule 3 (SLO3)	Permit Approved	25/07/2022



<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
304/2022/P	South	20 Barretts Road, Langwarrin South	To construct an outbuilding in a Design and Development Overlay Schedule 4 (DDO4)	Application Withdrawn	26/07/2022
119/2022/P/VS	South	5 Palmerston Crescent, Frankston South 3199	To subdivide the land into two (2) lots in a General Residential Zone (GRZ) and Design and Development Overlay Schedule 9 (DDO9)	Permit Approved	26/07/2022
280/2022/P	South	1845 Dandenong-Hastings Road, Langwarrin South 3911	Buildings and works associated with a section 2 use in a Rural Conservation Zone (RCZ), buildings and works in a Significant Landscape Overlay Schedule 1 (SLO1), use land for a section 2 use and contract or carry out works in a Public Acquisition Overlay Schedule 1 (PAO1) and to alter access to a road in the Transport Zone 2	Permit Approved	27/07/2022
44/2022/P/VS	South	11 Blair Avenue, Frankston South	To remove one (1) tree in a Significant Landscape Overlay (SLO6)	Permit Approved	27/07/2022
113/2022/P/VS	South	657 Nepean Highway, Frankston South	To construct a domestic swimming pool in a Design and Development Overlay Schedule 9 (DDO9)	Permit Approved	28/07/2022
270/2022/P	South	63 Coogee Avenue, Frankston 3199	To construct one double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ)	Application Lapsed	28/07/2022
225/2021/P/VS	South	44 Moorooduc Highway, Frankston South 3199	To Construct Outbuildings, a Carport and a Pool House in a Design and Development Overlay - Schedule 1 (DDO1) and Significant Landscape Overlay - Schedule 3 (SLO3).	Permit Approved	28/07/2022
647/2021/P	South	11 Seaquesta Court, Frankston 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) on a lot and to subdivide the land into two (2) lots in a General Residential Zone (GRZ)	Permit Approved	29/07/2022

<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
31/2021/P	South	6-12 Davey Street, Frankston 3199	To demolish buildings in a Heritage Overlay (buildings located - 8, 10 and 12 Davey Street, Frankston)	No Permit to Issue	29/07/2022
South Ward - 33					
Total - 58					

<b>Progress Report – Amendments to Planning Application Decisions</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>					
<b><u>Application</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Status</u></b>	<b><u>Date</u></b>
331/2017/P/E	North-East	52 Edward Street, Langwarrin 3910	Secondary Consent - To construct two (2) dwelling to the rear of the existing dwelling (three (3) dwellings)	Secondary Consent Refused	4/07/2022
250/2016/P/B	North-East	665 Dandenong-Hastings Road, Skye	Secondary Consent - To use the site for Place of Assembly (various events other than dog shows)	Secondary Consent Approved	5/07/2022
270/2021/P/B	North-East	1455 Dandenong-Hastings Road, Langwarrin 3910	Section 72 - Construct a building or carry out works for an outbuilding that exceeds 100 square metres in area under the Design and Development Overlay-Schedule 4 (DDO4); Building and works within the Tree Protection Zone under the Environmental Significance Overlay-Schedule 1 (ESO1) and Significant Landscape Overlay-Schedule 1 (SLO1); Construct a building or construct or carry out works in a Bushfire Management Overlay (BMO) under the Frankston Planning Scheme.	Permit Approved	6/07/2022
492/2021/P/A	North-East	17-18 Pagett Road, Carrum Downs	Section 72 - To subdivide the land into one hundred and thirty five (135) lots in a General Residential Zone (GRZ), vesting of road in Council and removing easement E-1 on LP65024	Permit Approved	6/07/2022
325/2015/P/D	North-East	120 Colemans Road, Carrum Downs	Secondary Consent - To construct one (1) warehouse and associated office	Secondary Consent Approved	13/07/2022
319/2015/P/O	North-East	28-40 Colemans Road, Carrum Downs	Secondary Consent - To construct up to eighty-five (85) factories and a reduction in car parking	Secondary Consent Approved	14/07/2022

<b>Progress Report – Amendments to Planning Application Decisions</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
181/2020/P/D	North-East	26 Union Road, Langwarrin 3910	Secondary Consent - To use and develop the land for a child care centre in a Commercial 1 Zone (B5Z), to construct a building or construct or carry out works in a Special Building Overlay (SBO) and to reduce the number of car parking spaces required under Clause 52.06-5	Secondary Consent Approved	21/07/2022
153/2020/P/A	North-East	34 O'Gradys Road, Carrum Downs	Extension of time - To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	Extension of Time Approved	26/07/2022
9/2008/P/D	North-East	265 North Road, Langwarrin 3910 3/9 Warrenwood Place, Langwarrin	Secondary Consent - To construct nineteen (19) dwellings	Secondary Consent Approved	26/07/2022
<b>North-East Ward - 9</b>					
420/2017/P/C	North-West	42 Nepean Highway, Seaford 3198	Extension of time - To construct eight (8) triple storey dwellings and to create or alter access to a road in a Road Zone Category 1	Approved - Complete	8/07/2022
140/2020/P/C	North-West	57 Fortescue Avenue, Seaford 3198	Extension of time - To construct one (1) double storey dwelling to rear of existing dwelling (two (2) dwellings) in a General Residential Zone (GRZ) and to construct a building and works within the Special Building Overlay (SBO)	Extension of Time Approved	8/07/2022
420/2017/P/D	North-West	42 Nepean Highway, Seaford 3198	Extension of time - To construct eight (8) triple storey dwellings and to create or alter access to a road in a Road Zone Category 1	Extension of Time Approved	10/07/2022
251/2017/P/C	North-West	4-5 Railway Parade, Seaford 3198	Extension of time - To construct four (4) double storey dwellings and four (4) lot subdivision	Extension of Time Approved	10/07/2022
128/2019/P/B	North-West	4 The Glen, Frankston 3199	Extension of time - To construct four (4) double storey dwellings in a General Residential Zone	Extension of Time Approved	10/07/2022

<b>Progress Report – Amendments to Planning Application Decisions</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
22/2018/P/C	North-West	122 Seaford Place, Seaford 3198	Extension of time - To construct one (1) double storey dwelling to rear of existing dwelling (two (2) dwellings).	Extension of Time Approved	10/07/2022
434/2019/P/C	North-West	40 East Road, Seaford 3198	Extension of time - To construct three (3) double storey dwellings to the rear of an existing dwelling (four (4) of dwellings on a lot) in a General Residential Zone (GRZ)	Extension of Time Approved	10/07/2022
297/2015/P/C	North-West	80 Monterey Boulevard, Frankston North 3200	Extension of time - To construct one (1) single storey dwelling to the rear of the existing single storey dwelling (two (2) dwellings)	Extension of Time Approved	11/07/2022
175/2021/P/B	North-West	5 Kurong Avenue, Frankston 3199	Section 72 - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ)	Permit Approved	13/07/2022
35/2013/P/I	North-West	127 Beach Street, Frankston 3199	Extension of time - Alterations to existing building to provide five (5) dwellings and waiver of visitor carparking requirements	Extension of Time Approved	15/07/2022
450/2019/P/C	North-West	3 Silver Avenue, Frankston North	Extension of time - To construct one (1) double storey dwelling to the rear of an existing dwelling (two (2) of dwellings on a lot) in a General Residential Zone (GRZ)	Extension of Time Approved	15/07/2022
534/2017/P/D	North-West	4 Lorraine Street, Frankston 3199	Extension of Time - To construct three (3) double storey dwellings	Extension of Time Approved	15/07/2022
31/2019/P/A	North-West	17 Coolgardie Street, Frankston North	Extension of time - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot )	Extension of Time Approved	20/07/2022
3/2018/P/C	North-West	68-70 Seaford Grove, Seaford 3198	Secondary Consent - To construct eight (8) double storey dwellings	Secondary Consent Approved	21/07/2022

<b>Progress Report – Amendments to Planning Application Decisions</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
215/2005/P/D	North-West	24-26 Overton Road, Frankston 3199	Section 72 - To use the land for car sales and motor repairs, construct buildings and works and display signage (including illuminated signage, business identification signage and promotion signage) in a Commercial 2 Zone (C2Z) To construct buildings and works in a Special Building Overlay (SBO)	Permit Approved	21/07/2022
228/2017/P/C	North-West	9 Parwan Court, Frankston 3199	Extension of time - To construct two (2) double storey dwellings	Extension of Time Approved	26/07/2022
59/2014/P/G	North-West	13 Lewis Street, Frankston 3199	Extension of Time - To construct two (2) single storey dwellings	Extension of Time Approved	27/07/2022
211/2021/P/VS	North-West	27 Lorna Street, Seaford 3198	Secondary Consent - To construct a Habitable Outbuilding in a Special Building Overlay (SBO)	Secondary Consent Approved	28/07/2022
490/2016/P/F	North-West	5 Nabilla Avenue, Seaford 3198	Extension of Time - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Extension of Time Approved	30/07/2022
<b>North-West Ward - 19</b>					
219/2014/P/J	South	31 Cliff Road, Frankston 3199	Secondary Consent - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Secondary Consent Approved	6/07/2022
293/2020/P/A	South	122 Heatherhill Road, Frankston 3199	Extension of time - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ)	Extension of Time Approved	11/07/2022

<b>Progress Report – Amendments to Planning Application Decisions</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
436/2021/P/A	South	370 Warrandyte Road, Langwarrin South 3911	Section 72 - To construct one (1) single storey dwelling on a lot in a Bushfire Management Overlay Schedule 1 (BMO1) and Design and Development Overlay Schedule 4 (DDO4) To undertake buildings and works within the tree protection zone of substantial trees in a Significant Landscape Overlay Schedule 1 (SLO1)	Permit Approved	13/07/2022
108/2020/P/A	South	11 Melva Court, Frankston 3199	Extension of Time - To construct three (3) double storey dwellings on a lot in a General Residential Zone (GRZ)	Extension of Time Approved	14/07/2022
1/2020/P/D	South	53 Woodlands Grove, Frankston 3199	Secondary Consent - To construct two (2) double storey dwellings in a General Residential Zone (GRZ)	Secondary Consent Approved	14/07/2022
300/2018/P/D	South	145 Frankston-Flinders Road, Frankston 3199	Secondary Consent - To construct buildings and works for use as a Supermarket, Business Identification Signage and a reduction to the car parking requirements of Clause 52.06	Secondary Consent Approved	15/07/2022
242/2020/P/C	South	Jubilee Park 83R-85R Hillcrest Road, Frankston 3199	Secondary Consent - To remove and destroy native vegetation. pursuant to Clause 52.17	Secondary Consent Approved	19/07/2022
87/2021/P/C	South	29-31 Kelso Street, Frankston 3199 78-80 Beach Street, Frankston 3199	Secondary Consent - To construct and use the land for a child care centre in a Residential Growth Zone (RGZ), to construct a building and construct and carry out works in a Design and Development Overlay Schedule 12 (DDO12) and Special Building Overlay (SBO), the reduce the number of car spaces required under Clause 52.06-5 of the Frankston Planning Scheme, to erect and display business identification signage and to create/alter access to a road in a Transport Zone 2	Secondary Consent Approved	20/07/2022



<b>Progress Report – Amendments to Planning Application Decisions</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
242/2020/P/D	South	Jubilee Park 83R-85R Hillcrest Road, Frankston 3199	Secondary Consent - To remove and destroy native vegetation. pursuant to Clause 52.17	Secondary Consent Approved	25/07/2022
300/2021/P/B	South	633 Nepean Highway Frankston South	Secondary Consent - Use and development of the land for a Display Home Centre, construction of a dwelling over 8 metres in height in a Design and Development Overlay Schedule 9 and to alter access to a road in a Road Zone Category 1	Secondary Consent Approved	25/07/2022
479/2017/P/B	South	5 Hastings Road, Frankston 3199	Extension of time - Use of the land for a Medical Centre and the construction of a three (3) storey building (plus basement), business identification signage, and creation of access to a road in a Road Zone Category 1	Extension of Time Approved	30/07/2022
South Ward - 11					
Total - 39					

<b>Progress Report – Subdivision Application Received</b> <b>For The Application Date: From 1/07/2022 To 31/07/2022</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
62/2022/S	North-East	22 Long Street, Langwarrin 3910	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	1/07/2022
64/2022/S	North-East	40 Burgess Drive, Langwarrin 3910	Section 23 (Removal of Restriction)	8/07/2022
63/2022/S	North-West	15 Brunning Crescent, Frankston North 3200	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	1/07/2022
66/2022/S	North-West	4 Madden Street, Seaford 3198	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	15/07/2022
67/2022/S	North-West	81 McMahons Road, Frankston 3199	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	19/07/2022
65/2022/S	South	5 Palmerston Crescent, Frankston South 3199	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	15/07/2022
68/2022/S	South	122 Overport Road, Frankston South 3199	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	26/07/2022
<b>Total - 7</b>				

Progress Report – Subdivision Decisions					
For The Application Date: From 1/07/2022 To 31/07/2022					
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
31/2021/S	North-East	87 Clifton Grove, Carrum Downs 3201	Four (4) lot subdivision	SOC Issued (M)	27/07/2022
73/2021/S	North-East	53 Myrtle Street, Langwarrin 3910	three (3) lots subdivision	Certified	12/07/2022
98/2021/S	North-East	42 Buontempo Road, Carrum Downs 3201	Two (2) lot subdivision	Certified	8/07/2022
112/2021/S	North-East	5 Gerald Drive, Langwarrin 3910	Two (2) lot subdivision	Certification and SOC Issued	7/07/2022
115/2020/S	North-West	59 Moreton Street, Frankston North 3200	Two (2) lot subdivision	Certification and SOC Issued	4/07/2022
120/2020/S	North-West	19 Boonong Avenue, Seaford 3198	Two (2) lot subdivision	Certified	13/07/2022
122/2020/S	North-West	58 Hadley Street, Seaford 3198	Six (6) lot subdivision	SOC Issued (M)	11/07/2022
7/2021/S	North-West	2 Jarrah Court, Frankston North 3200	Two (2) Lot subdivision	Certified	14/07/2022
106/2021/S	North-West	34 Johnstone Street, Seaford 3198	Three (3) lot subdivision	Certified	15/07/2022
50/2022/S	North-West	4-5 Railway Parade, Seaford 3198	Four (4) lot subdivision	Certified	5/07/2022
125/2019/S	South	170 North Road, Langwarrin 3910	Six (6) lot subdivision	SOC Issued (M)	22/07/2022
34/2022/S	South	2/60 Cranbourne-Frankston Road, Langwarrin 3910	To subdivide the land into two (2) lots in a General Residential Zone (R1Z) and Rural Conservation Zone (RCZ2)	Certification and SOC Issued	13/07/2022
48/2022/S	South	34 Denbigh Street, Frankston 3199	To subdivide the land into four (4) lots in a General Residential Zone (R1Z)	Certification and SOC Issued	5/07/2022
Total - 13					

Town Planning Applications – Direction To Advertise Issued July 2022				
Application No	Ward	Property Address	Application Description	Application Date
493/2020/P	North-East	4-6 Wilton Way, Carrum Downs 3201	<p>AMENDED PLANNING APPLICATION:</p> <p>To construct eleven (11) double storey dwellings in a General Residential Zone (GRZ) and an eleven lot subdivision in a General Residential Zone (GRZ).</p>	22/12/2020
19/2022/P	North-East	29 Moorhen Crescent, Carrum Downs 3201	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) and to subdivide the land into two (2) lots in a General Residential Zone (GRZ) and Bushfire Management Overlay (BMO).	14/01/2022
21/1995/P/A	North-East	23 Cranbourne-Frankston Road, Langwarrin 3910	<p>Section 72 - Child Care Centre.</p> <p>AMENDMENT:</p> <p>To amend the permit by increasing the number of children attending the centre at one time to a maximum of 94; changing the operating hours of the facility to commence at 6.30am to 6.30pm and seek a variation to the car parking requirement of Clause 52.06 of the Frankston Planning Scheme.</p>	24/03/2022

Town Planning Applications – Direction To Advertise Issued July 2022				
Application No	Ward	Property Address	Application Description	Application Date
490/2020/P/A	North-West	303 Nepean Highway, Frankston 3199 2 Rosella Street, Frankston 3199	<p>Section 72 - To use the land for a Medical Centre and to construct a three (3) storey building and construct or carry out works in a Mixed Use Zone (MUZ), to reduce the number of car parking spaces required under the Parking Overlay Schedule 1 (PO1) and to alter the access to a Category 1 Road.</p> <p>Amendments:</p> <ul style="list-style-type: none"> <li>- Inclusion of 2 Rosella Street, Frankston;</li> <li>- Additional two levels + roof plant;</li> <li>- Three additional tenancies;</li> <li>- Two additional dwellings;</li> <li>- Relocated cafe;</li> <li>- Additional parking;</li> <li>- Facade changes;</li> <li>- Front fence; and</li> <li>- Other consequential amendments.</li> </ul>	7/12/2021
195/2022/P	North-West	12 Ellis Street, Frankston 3199	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings) in a General Residential Zone (GRZ).	28/03/2022
203/2022/P	North-West	3-5 Mereweather Avenue, Frankston 3199	Construction of a three storey building including ten dwellings and home offices in a Design and Development Overlay Schedule 5.	1/04/2022
227/2022/P	North-West	25 Holroyd Street, Seaford 3198	To construct three (3) double storey dwellings and three (3) lot subdivision in a General Residential Zone (GRZ) and Special Building Overlay (SBO).	8/04/2022

Town Planning Applications – Direction To Advertise Issued July 2022				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Application Date</u>
255/2022/P	North-West	14 Galway Street, Seaford 3198	To construct one (1) double storey dwelling to the rear of an existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ).	19/04/2022
288/2022/P	North-West	26 Hannah Street, Seaford 3198	To construct three (3) double storey dwellings in a General Residential Zone (GRZ) and Special Building Overlay (SBO).	2/05/2022
293/2022/P	North-West	6 Forest Drive, Frankston North 3200	To construct two (2) double storey dwellings to the rear of the existing dwelling (three (3) dwellings on a lot) in a General Residential Zone (GRZ).	3/05/2022
11/2022/P	South	235 Humphries Road, Frankston South	To construct one (1) single storey dwelling and associated outbuildings in a Design and Development Overlay Schedule 1 (DDO1) and to carry out works within the Tree Protection Zone of Substantial Trees in the Significant Landscape Overlay 3 (SLO3).	11/01/2022
76/2022/P	South	2 Marcus Road, Frankston South 3199	To construct an extension to an existing dwelling and an outbuilding in a Design and Development Overlay Schedule 1 (DDO1) and to construct buildings within the Tree Protection Zone of Substantial Trees in a Significant Landscape Overlay Schedule 3 (SLO3).	14/02/2022
112/2022/P	South	22 McComb Boulevard, Frankston South	To construct three (3) double storey dwellings in a General Residential Zone (GRZ)	25/02/2022
125/2022/P	South	3 Bacchus Court, Frankston South 3199	Additions and alterations to an existing dwelling in a Design and Development Overlay Schedule 9 (DDO9) and to construct a building or construct or carry out works within the Tree Protection Zone of a substantial tree.	4/03/2022
208/2022/P	South	90 Franciscan Avenue, Frankston 3199	To construct two (2) double storey dwellings in a General Residential Zone (GRZ).	4/04/2022

Town Planning Applications – Direction To Advertise Issued July 2022				
Application No	Ward	Property Address	Application Description	Application Date
232/2022/P	South	62 North Road, Langwarrin 3910	To subdivide the land into two (2) lots in a General Residential Zone (GRZ) and to remove substantial trees in a Significant Landscape Overlay Schedule 1 (SLO1).	7/04/2022
241/2022/P	South	3 Susono Way, Frankston 3199	Buildings and works to existing service station, the display of signage in a category 3 area and modifications of access to a road in a Transport Zone 2.	13/04/2022
257/2022/P	South	7 Denbigh Street, Frankston 3199	To construct three (3) double storey dwellings in a General Residential Zone (GRZ).	19/04/2022
287/2022/P	South	35 Picnic Street, Frankston South 3199	To construct a second storey extension to a dwelling in a Design and Development Overlay Schedule 9 (DDO9).	29/04/2022
307/2022/P	South	23 Bergman Road, Langwarrin 3910	To construct an outbuilding in a Design and Development Overlay Schedule 4 (DDO4) and Bushfire Management Overlay (BMO).	6/05/2022
309/2022/P	South	2 Leisureland Drive, Langwarrin 3910	To construct an extension to an existing outbuilding in a Design and Development Overlay (DDO4).	9/05/2022
313/2022/P	South	31 Gardeners Road, Langwarrin South 3911	To construct one (1) single storey dwelling and outbuilding in a Design and Development Overlay Schedule 4 (DDO4), Bushfire Management Overlay (BMO) and Environmental Significance Overlay Schedule 1 (ESO1). To remove substantial tree(s) in a Significant Landscape Overlay Schedule 1 (SLO1) and Environmental Significance Overlay Schedule 1 (ESO1).	9/05/2022
337/2022/P	South	Shop 23-24Q/Ground Flr 28 Beach Street, Frankston 3199	To use the land to sell and consume liquor (restaurant and cafe licence).	17/05/2022
366/2022/P	South	Shop 14-15/Ground Flr 27 Wells Street, Frankston 3199	To use the land for the sale and consumption of liquor and to erect and display business identification signage in a Commercial 1 Zone (B1Z).	25/05/2022



Town Planning Applications – Direction To Advertise Issued July 2022				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Application Date</u>
371/2022/P	South	9 Wentworth Avenue, Frankston South	To construct buildings and works to an existing dwelling in a Design and Development Overlay Schedule 9 (DDO9) and to construct buildings and works in the Tree Protection Zone of a substantial tree in a Significant Landscape Overlay Schedule 4 (SLO4).	30/05/2022

Legend

10 or more dwellings:	Yellow
3 or more lot subdivisions:	Blue
3 or more storey development:	Green
Applications in the CAA:	Pink

Progress Report – Current VCAT Appeals July 2022									
<u>Appeal No</u>	<u>Application Number</u>	<u>Address</u>	<u>Proposal</u>	<u>Lodged at VCAT</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P11831/2021	239/2021/P	137 Overport Road Frankston South	To use and develop the land for a child care centre in a General Residential Zone (GRZ)		Refusal	Refusal	20-24 June 2022	Set aside (permit issued by consent)	7/07/2022
P11932/2021	31/2021/P	6-12 Davey Street Frankston	To demolish buildings in a Heritage Overlay (buildings located - 8, 10 and 12 Davey Street, Frankston)	17/12/2021	NOD	Objector	30/08/2022 and 31/08/2022	Set aside - No permit granted	27/07/2022
P11326/2021	231/2021/P	6 East Road Seaford	To construct three (3) double storey dwellings and one (1) single storey dwelling (four (4) dwellings) on a lot in a General Residential Zone (GRZ)		Refusal	Refusal	25/10/2022		
P10/2022	232/2021/P	10 Seaview Road Frankston South	To construct one (1) double storey dwelling to the rear of an existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ)		NOD	Objector	22/09/2022		
P129/2022	3/2021/COMP	620 McClelland Drive Langwarrin	Certificate of Compliance		Refusal	Refusal	30/08/2022		
P233/2022	246/2021/P	2 The Spur Frankston South	To subdivide the land into two (2) lots in a General Residential Zone (GRZ), to construct works within the Tree Protection Zone of a Substantial tree in a Significant Landscape Overlay Schedule 6 (SLO6) and to remove substantial trees in a Significant Landscape Overlay Schedule 6 (SLO6)		NOD	Objector	2/11/2022		

Progress Report – Current VCAT Appeals July 2022									
<u>Appeal No</u>	<u>Application Number</u>	<u>Address</u>	<u>Proposal</u>	<u>Lodged at VCAT</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P363/2022	375/2021/P	774 Frankston Dandenong Road Carrum Downs	To re-subdivide the land into two (2) lots in a Green Wedge Zone (GWZ) and Environmental Significance Overlay Schedule 2 (ESO2) To undertake works within the tree protection zone of substantial trees in a Significant Landscape Overlay Schedule 2 (SLO2) To create access to a Transport Zone 2 and to subdivide land adjacent to a Transport Zone 2		Refusal	Refusal	18/11/2022		
P324/2022	167/2021/P	92 Cadles Road Carrum Downs	To construct twenty two (22) dwellings on a lot in a General Residential Zone (GRZ) and to remove native vegetation under Clause 52.17 Native Vegetation of the Frankston Planning Scheme		Refusal	Refusal	20-21/12/2022		
P786/2022	132/2022/P	5 Hannah Street, Seaford	To construct two (2) double storey dwellings in a General Residential Zone and a Special Building Overlay (SBO)	28/06/2022	Permit	Against the conditions	15/09/2022		
P940/2022	606/2021/P	24 Wakefield Avenue Frankston South	To construct one (1) double storey dwelling and domestic swimming pool in a Design and Development Overlay Schedule 9 (DDO9) To construct works within the Tree Protection Zone of a substantial tree in a Significant Landscape Overlay Schedule 4 (SLO4)	1/08/2022	Permit	Against the conditions	16/11/2022		

Progress Report – VCAT Determination – Policy Implications July 2022			
<u>Appeal No</u>	<u>Application No</u>	<u>Address</u>	<u>VCAT Determination – Policy Implications</u>
P11831/2021	239/2021/P	137 Overport Road Frankston South	<p>The applicant sought permission to construct a child care centre on residentially zoned land on the corner of Overport Road and Fontayne Court. The application was a follow up to a previous application which was refused by both Council and the Victorian Civil and Administrative Tribunal (VCAT) on review, due to the lack of landscaping opportunities to integrate the proposed centre with the bushy landscape character of the area. The new application had improved upon landscaping opportunities and included a reduction in the intensity of the use. Notwithstanding, the application attracted some 279 objections. Council resolved to refuse to grant a permit for the proposal, for reasons that included amenity and traffic impacts in addition to landscape/character response. The applicant sought review of the decision at the VCAT.</p> <p>The VCAT treated the matter as a ‘repeat appeal’. It was unimpressed by submissions relating to land use suitability, need, traffic and amenity impacts, commenting that the VCAT had already formed positive judgements about these matters in respect of the previous application. It was satisfied with the new proposed building setbacks and landscape response, and directed that a permit be issued.</p>
P11932/2021	31/2021/P	6-12 Davey Street Frankston	<p>The applicant had sought permission to demolish structures which were protected by a Heritage Overlay. Notice was provided and objections received, citing the remaining heritage value of the structures amongst other issues. Council resolved to issue a Notice of Decision to Grant, and an objecting party sought review of Council’s decision at the VCAT.</p> <p>Between the lodgement of the review application and the first conference, two of the structures sought to be removed were materially damaged by fire and were demolished. The permit applicant then sought permission to withdraw the application for review. This was consented to, and the VCAT determined that no permit be granted. The remaining structure is, however, the subject of further application for demolition as part of a broader application for a redevelopment of the land with a very substantial multi-level mixed use building. Thus the potential future demolition of this structure will still be considered at the time of determination of that application.</p>

Resolutions in the past 4 years relating to Statutory Planning Improvements

- At its meeting on 4 June 2018, in respect to Improvements to the Planning Process, it was resolved:

*That Council:*

*1. Supports officers reporting the average legal and officer costs together with the number of planning consultants and lawyers associated with each month's resolved VCAT cases as part of the monthly Town Planning Report.*

*2. Approves officers conveying residents' and ratepayers' concerns (on their behalf where agreed) to Council's legal representatives where a related planning matter is scheduled for VCAT.*

*3. Mandates the amended 'town planning application call-in' template, which will be attached to all reports called in by Councillors (see attached).*

*4. Endorses Resident Discussion Meetings be required for all applications where there are more than three objectors and the applicant is willing to attend.*

*5. Notes that Town Planning Progress Reports will be presented no later than 2 months after the cessation of the month on the proviso that State Government data is available.*

*6. Seeks a report on the process for establishing a Frankston Native Vegetation Offsets Policy for the October Ordinary Meeting.*

- At its meeting on 19 August 2019, Council received the Planning Improvements Update report, and resolved:

*That Council:*

*1. Notes that Council has had approximately 120 resolutions since 2014 relating to the Frankston Planning Scheme and Town Planning work systems that have been actioned.*

*2. Notes that planning application volumes have been increasing over time.*

*3. Notes that Council's historic timeframes for consideration of applications are comparable to neighbouring Councils and have further improved recently.*

*4. Notes that substantial progress has been made in improving Town Planning work systems to date.*

*5. Notes the current initiatives currently underway to further improve the Frankston Planning Scheme and Town Planning work systems.*

*6. Notes that work is being undertaken to identify future improvement options to the Frankston Planning Scheme and Town Planning work systems to improve customer service, timeframes and service efficiency, including process methodologies such as NORFI and STAR, and that the future enhancements is being facilitated with key process improvements underway.*

*7. Notes that a further update report on town planning improvements will be provided by the March 2020 Ordinary Meeting.*

- At its meeting on 30 March 2020, Council received a further Town Planning Improvements Update report, and resolved:

*That Council:*

*1. Receives the Town Planning Improvements (further) Update Report; and*

*2. Notes the improved on-time performance, and service improvements as outlined in this report.*

- At its meeting on 9 March 2021, it was resolved:

*That Council:*

*Part A - That Council receives the Statutory Planning Progress Report for the month of January 2021.*

*Part B – That Council resolves that: a) applications for liquor licenses associated with Restaurant and Bar uses within the Frankston Major Activity Centre are no longer required to be reported to Council for decision, except where the proposed capacity exceeds 100 persons (or where called in by a Councillor), and b) applications for retrospective approval of non-compliance with permits are no longer required to be reported to Council for decision (unless called in by a Councillor).*

- At its meeting on 11 October 2021, it was resolved:

*That Council:*

*To amend the Councillor call-in protocol pertaining to planning permit applications to reflect the following:*

*1. Written agreement (including by electronic means) from three Councillors before a Councillor call-in is effectual;*

*2. Two out of three of the written agreements must be from Ward Councillors where the planning proposal is to be located; and*

*3. The protocol be reviewed by the next Council, following the changeover from multi-Councillor wards to single Councillor Wards.*

**Executive Summary****12.1 Council Resolution Status Update for 5 September 2022**

*Enquiries: (Brianna Alcock: Corporate and Commercial Services)*

Council Plan

- |          |  |
|----------|--|
| Level 1: | 6. Progressive and Engaged City  |
| Level 2: | 6.5 Support transparent and evidenced based decision making through sharing council data and clear reporting on our measures of success to the community |

**Purpose**

To update and brief Council on the current status of resolutions.

**Recommendation (Director Corporate and Commercial Services)**

That Council:

1. Receives the Notice of Motion Report for 5 September 2022;
2. Receives the Urgent Business Status Update for 5 September 2022;
3. Notes there are no Notice of Motion actions that have been reported as being complete;
4. Notes there is one report that will not be presented to Council:
  - Community Grants
5. Notes, since the Council Meeting held on 15 August 2022, 29 resolutions have been completed, as listed in the body of the report;
6. Notes Deputy Mayor, Cr Suzette Tayler, is stepping down from the Foreshore Advisory Committee and will no longer be appointed as a Councillor Delegate. Cr Brad Hill will remain as a Councillor Delegate on the Committee and there will be no other Councillor delegate nominated to replace the Deputy Mayor at this time; and
7. Resolves for Attachment D to remain confidential indefinitely on the grounds that it includes confidential meeting information, being the records of meetings closed to the public under section 66(2)(a) (*Local Government Act 2020, s.3(1)(h)*). These grounds apply because the information concerns updates on resolutions made by Council in meetings closed to the public and would, if prematurely released, impact on Council's ability to properly perform its functions.

**Key Points / Issues**

- At its meeting on 19 December 2016, Council resolved that:

*"That the Chief Executive Officer is directed to provide regular updates to Council on the progress or status of Council's resolutions resulting from Notices of Motion raised by Councillors. In order to facilitate this, a brief progress report (detailing the status of each outstanding resolution) is required to be presented to Council at each of its Ordinary Meetings in future commencing with Ordinary Meeting 296 (scheduled for the 30 January 2017)."*
- Additionally, at its meeting on 22 July 2019, Council resolved that:

*"4. a) Includes in the attached monthly report (Notice of Motion Cost Summary), the number of Urgent business items per councillor"*

**12.1 Council Resolution Status Update for 5 September 2022****Executive Summary**

*b) Includes the updates of the status of Urgent Business items in the attached monthly report (Notice of Motion Report)”*

- Further, at its meeting on 18 November 2021, Council resolved that:

*“A. Notes the following appointments to internal organisations to be made:*

*13. Cr B Hill and Cr S Tayler be appointed as the delegates to the Foreshore Advisory Committee.”*

- The Notice of Motion Report for 5 September 2022 is attached (Attachment B) and will continue to be updated and reported at each Council Meeting. Note there are no items listed under confidential, as such this report has not been attached.
- The Urgent Business Status Update report is attached (Attachment C) for 5 September 2022, and will continue to be reported at each Council Meeting.
- There are no Notice of Motion actions that have been reported as complete.
- Due to various factors, it is sometimes not possible for reports to be brought back before Council in accordance with the time frames resolved. There is one report listed as not being presented to Council:
  - Community Grants  
Community Grants Report is delayed to ensure the processes for the Community Grants Program comply with the newly revised Community Grants Policy, endorsed by Council at its Meeting on 6 June 2022. This includes the establishment of the new Community Grants Panel and its additional processes such as recruitment, training and meetings. The report will be presented to Council at its meeting on 24 October 2022.
- Since 2022/CM12 on 15 August 2022, the following 29 resolution actions have been reported as ‘complete’. A detailed report has been provided in Attachment D (*CONFIDENTIAL*).
  - Response to 2019/NOM50 - Climate Emergency
  - Establishment of a night-time economy grant - Invest Frankston After Dark Activation Grant
  - Finalisation of statutory leasing procedure - Proposed lease of part of 151R East Road, Seaford to St Kilda Football Club - Belvedere Health and Wellbeing Hub
  - Proposed Lease of Council Land - Existing Telecommunications Facility - 45R Wedge Road Carrum Downs (Carrum Downs Recreation Reserve)
  - Draft Revised Risk Management Policy
  - Proposed Naming of Evelyn Reserve
  - Chief Executive Officer's Quarterly report - January to March 2022 period
  - Draft Revenue Hardship Policy
  - Information Communication Technology Professional and Leasing Services
  - Urgent Business – Internal Arbitration Process
  - Planning Application 465/2020/P - 57 Foot Street Frankston - To use the land to sell and consume liquor (Restaurant and Cafe Licence)
  - Planning Application 239/2022/P - 137 Beach Street Frankston - To use the land for the sale and consumption of liquor (Restaurant and Cafe Licence)



**12.1 Council Resolution Status Update for 5 September 2022****Executive Summary**

- Council Resolution Status Update for 11 July 2022
- Outcomes of the Audit & Risk Committee Meeting - 20 May 2022
- Adoption of Risk Management Policy
- Instrument of Appointment and Authorisation
- Delegate's Report - Cr Sue Baker - National General Assembly 2022
- Statutory Planning Progress Report - May and June 2022
- Council Resolution Status Update for 25 July 2022
- Chief Executive Officer's Quarterly report - April to June 2022 period
- Update on Coronavirus (COVID-19) and Recovery Grants Program report - 25 July 2022
- Freedom of Information Summary
- Property Utilisation Review
- Peninsula Leisure P/L - Strategic Plan 2023-2025
- Centenary Park Golf Course Draft Master Plan
- Destination Event Attraction Program - Round 1 Award Recommendations
- Councillor Conduct Panel Determination
- Council Resolution Status Update for 15 August 2022
- Urgent Business – Reimbursement of Legal Fees
- At its Council Meeting on 17 November 2021, the Deputy Mayor, Cr Suzette Taylor, was nominated as a Councillor Delegate to the Foreshore Advisory Committee. Due to external factors, the Deputy Mayor is no longer able to sit on the Committee. Cr Brad Hill will remain as the Councillor Delegate and no other Councillor will be nominated at this time.

**Financial Impact**

There are no financial implications associated with this report.

**Consultation****1. External Stakeholders**

Nil.

**2. Other Stakeholders**

Nil.

**Analysis (Environmental / Economic / Social Implications)**

Making the written records available may provide some confidence regarding transparency in decision making, and is in keeping with best practice advice from the Victorian Ombudsman.

**12.1 Council Resolution Status Update for 5 September 2022****Executive Summary****Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

There are no legal implications associated with this report.

Policy Impacts

There is no impact on Council policies.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

**Risk Mitigation**

There are no risks identified with this report.

**Conclusion**

The purpose of this report is to brief and update Council on the implementation and status of resolutions including Notices of Motion and Urgent Business items. Council Officers are continuously working to implement a range of Council resolutions and in addition to noting the work completed.

---

**ATTACHMENTS**

- Attachment A: [↓](#) Notice of Motion - Cost Summary  
Attachment B: [↓](#) Notice of Motion Status Update  
Attachment C: [↓](#) Urgent Business  
Attachment D: Closed/Completed Actions - **CONFIDENTIAL**

Notice of Motion Report - 2022 - CM13 - for the 5 September Council Meeting (A4750982).XLSX

**Notice of Motions Estimated Costs**  
**By Councillor**  
**2020 - 2024 Term**

Councillor	Number	Primary Cost	Ongoing Cost	Outcome Cost	Urgent Business
Cr David Asker	0	\$0	\$0	\$0	1
Cr Sue Baker	2	\$0	\$0	\$0	3
Cr Kris Bolam	5	\$6,000	\$0	\$0	0
Cr Nathan Conroy	0	\$0	\$0	\$0	0
Cr Claire Harvey	2	\$7,155	\$0	\$0	2
Cr Brad Hill	3	\$0	\$0	\$0	0
Cr Liam Hughes	2	\$0	\$0	\$0	1
Cr Steven Hughes	2	\$0	\$0	\$0	0
Cr Suzetter Tayler	1	\$0	\$0	\$0	1
<b>TOTAL</b>	<b>16</b>	<b>\$ 13,155</b>	<b>\$ -</b>	<b>\$ -</b>	<b>8</b>

NOTE: There may be occasions when the Ongoing Cost is ALSO reported under Outcome costs: this is on the occasions when the ongoing cost has a KNOWN FINITE total. This is to note for budgeting purposes (for eg: \$121,000 total over 11 years = \$11,000 budgeted per year). Notes/comments are provided in the report when this occurs

## Item 12.1 Attachment B: Notice of Motion Status Update

Notice of Motion Report - 2022 - CM13 - for the 5 September Council Meeting (A4750982).xlsx

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
20-Sep-21	14.1	2021/NOM8 - Humanitarian Support for Fiji  Cr Bolam	<p>Council Decision; Moved: Councillor Bolam Seconded: Councillor Baker That Council:</p> <ol style="list-style-type: none"> <li>Notes the letter from the Victorian Multicultural Sports Association seeking a \$10,000 contribution from Council for humanitarian support in Fiji;</li> <li>Notes that Frankston and Suva (Fiji) have provisionally agreed to form a Friendship City relationship;</li> <li>Given Suva (Fiji) is Frankston's geographically closest 'Sister City' / 'Friendship City', this agreement is to be formally upgraded to a 'Sister City' relationship, pending advice from Sister Cities Australia;</li> <li>Notes the letter of appreciation from the Fijian Government's Minister for Local Government, Housing and Community Development, in appreciation for the \$5500 donation for the delivery of hospital beds to Fiji to assist with their response to the second wave of the COVID-19 pandemic;</li> <li>Acknowledges the relationships and contribution of the Fijian community to the diversity in Frankston and notes the impact of the pandemic on our Pacific neighbours;</li> <li>Supports the facilitation of this humanitarian initiative under the stewardship of the Mayor to work with Rotary Club of Frankston Sunrise (who have deductible gift recipient status) to receive all goods and donations with respect to the humanitarian aid relating to the Fijian community;</li> <li>Notes the Mayor has driven a community stewardship campaign for donations. \$8,400 has been raised in the past two weeks to provide sanitary products for women and baby products for newborns, together with donations of children's clothing, sanitiser and PPE. This includes: <ul style="list-style-type: none"> <li>• Coles Karingal - \$100 gift card; • Woolworths Karingal - \$100 gift card; • Woolworths Frankston - \$100 gift card; • Chisholm Frankston - \$1000 cash donation; • DC Urban - \$1000 cash donation; • St Kilda Football Club - \$1000 cash donation; • Rotary Frankston - \$1000 cash donation; • Rotary Sunrise - \$1000 cash donation; • Rotary 2.0 - \$1000 cash donation; • Private resident - \$500 cash donation; • Private resident - \$800 cash donation; • Monash University - \$800 cash donation</li> </ul> </li> <li>In this time, the following businesses have also provided, in writing, commitments for discounts and/or additional stock upon purchase to assist in the relief effort: <ul style="list-style-type: none"> <li>• Target Frankston – bulk discount; • Libra (Asaleo Care) – bulk discount; • Australian Dairy Park, Carrum Downs – excess product/aid; • Golden Fields Nutrition, Dandenong – excess product/aid; • Kellogg's – volunteered pallets of infant breakfast cereal; • Community Support Frankston – volunteered pallets of sanitiser</li> </ul> </li> <li>That formal letters of thanks be sent to the aforementioned donors;</li> <li>Supports a Council donation of \$6000 to the Rotary Club of Frankston Sunrise towards the shipping of humanitarian aid to Fiji (\$5599), and product/aid (\$401);</li> <li>Funds the humanitarian aid from the Mayor's Event Budget that was initially allocated to fund the 'COVID Hero's' Appreciation Event, but is no longer proceeding due to restrictions on mass gatherings;</li> <li>Writes to the Hon. Frank Bainimarama, the Prime Minister of Fiji, the Hon. Premila Kumar, the Local Government Minister Fiji, the Fijian High Commissioner to Australia His Excellency Luke Daunivalu and the Australian High Commissioner to Fiji, His Excellency Mr John Feakes; to advise of Council's decision and note the total donation of \$14,400 (comprising \$8,400 community donations and \$6000 Frankston City Council donation) plus donated wholesale product/aid that comfortably represents an overall charitable effort surpassing \$15,000.</li> </ol> <p>Carried</p>	Fiona McQueen	18 Aug 2022 In progress. MOU still awaiting approval from Fiji.	Council donation of \$6000 to the Rotary Club of Frankston Sunrise towards the shipping of humanitarian aid to Fiji (\$5599), and product/aid (\$401).
11-Jul-22	14.1	2022/NOM8 - Outreach Support Service  Cr Bolam	<p>Council Decision Moved: Councillor Bolam Seconded: Councillor Hill That Council:</p> <ol style="list-style-type: none"> <li>Acknowledges the work currently being undertaken by organisation/s to provide an outreach service to rough sleepers, whereby contact with the rough sleeper is made within 24 hours of a referral where possible and,</li> <li>Requires a report to be provided at the September 2022 Council Meeting exploring a formalised service agreement with a suitably qualified localised outreach provider to undertake referral advocacy, throughout the municipality, to assist those without a permanent place of abode.</li> </ol> <p>The service guarantee is to focus on a prescribed minimum response time (i.e. twenty-four hours) upon the outreach provider being notified of new clients/rough sleepers by the Frankston City Council.</p> <p>Following the initial interaction with new clients/rough sleepers, the service provider is to:</p> <ol style="list-style-type: none"> <li>Make clients aware of local and regional support agencies insofar uplift and direct support;</li> <li>Collaborate with local and regional support services on behalf of clients and their needs; and</li> <li>Conduct ongoing wellbeing audits of clients/rough sleepers, as commissioned by the Frankston City Council.</li> </ol> <p>Carried Unanimously</p>	Johann Rajaratnam	03 Aug 2022 1. Acknowledgement of work currently being undertaken – NOTED., 2. An officer response is being prepared for discussion at Cllr Briefing on 22 August, and a council report to provide a formal officer response has been scheduled for the Council OM on 5 September. 22 Aug 2022 1. Work of outreach services currently engaged acknowledged- COMPLETE , 2. Officers note the need to provide a report to Council on in September 2022	
15-Aug-22	14.1	2022/NOM9 - Nature Strip Guidelines  Cr Baker	<p>Council Decision Moved: Councillor Baker Seconded: Councillor Harvey That Council seeks a report to the October 2022 Council meeting on the 'Nature strip planting guidelines (DRAFT)', updated in 2021, to address current controls and compliance with Frankston City Council requirements and Local Laws in relation to planting on nature strips.</p> <p>Carried Unanimously</p>	Johann Rajaratnam	20 Aug 2022 1. Draft Nature strip guidelines are being reviewed and the report prepared for the 24th October Council meeting.	

## Item 12.1 Attachment C: Urgent Business

Notice of Motion Report - 2022 - CM13 - for the 5 September Council Meeting (A4750982).xlsx

## Urgent Business

Meeting Date	Urgent Business Title and Councillor	Council Resolution	Responsibility	Comments
15-Nov-21	Response to Urgent Business - Disposal of Tree Debris following from severe weather event Cr Harvey	Moved: Councillor Harvey Seconded: Councillor Baker That Council supports further detailed costings to be obtained for providing a dedicated booked green waste kerbside collection service, available for residents after severe weather events, to be considered during the 2022-23 annual budget process.  Carried Unanimously	Bruce Howden	21 Feb 2022 9:56am Action to be completed as part of 2022/23 budget process.
21-Feb-22	Urgent Business - Social Housing Reforms Cr Baker	Moved: Councillor Baker Seconded: Councillor Bolam That Council: 1. Notes the two reforms recently announced by the Victorian Government relating to social housing that provide for: o From 2024, that all new residential developments of three or more lots will contribute 1.75% of their build cost to a social and affordable housing fund; and o A social housing rates exemption to be implemented from July 2023, that will be phased in over 4 years, and which exempts social housing from paying rates across metropolitan Melbourne Councils and the regional cities of Ballarat, Bendigo and Geelong; 2. Notes that the Victorian Government intends to introduce legislation to Parliament to effect these reforms; 3. Notes that it is working as a part of a wider Municipal Association of Victoria (MAV) effort to better understand and engage with the Victorian Government on the impacts of the proposed rates exemption, but fears it will divert funds from vital Council services and capital works, at a time the community most needs Council; 4. Voices its concern with the potential impacts of the levy on the future housing affordability and financial sustainability for multi-lot subdivisions and multi-dwelling development within Frankston; 5. Recognises that any investment in social housing is important but not at the cost of the provision of essential Council services (which would in turn affect all Frankston residents) or reducing housing options that may be more affordable for Frankston residents; and 6. Writes to the Premier, Opposition Leader, Portfolio and Shadow Ministers and other relevant members of parliament calling for more meaningful engagement and analysis of the impacts of these reforms with Frankston City Council, local government in general and the MAV, before these reforms are enacted by the Parliament.	Clare Warren	28 Feb 2022 10:49am 1. Noted, 2. Noted, 3. Noted, 4. prepared letters and passed to CEO for further action, 5. Noted, 6. prepared letters and passed to CEO for further action.

## Executive Summary

### 12.2 Adoption of amendments to Governance Rules

*Enquiries: (Brianna Alcock: Corporate and Commercial Services)*

Council Plan

- |          |  |
|----------|--|
| Level 1: | 6. Progressive and Engaged City  |
| Level 2: | 6.2 Enhance strategy, policy and plan development and identify alignment to allow for prioritisation of services that are efficient, well planned, accessible and meet community needs |

#### Purpose

To adopt the amendments to the Governance Rules.

#### Recommendation (Director Corporate and Commercial Services)

That Council:

1. Notes that recent amendments to the Local Government Act 2020 concerning virtual meetings have made it necessary to amend Council's Governance Rules;
2. Notes that proposed amendments to the Governance Rules were publicly exhibited for a period of 4 weeks, and no submissions were received; and
3. Resolves to adopt the amendments to the Governance Rules.

#### Key Points / Issues

- At its meeting on 25 July 2022, Council resolved as follows:  
*That Council:*
  1. *Notes that amendments to the Local Government Act 2020 concerning virtual meetings, which will take effect from 2 September 2022, have made it necessary to amend Council's Governance Rules;*
  2. *Notes the draft amended Governance Rules which have been prepared to meet these new legislative requirements, and to address some other miscellaneous matters;*
  3. *Endorses the proposed amendments to the Governance Rules to be publicly exhibited for a period of 4 weeks; and*
  4. *Notes that a report will be presented to the Council meeting on 5 September 2022 to enable Council to adopt the amendments to the Governance rules, taking into account any submissions received.*
- In accordance with Council's resolution, public notice of the proposed amendments was given in the Herald Sun on Wednesday, 27 July 2022, and on Council's website.
- At the conclusion of the public submissions period, no submissions have been received.
- It is recommended that Council now resolves to adopt the amendments, as shown in **Attachment A**.

#### Financial Impact

Costs associated with amending Council's Governance Rules can be accommodated within existing budgets.

**12.2 Adoption of amendments to Governance Rules****Executive Summary****Consultation****1. External Stakeholders**

In accordance with Council's Community Engagement Policy, public notice of the proposed amendments was given and relevant documents were put out for public consultation. No submissions have been received.

**2. Other Stakeholders**

Council's lawyers drafted a revised Governance Rules template which responds to the new legislative requirements. Amendments to Council's existing Governance Rules were then prepared, to enable Council to incorporate the necessary changes.

**Analysis (Environmental / Economic / Social Implications)**

- The COVID-19 pandemic has highlighted the need for, and usefulness of, a more flexible and modern approach to conducting Council meetings. COVID-19 temporary measures, which were included in Part 12 of the Local Government Act 2020, have provided for virtual meetings (i.e. participation in Council meetings remotely by electronic means of communication). However, the temporary measures for virtual meetings ceased on 1 September 2022.
- From 2 September 2022 onwards, new permanent provisions for virtual meetings have replaced the temporary measures. Under the permanent provisions, Council's Governance Rules must make express provision for requesting and approval of attendance at Council and Delegated Committee meetings by electronic means of communication.
- Proposed amendments to the Governance Rules were drafted by Council's lawyers to satisfy the new legislative requirements, including detailed provisions concerning:
  - whether meetings are to be wholly attendance meetings, wholly virtual meetings or partially attendance and partially virtual meetings;
  - how, if a meeting is intended to a wholly attendance meeting, a Councillor can request that they attend by electronic means; and
  - a decision by Council as to whether it accedes to such a request.
- Additionally, a number of miscellaneous changes were made, including changes intended to:
  - make it clear that the Mayor can only be elected with an absolute majority of votes;
  - replace references to "clear days" with "business days", for improved clarity;
  - improve the Chair's ability to appropriately manage questions asked by Councillors;
  - provide for the acceptance of electronic petitions, joint letters and memorials;
  - allow the Chair to adjourn a meeting to consider how to cast their casting vote;
  - provide a clear procedure to be followed in the event of opposition during the confirmation of minutes;



**12.2 Adoption of amendments to Governance Rules****Executive Summary**

- enable the CEO to respond to unfounded criticism, at the discretion of the Chair;
  - reflect the repeal of certain provisions in the Local Government Act 1989;
  - adopt more gender neutral language.
- **Attachment B** highlights the amendments to the current Governance Rules document, using track changes.
- **Attachment C** is a table which sets out of all of the amendments, together with the corresponding rationale.

**Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities

The proposed amendments to the Governance Rules are consistent with the Charter of Human Rights and Responsibilities.

Legal

Section 60 of the Local Government Act 2020 sets out the requirements for Governance Rules, as follows:

**60 Governance Rules**

- (1) *A Council must develop, adopt and keep in force Governance Rules for or with respect to the following—*
  - (a) *the conduct of Council meetings;*
  - (b) *the conduct of meetings of delegated committees;*
  - (c) *the form and availability of meeting records;*
  - (d) *the election of the Mayor and the Deputy Mayor;*
  - (da) *the appointment of an Acting Mayor;*
  - (e) *an election period policy in accordance with section 69;*
  - (f) *the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee under section 130;*
  - (g) *the procedure for the disclosure of a conflict of interest by a Councillor under section 131;*
  - (h) *the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1);*
  - (i) *any other matters prescribed by the regulations.*
- (2) *The Governance Rules must provide for a Council to—*
  - (a) *consider and make decisions on any matter being considered by the Council fairly and on the merits; and*
  - (b) *institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.*
- (3) *A Council may amend its Governance Rules.*



**12.2 Adoption of amendments to Governance Rules****Executive Summary**

- (4) *Subject to subsection (5), a Council must ensure that a process of community engagement is followed in developing or amending its Governance Rules.*
- (5) *Subsection (4) does not apply if the Council is developing and adopting or amending a Governance Rule that only adopts a good practice guideline issued by the Minister under section 87.*
- (6) *A Council must comply with its Governance Rules.*
- (7) *A Council must adopt the first Governance Rules under this section on or before 1 September 2020.*
- (8) *Until a Council adopts Governance Rules under this section, the Local Law Meeting Procedures made by the Council under the Local Government Act 1989 apply as if the Local Law Meeting Procedures had been adopted as Governance Rules under this section.*

Changes to the legislative provisions concerning virtual meetings, which were introduced by the *Regulatory Legislation Amendment (Reform) Act 2022*, came into effect on 2 September 2022. Under the new permanent provisions, Council's Governance Rules must make express provision for requesting and approval of attendance at Council and Delegated Committee meetings by electronic means of communication.

**Policy Impacts**

Following the amendment of the Governance Rules, consideration will be given to any required updates to the Public Question Time and Submissions Policy, and to the development of guidance material regarding the submission of petitions.

**Officer's Declaration of Interests**

Council officers involved in the preparation of this report have no conflict of interest in this matter.

**Risk Mitigation**

The attached amended Governance Rules document includes amendments prepared by Council's lawyers to satisfy the new legislative requirements which were introduced through the *Regulatory Legislation Amendment (Reform) Act 2022*.

**Conclusion**

Council must amend its Governance Rules in order to comply with changes to the virtual meeting provisions which came into effect on 2 September 2022. The amendments meet the new legislative requirements, and address some other miscellaneous matters.

Public notice of the proposed amendments was given and no submissions have been received. It is recommended that Council now resolves to adopt the amendments to the Governance Rules.

**12.2 Adoption of amendments to Governance Rules****Executive Summary**

---

**ATTACHMENTS**

- Attachment A: [↓](#) Draft Governance Rules with proposed amendments - for endorsement
- Attachment B: [↓](#) Tracked changes draft amended Governance Rules
- Attachment C: [↓](#) Table of proposed amendments to Governance Rules

Frankston City Council

# DRAFT Governance Rules

Adopted 31 August 2020, and amended (insert date) 2022.



*Lifestyle Capital of Victoria*



## GOVERNANCE RULES

### Introduction

#### 1. Nature of Rules

These are the Governance Rules of Frankston City Council, made in accordance with section 60 of the *Local Government Act 2020*.

#### 2. Date of Commencement

These Governance Rules commenced on 1 September 2020 and were amended on (date).

#### 3. Contents

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Framework
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Councillor Briefing Arrangements
Chapter 4	Meeting Procedure for Delegated Committees
Chapter 5	Meeting Procedure for Community Asset Committees
Chapter 6	Disclosure of Conflicts Of Interest
Chapter 7	Miscellaneous
Chapter 8	Election Period Policy

#### 4. Definitions

In these Governance Rules, unless the context suggests otherwise the following words and phrases mean:

*Act* means the *Local Government Act 2020*.

*Attend, attending and in attendance* include attend, attending or in attendance by electronic means.

*Chief Executive Officer* includes an Acting Chief Executive Officer.

*Community Asset Committee* means a Community Asset Committee established under section 65 of the Act.

*Council* means Frankston City Council.

*Council meeting* has the same meaning as in the Act.

*Delegated Committee* means a Delegated Committee established under section 63 of the Act.

*Mayor* means the Mayor of Council.

*these Rules* means these Governance Rules.



## Chapter 1 – Governance Framework

### 1. Context

*These Rules* should be read in the context of and in conjunction with:

- (a) the overarching governance principles specified in section 9(2) of the Act; and
- (b) the following documents adopted or approved by *Council*:
  - (i) Public Submissions and Question Time Policy;
  - (ii) Public Transparency Policy;
  - (iii) Community Engagement Policy;
  - (iv) Councillor Code of Conduct;
  - (v) Councillor Expenses Policy; and
  - (vi) Notice of Motion Protocol.

### 2. Decision Making

- (a) In any matter in which a decision must be made by *Council* (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision:
  - (i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
  - (ii) on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations
- (b) *Council* must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of *Council* is entitled to communicate their views and have their interests considered).
- (c) Without limiting anything in paragraph (b) of this sub-Rule:
  - (i) before making a decision that will directly affect the rights of a person, *Council* (including any person acting with the delegated authority of *Council*) must identify the person or persons whose rights will be directly affected, give notice of the decision which *Council* must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
  - (ii) if a report to be considered at a *Council meeting* concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;
  - (iii) if a report to be considered at a *Delegated Committee* meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and



- (iv) if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.



## Chapter 2 – Meeting Procedure for Council Meetings

### Contents

<b>PART A – INTRODUCTION</b>	<b>1</b>
1. Title	1
2. Purpose of this Chapter	1
3. Definitions and notes	1
<b>PART B – ELECTION OF MAYOR</b>	<b>3</b>
4. Election of the Mayor	3
5. Method of voting	3
6. Determining the election of the Mayor	3
7. Election of Deputy Mayor and Chairs of Delegated Committees	5
8. Appointment of Acting Mayor	5
<b>PART C – MEETINGS PROCEDURE</b>	<b>6</b>
<b>DIVISION 1 – NOTICES OF MEETINGS AND DELIVERY OF AGENDAS</b>	<b>6</b>
9. Dates and times of meetings fixed by Council	6
10. Council may alter meeting dates	6
11. Meetings not fixed by Council (Unscheduled or Special Meetings)	6
12. Notice of meeting	6
<b>DIVISION 2 – QUORUMS</b>	<b>7</b>
13. Scheduled meetings	7
14. Inability to obtain a quorum	7
15. Inability to maintain a quorum	8
16. Adjourned meetings	8
17. Time limits for meetings	8
18. Cancellation or postponement of a meeting	9
<b>DIVISION 3 – BUSINESS OF MEETINGS</b>	<b>9</b>
19. Agenda and the order of business	9
20. Change to order of business	9
21. Urgent business	9
22. Reports of delegates	10
<b>DIVISION 4 – MOTIONS AND DEBATE</b>	<b>11</b>
23. Councillors may propose notices of motion	11
24. Notice of motion	11
25. Chair's duty	12
26. Introducing a motion or an amendment	13
27. Right of reply	14
28. Moving an amendment	14
29. Who may propose and debate an amendment	14
30. How many amendments may be proposed	14
31. An amendment once carried	14
32. Foreshadowing motions	15
33. Withdrawal of motions	15
34. Separation of motions	15
35. Chair may separate motions or allow motions to be moved in block	15
36. Priority of address	15
37. Motions in writing	16



38.	Repeating motion and/or amendment .....	16
39.	Debate must be relevant to the motion .....	16
40.	Speaking times .....	16
41.	Addressing the <i>meeting</i> .....	17
42.	If lost .....	17
43.	Right to ask questions .....	17
<b>DIVISION 5 – PROCEDURAL MOTIONS .....</b>		<b>17</b>
44.	Procedural motions .....	17
<b>DIVISION 6 – RESCISSION MOTIONS .....</b>		<b>19</b>
45.	Notice of rescission .....	19
46.	If lost .....	20
47.	If not moved .....	20
48.	May be moved by any Councillor .....	21
49.	When not required .....	21
<b>DIVISION 7 – POINTS OF ORDER .....</b>		<b>21</b>
50.	Valid points of order .....	21
51.	Procedure for point of order .....	21
52.	Chair to decide .....	22
53.	No debate .....	22
54.	<i>Chair</i> may adjourn to consider .....	22
55.	Effect of ruling .....	22
56.	Dissent from <i>Chair's</i> ruling .....	22
<b>DIVISION 8 – PUBLIC QUESTION TIME .....</b>		<b>23</b>
57.	Question time .....	23
<b>DIVISION 9 – PETITIONS AND JOINT LETTERS .....</b>		<b>25</b>
58.	Petitions and joint letters .....	25
59.	Submissions by incorporated associations .....	26
<b>DIVISION 10 – PUBLIC SUBMISSIONS .....</b>		<b>26</b>
60.	Individual presentations to <i>Council meetings</i> .....	26
61.	Requests to present .....	26
62.	When a presentation can be made .....	26
63.	Limitations upon speakers .....	27
64.	Questions but no discussion permitted .....	27
65.	Relaxation of requirement .....	27
<b>DIVISION 11 – VOTING .....</b>		<b>27</b>
66.	How motion determined .....	27
67.	Silence .....	27
68.	Recount .....	27
69.	Casting vote .....	28
70.	How votes are cast .....	28
71.	Procedure for a division .....	28
72.	No discussion once declared .....	28
<b>DIVISION 12 – MINUTES .....</b>		<b>29</b>
73.	Confirmation of minutes .....	29
74.	No debate on confirmation of minutes .....	30
75.	Deferral of confirmation of minutes .....	30





76.	Form and availability of minutes.....	31
77.	Recording of <i>meetings</i> .....	32
<b>DIVISION 13 – BEHAVIOUR.....</b>		<b>32</b>
78.	Public addressing the <i>meeting</i> .....	32
79.	<i>Chair</i> may remove .....	33
80.	<i>Chair</i> may adjourn disorderly <i>meeting</i> .....	33
81.	Removal from Chamber .....	33
<b>DIVISION 14 – ADDITIONAL DUTIES OF CHAIR .....</b>		<b>33</b>
82.	The <i>Chair's</i> duties and discretions.....	33
<b>DIVISION 15 – SUSPENSION OF STANDING ORDERS.....</b>		<b>34</b>
83.	Suspension of standing orders.....	34
<b>DIVISION 16 – PHYSICAL AND REMOTE ATTENDANCE.....</b>		<b>34</b>
84.	Mode of Attendance.....	34
85.	<i>Meetings</i> conducted remotely.....	36
<b>DIVISION 17 – MISCELLANEOUS.....</b>		<b>36</b>
86.	Criticism of members of Council staff.....	36
87.	Procedure not provided in this Chapter.....	36
88.	Policies and guidelines .....	36



## PART A – INTRODUCTION

### 1. Title

This Chapter will be known as the "Meeting Procedures Chapter".

### 2. Purpose of this Chapter

2.1 The purpose of this Chapter is to provide for the orderly, efficient and equitable conduct of *Council meetings*.

2.2 Specifically, this Chapter is to:

- 2.2.1 provide a mechanism to facilitate the good government of *Council* through its formal meeting procedure to ensure effective and efficient *Council* decisions are made in a manner which acknowledges the role of local government within the Australian system of government;
- 2.2.2 promote and encourage community participation in the system of local government by providing mechanisms for *Council* to ascertain the community's views and expectations;
- 2.2.3 provide for the election of the Mayor and any Deputy Mayor;
- 2.2.4 provide for the appointment of any Acting Mayor;
- 2.2.5 provide for the procedures governing the conduct of Council meetings, to facilitate their orderly, efficient and equitable operation; and
- 2.2.6 set the rules of behaviour for those participating in or present at Council meetings.

### 3. Definitions and notes

3.1 In this Chapter:

"*agenda*" means the notice of a *meeting* setting out the business to be transacted at the *meeting*;

"*authorised officer*" means a person appointed as an Authorised Officer under section 224 of the *Local Government Act 1989*;

"*business day*" means a day that is not a Saturday, a Sunday or a public holiday;

"*Chair*" means the Chairperson of a *meeting* and includes an acting, a temporary and a substitute Chairperson;



"meeting" means a *Council meeting*;

"minute book" means the collective record of proceedings of *Council*;

"municipal district" means the municipal district of *Council*;

"notice of motion" means a notice setting out the text of a motion, which it is proposed to move at the next relevant *meeting*;

"notice of rescission" means a *notice of motion* to rescind a resolution made by *Council*;

"urgent business" means business which is raised under Rule 21; and

"written" includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form, and *writing* has a corresponding meaning.

- 3.2 Introductions to Parts, headings and notes are explanatory notes and do not form part of this Chapter. They are provided to assist understanding.



## PART B – ELECTION OF MAYOR

**Introduction:** This Part is concerned with the annual election of the *Mayor*. It describes how the *Mayor* is to be elected.

### 4. Election of the *Mayor*

The *Chief Executive Officer* must facilitate the election of the *Mayor* in accordance with the provisions of the Act.

### 5. Method of voting

The election of the *Mayor* must be carried out by a show of hands or such other visual or audible means as the *Chief Executive Officer* determines.

### 6. Determining the election of the *Mayor*

6.1 The *Chief Executive Officer* must open the *meeting* at which the *Mayor* is to be elected, and invite nominations for the office of *Mayor*.

6.2 Any nominations for the office of *Mayor* must be seconded by another Councillor.

6.3 Once nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor*.

#### Single nomination

6.4 If there is only one nomination, the candidate nominated must be declared to be duly elected.

#### Multiple nominations and candidate elected on first vote

6.5 If there is more than one nomination, the Councillors in attendance at the *meeting* must vote for one of the candidates and each of the candidates shall be allowed three minutes to speak to their nomination, which cannot be extended.

6.6 In the event of a candidate receiving the votes of an absolute majority of Councillors, that candidate is declared to have been elected.

#### Three or more nominations and no candidate obtaining absolute majority on first vote

6.7 In the event that:

6.7.1 there are three or more candidates;

6.7.2 no candidate receives the votes of an absolute majority of Councillors;  
and

6.7.3 it is not resolved to conduct a new election at a later day and time,



the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors in attendance at the meeting will then vote for one of the remaining candidates.

- 6.8 If one of the remaining candidates receives the votes of an absolute majority of Councillors, that candidate is duly elected. If none of the remaining candidates receives the votes of an absolute majority of Councillors and it is not resolved to conduct a new election at a later day and time, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives the votes of an absolute majority of Councillors. That candidate must then be declared to have been duly elected.
- 6.9 For the purposes of sub-Rules 6.7 and 6.8 if no candidate can be determined to have the fewest number of votes then the candidate who is to be declared a defeated candidate will be determined by lot.
- 6.10 If a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:
- 6.10.1 each candidate who has an equal number of votes with another candidate or candidates will draw one lot;
- 6.10.2 the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
- 6.10.3 as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates until one of those candidates receives the votes of an absolute majority of Councillors).

*Two nominations or two remaining candidates and no candidate obtaining an absolute majority on first vote*

- 6.11 In the event of two candidates being nominated or remaining, and neither candidate receiving the votes of an absolute majority of Councillors, the Councillors *in attendance* at the meeting will consider whether to resolve to conduct a new election at a later date and time.
- 6.12 If:
- 6.12.1 it is resolved to conduct a new election at a later date and time a new election will take place at on the date and at the time resolved upon. In that event the provisions of this Rule **Error! Reference source not found.** will continue to govern the election of the Mayor, and ultimately any



candidate whose nomination is the sole nomination or any candidate who receives the votes of an absolute majority of Councillors will be declared duly elected; and

- 6.12.2 it is not resolved to conduct a new election at a later date and time Councillors must continue to vote until one of the candidates receives the votes of an absolute majority of Councillors, at which point that candidate will be declared duly elected. If, after two or more further votes are taken neither candidate receives the votes of an absolute majority of Councillors, the provisions of sub-Rule 6.11 and this sub-Rule 6.12 must again be followed.

## **7. Election of Deputy Mayor and Chairs of Delegated Committees**

Any election for:

- 7.1 any office of Deputy Mayor; or
- 7.2 Chair of a *Delegated Committee*

will be regulated by Rules 4-6 (inclusive) of this Chapter, as if, in the case of any election for Deputy Mayor, the reference to the:

- 7.3 *Chief Executive Officer* is a reference to the *Mayor*; and
- 7.4 *Mayor* is a reference to the Deputy Mayor or the Chair of the *Delegated Committee* (as the case may be).
- 7.5 The role of the Deputy Mayor is to perform the duties ascribed to the *Mayor* where the *Mayor* is absent, unless the Deputy Mayor has a conflict or is unavailable.

## **8. Appointment of Acting Mayor**

If *Council* has not established an office of Deputy Mayor and it becomes required to appoint an Acting Mayor, it can do so by:

- 8.1 resolving that a specified Councillor be so appointed; or
- 8.2 following the procedure set out in Rules 5 and 6 (inclusive) of this Chapter, at its discretion.



## PART C – MEETINGS PROCEDURE

**Introduction:** This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a *meeting*. Collectively, the Divisions describe how and when a *meeting* is convened, when and how business may be transacted at a *meeting*.

### DIVISION 1 – NOTICES OF MEETINGS AND DELIVERY OF AGENDAS

#### 9. Dates and times of meetings fixed by Council

Subject to Rule 11, *Council* must from time to time fix the date, time and place of all *Council meetings*.

#### 10. Council may alter meeting dates

*Council* may change the date, time and place of any *Council meeting* which has been fixed by it and must provide reasonable notice of the change to the public.

#### 11. Meetings not fixed by Council (Unscheduled or Special Meetings)

11.1 The Mayor or at least 3 Councillors may by a written notice call a *Council meeting*.

11.2 The notice must specify the date and time of the *Council meeting* and the business to be transacted.

11.3 The Chief Executive Officer must convene the *Council meeting* as specified in the notice.

11.4 Unless all Councillors are in attendance and unanimously agree to deal with any other matter, only the business specified in the written notice can be transacted at the *Council meeting*.

#### 12. Notice of meeting

12.1 A notice of *meeting*, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically (at the option of the Councillor) to every Councillor for each *Council meeting* after noon on a day which is at least two business days before the *meeting*.

*If a Council meeting is scheduled for a Monday evening, the notice of meeting (including the agenda) must be delivered or sent electronically by the immediately preceding Thursday evening.*

12.2 Notwithstanding sub-Rule 12.1:



- 12.2.1 a draft *agenda* for each *Council meeting* must be delivered or sent electronically (at the option of the Councillor) to every Councillor at least five business days before the *meeting*; and
  - 12.2.2 a notice of *meeting* or draft *agenda* need not be served on or sent to any Councillor who has been granted leave of absence unless the Councillor has requested the *Chief Executive Officer* in writing to continue to give notice of any *meeting* during the period of their absence.
- 12.3 Reasonable notice of each *Council meeting* must be provided to the public. *Council* may do this:
- 12.3.1 for *meetings* which it has fixed by preparing a schedule of *meetings* annually, twice yearly or from time to time, and arranging publication of such schedule on *Council's* website and in a local newspaper either at various times throughout the year, or prior to each such *Council meeting*; and
  - 12.3.2 for any *meeting* by giving notice on its website and:
    - (a) in each of its Customer Service Centres; and/or
    - (b) in at least one local newspaper or daily metropolitan newspaper.
- 12.4 Copies of the *agenda* and any related material for *Council meetings* must be made available to members of the public after noon on a day which is at least two business days before the *meeting*, by being made available at the Civic Centre and on *Council's* website.

*If a Council meeting is scheduled for a Monday evening, the agenda and any related material must appear on Council's website by the immediately preceding Thursday evening. Hard copies of the agenda and any related material must be available for inspection or collection from the Friday morning immediately preceding the Monday evening meeting.*

## **DIVISION 2 – QUORUMS**

### **13. Scheduled meetings**

The quorum for *Council meetings* is the presence of a majority of the Councillors.

### **14. Inability to obtain a quorum**

If, after 30 minutes from the scheduled starting time of any *Council meeting*, a quorum cannot be obtained:





- 14.1 the *meeting* will be deemed to have lapsed;
- 14.2 the agenda for which will be identical to the agenda for the lapsed *meeting*; and
- 14.3 the *Chief Executive Officer* must give all Councillors *written notice* of the *meeting* convened by the *Mayor*.

**15. Inability to maintain a quorum**

- 15.1 If, during any Council *meeting*, a quorum cannot be maintained then Rule 14 will apply as if the reference to the *meeting* is a reference to so much of the *meeting* as remains.
- 15.2 Sub-Rule 15.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.

**16. Adjourned meetings**

- 16.1 *Council* may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any Councillor or member of Council staff adjourn a meeting in session to another place.
- 16.2 The *Chief Executive Officer* must give notice to each Councillor of the date, time and place to which the *meeting* stands adjourned and of the business remaining to be considered.
- 16.3 If it is impracticable for the notice given under sub-Rule 16.1 to be in writing, the *Chief Executive Officer* must give notice to each Councillor by telephone, in person, by electronic mail or by SMS message.
- 16.4 Notice must also be provided to the public of the resumption of the adjourned *meeting* by publishing details on *Council's* website and posting a notice at the entrance to the Council Chambers and Civic Centre.

**17. Time limits for meetings**

- 17.1 A *Council meeting* must not continue for more than four hours from its commencement unless a majority of Councillors who are in attendance vote in favour of it continuing.
- 17.2 Notwithstanding sub-Rule 17.1, a motion to continue the *meeting* need not be moved until after consideration of that item of business which was before the *meeting* as soon as four hours passed since the commencement of the *meeting*.
- 17.3 A continuance must not exceed 30 minutes.



- 17.4 In the absence of such continuance, the *meeting* must stand adjourned to a time, date and place announced by the *Chair* immediately prior to the *meeting* standing adjourned. In that event, the provisions of sub-Rules 16.1 and 16.3 apply.

**18. Cancellation or postponement of a *meeting***

- 18.1 The *Chief Executive Officer* may, in the case of an emergency necessitating the cancellation or postponement of a *Council meeting*, cancel or postpone a *Council meeting*.
- 18.2 The *Chief Executive Officer* must present to the immediately following *Council meeting* a written report on any exercise of the power conferred by sub-Rule 18.1.

**DIVISION 3 – BUSINESS OF MEETINGS**

**19. Agenda and the order of business**

- 19.1 The *agenda* and the order of business for a *Council meeting* will be determined by the Mayor and the *Chief Executive Officer* jointly, so as to facilitate and maintain open, efficient and effective processes of government, but the views of Councillors expressed at any relevant Councillor briefing are to be taken into account in finalising the *agenda* and the order of business.
- 19.2 Notwithstanding sub-Rule 19.1, the *Chief Executive Officer* may vary the order of business to take advantage of opportunities which may arise from time to time.
- 19.3 Late reports can only be accepted into the *agenda* with the consent of *Council*.

**20. Change to order of business**

Once an *agenda* has been sent to Councillors, the order of business for that *meeting* may only be altered with the consent of *Council*.

**21. Urgent business**

- 21.1 Business which has not been listed on the *agenda* for a *meeting* must only be raised as *urgent business* by resolution of *Council*.
- 21.2 A Councillor who wishes to raise an item of *urgent business* must state the motion for the proposed item of *urgent business*, to enable *Council* to determine whether the item will be accepted as *urgent business*.
- 21.3 A Councillor may submit the motion in writing to all Councillors prior to the *Council meeting*, outlining the proposed item of *urgent business*.
- 21.4 Unless exceptional circumstances exist and *Council* approves by resolution, only items:



21.4.1 of minimal impact; and

21.4.2 which have arisen since distribution of the *agenda* and cannot safely and conveniently be deferred until the next *Council meeting*

may be raised in *urgent business*.

21.5 The following items are deemed not to be items of minimal impact (and, therefore, unless exceptional circumstances exist and *Council* approves by resolution, cannot be raised in *urgent business*):

21.5.1 the creation or abolition of any office;

21.5.2 the appointment of any person to any office or termination of that appointment;

21.5.3 employment issues;

21.5.4 the sale or lease of any assets;

21.5.5 the declaration of any rate or charge;

21.5.6 the creation, alteration or abolition of any strategy, policy or guideline;

21.5.7 any request for an investigation which will unreasonably or substantially divert staff resources;

21.5.8 any request for a report which will unreasonably or substantially divert staff resources;

21.5.9 the commitment of funds, or in kind contributions, for any purposes which will exceed \$5,000; and

21.5.10 the content, and provision, of any media release.

## 22. Reports of delegates

22.1 A Councillor or member of *Council* staff who is a *delegate* may present to a *Council meeting* on the deliberations of the external body, association, group or working party in respect of which they are a *delegate* or an attendee at a *Council* approved conference / seminar.

22.2 In presenting, the Councillor may for up to three minutes:

22.2.1 address *Council* on the contents of any *written* report which the Councillor has submitted for inclusion in the *agenda*; or

22.2.2 provide a verbal report on any matters otherwise arising out of the deliberations of the external body, association, group or working party.



#### DIVISION 4 – MOTIONS AND DEBATE

##### 23. *Councillors may propose notices of motion*

Councillors may ensure that an issue is listed on an *agenda* by lodging a *notice of motion*.

##### 24. *Notice of motion*

- 24.1 A *notice of motion* must be in writing signed by a Councillor, and be delivered or sent electronically to the *Chief Executive Officer* by no later than noon at least seven business days before the *meeting* at which it is intended to be considered.

*If a Council meeting is scheduled for a Monday evening this means that any notice of motion must be lodged prior to noon on the Thursday eleven days prior to the meeting date (assuming that no public holidays fall within the period between when the notice of motion must be lodged and the meeting date).*

- 24.2 A *notice of motion* will not be accepted if it:

- 24.2.1 relates to a matter in respect of which *Council* has no power to act;

*This does not preclude a notice of motion which calls for Council to advocate or lobby to other levels of government for change.*

- 24.2.2 declares a rate or charge;

- 24.2.3 is defamatory, indecent, abusive or objectionable in language or substance;

- 24.2.4 promotes or is likely to facilitate a threat to public order or safety; or

- 24.2.5 seeks to substantially affect the level of *Council* services, commit *Council* to significant expenditure not included in the adopted Budget or commit *Council* to any contractual arrangement, without first calling for a formal report to be prepared and presented to *Council* in response to the *notice of motion*.

- 24.3 The *Chief Executive Officer* may reject any *notice of motion* which is vague or unclear in intention but must:

- 24.3.1 notify the Councillor who lodged the *notice of motion* of the rejection and reasons for the rejection; and

- 24.3.2 provide reasonable assistance to the Councillor to help ensure that a *notice of motion*:

- (a) of similar intention; but



(b) which is neither vague nor unclear  
is lodged.

- 24.4 The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda* and, where practicable, will be accompanied by comments from a *senior officer* with responsibility for the subject matter or the issue to which the *notice of motion* relates.
- 24.5 The *Chief Executive Officer* must cause all *notices of motion* to be numbered, dated and entered in the *notice of motion* register in the order in which they were received.
- 24.6 Except by leave of *Council*, *notices of motion* before any *meeting* must be considered in the order in which they were entered in the *notice of motion* register.
- 24.7 If a Councillor who has given a *notice of motion* is absent from the *meeting* or fails to move the motion when called upon by the *Chair*, any other Councillor may move the motion.
- 24.8 If a *notice of motion* is not moved at the *meeting* at which it is listed, it lapses.
- 24.9 If a *notice of motion* is moved but not seconded, it lapses.
- 24.10 Except where the *notice of motion* is to confirm a previous resolution of *Council*, the *notice of motion* may be amended.
- 24.11 If the Councillor who has lodged or is moving a *notice of motion* wishes to amend it, they may do so by seeking leave of *Council* to amend the *notice of motion* prior to it being seconded. A motion must be put to the *meeting* to give approval for the Councillor moving the *notice of motion* to amend it, prior to putting forward the suggested amending words.
- 24.12 Once a *notice of motion* has been moved and seconded, the mover cannot amend it.
- 24.13 Notwithstanding sub-Rule 24.11 another Councillor may move an amendment to the *notice of motion*, which motion must be dealt with in accordance with sub-Rule 26.2.
- 24.14 A Councillor cannot foreshadow an alternate motion to amend another Councillor's *notice of motion*.

## 25. Chair's duty

Any motion which is determined by the *Chair* to be:

- 25.1 defamatory of or embarrassing to any Councillor, member of *Council* staff or other person;
- 25.2 abusive or objectionable in language or nature;
- 25.3 a direct negative of the question before the *Chair*;



- 25.4 vague or unclear in intention;
  - 25.5 outside the powers of *Council*; or
  - 25.6 irrelevant to the item of business on the agenda and has not been admitted as *urgent business*, or purports to be an amendment but is not,
- must not be accepted by the *Chair*.

**26. Introducing a motion or an amendment**

- 26.1 The procedure for moving any motion or amendment is:
  - 26.1.1 the mover must state the motion without speaking to it;
  - 26.1.2 the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;
  - 26.1.3 if a motion or an amendment is moved and seconded the *Chair* must ask:  
"Does the mover wish to speak to the motion or amendment?"
  - 26.1.4 after the mover has addressed the *meeting* or been provided with an opportunity to address the *meeting*, the seconder may address the *meeting*;
  - 26.1.5 after the seconder has addressed the *meeting* (or after the mover has addressed the *meeting* if the seconder does not address the *meeting*), the *Chair* must invite debate or contributions by calling on any Councillor who wishes to speak to the motion (including the seconder, if the seconder has not already spoken to the motion); and
  - 26.1.6 if, after the mover has addressed the *meeting*, the *Chair* has invited debate or contributions and no Councillor speaks to the motion, then the *Chair* must put the motion to the vote.
- 26.2 No discussion on the item being considered may take place until such time as a motion is before the *Chair*. Questions of clarification may be asked of the *Chair* or members of *Council* staff present at the *meeting*.
- 26.3 The *Chair* may only debate a motion by speaking immediately after the mover and seconder of the motion have been given opportunity to speak to the motion.
- 26.4 If the *Chair* wishes to move or second a motion then the *Mayor* (if the *Chair* is not the *Mayor*) or Deputy Mayor (if the *Chair* is the *Mayor*) must take the chair whereupon the *Chair* must vacate the chair and not return to it until the motion has been resolved upon.



**27. Right of reply**

- 27.1 The mover of a motion which has not been amended has a right of reply to matters raised during debate.
- 27.2 After the right of reply has been taken but subject to any Councillor exercising their right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

**28. Moving an amendment**

- 28.1 Subject to sub-Rule 28.2 a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 28.2 A motion to confirm a previous resolution of *Council* cannot be amended.
- 28.3 An amendment must not be directly opposite to the motion.
- 28.4 The mover of an amendment cannot exercise any right of reply.

**29. Who may propose and debate an amendment**

- 29.1 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- 29.2 Any one Councillor cannot, without the leave of the *Chair*, move more than two amendments in succession.
- 29.3 Any Councillor can debate an amendment irrespective of whether the Councillor has spoken or proposes to speak to the original motion.
- 29.4 Debate on an amendment must be restricted to the terms of the amendment.

**30. How many amendments may be proposed**

- 30.1 No more than three amendments may be proposed to a motion but only one amendment may be accepted by the *Chair* at any one time.
- 30.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

**31. An amendment once carried**

- 31.1 If the amendment is carried, the motion as amended then becomes the motion before the *meeting*, and the amended motion must then be put.
- 31.2 The mover of the original motion retains the right of reply to that motion.





**32. Foreshadowing motions**

- 32.1 At any time during debate a Councillor may foreshadow a motion so as to inform *Council* of their intention to move a motion at a later stage in the *meeting*, but this does not extend any special right to the foreshadowed motion.
- 32.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the *Chair* being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 32.3 The *Chief Executive Officer* or person taking the minutes of the *meeting* is not required to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
- 32.4 A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a *Council meeting*.

**33. Withdrawal of motions**

Before any motion is put to the vote, it may be withdrawn by the mover and seconder with leave of *Council*, in which case the *Chair* must call for a substitute mover and seconder and, if no such substitute is forthcoming, the motion will lapse.

**34. Separation of motions**

- 34.1 Where a motion contains more than one part:
- 34.1.1 *Council* by resolution; or
- 34.1.2 in the absence of a resolution, the *Chair*
- may require the motion to be put to the vote in separate parts.
- 34.2 Debate will not be permitted on any question that a motion in more than one part be put to the vote in separate parts.

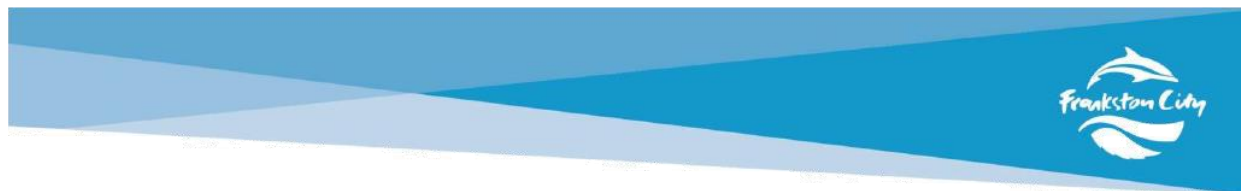
**35. *Chair* may separate motions or allow motions to be moved in block**

- 35.1 The *Chair* may decide to put any motion to the vote in several parts.
- 35.2 The *Chair* may allow or request a Councillor to move items in block.

**36. Priority of address**

In the case of competition for the right to speak, the *Chair* must decide the order in which the Councillors concerned will be heard.





**37. Motions in writing**

- 37.1 The *Chair* may require that a long, complex or detailed motion be in writing.
- 37.2 *Council* may adjourn the *meeting* while the motion is being *written* or *Council* may defer the matter until the motion has been *written*, allowing the *meeting* to proceed uninterrupted.

**38. Repeating motion and/or amendment**

The *Chair* may request the person taking the minutes of the *meeting* to read the motion or amendment to the *meeting* before the vote is taken.

**39. Debate must be relevant to the motion**

- 39.1 Debate must always be relevant to the motion before the *Chair*, and, if not, the *Chair* must request the speaker to confine debate to the motion.
- 39.2 If after being requested to confine debate to the motion before the chair, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker not speak further in respect of the motion then before the *Chair*.
- 39.3 A speaker to whom a direction has been given under sub-Rule 39.2 must comply with that direction.

**40. Speaking times**

- 40.1 A Councillor must not speak longer than the time set out below, unless granted an extension by *Council*:
- 40.1.1 the mover of a motion or an amendment: three minutes;
  - 40.1.2 the mover of a motion exercising a right of reply: three minutes; and
  - 40.1.3 any other Councillor: three minutes.
- 40.2 Only one extension is permitted for each Councillor.
- 40.3 A motion to extend the speaking time cannot be moved:
- 40.3.1 until the original speaking time has expired; and
  - 40.3.2 if another speaker has already commenced his or her contribution to the debate,
- and must be seconded.
- 40.4 Any extended speaking time must not exceed three minutes.



**41. Addressing the meeting**

41.1 If the *Chair* so determines:

41.1.1 any person addressing the *Chair* must refer to the *Chair* as *Mayor* or *Chair*;

41.1.2 all Councillors, other than the *Mayor*, must be addressed as Councillor\_\_\_\_\_ (name).

41.1.3 all members of *Council* staff must be addressed as Mr or Ms\_\_\_\_\_ (name) as appropriate or by their official title.

41.2 Except for the *Chair*, any Councillor who addresses a *Council meeting* must direct all remarks through the *Chair*.

**42. If lost**

If a *notice of motion* is lost, a similar *notice of motion* cannot be put before *Council* for at least 90 days from the date it was lost unless *Council* resolves that such a *notice of motion* be listed sooner.

**43. Right to ask questions**

43.1 A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of any matter or item of business before the *Chair*.

43.2 Any question asked of a member of *Council* staff must not have the effect of:

43.2.1 embarrassing the member of staff; or

43.2.2 drawing the member of staff into the debate.

43.3 Any question asked in contravention of sub-Rule 43.2 may be disallowed by the *Chair*.

43.4 The *Chair* has the right to limit or disallow questions and direct that any debate be commenced or resumed.

**DIVISION 5 – PROCEDURAL MOTIONS**

**44. Procedural motions**

44.1 Unless otherwise prohibited, a procedural motion may be moved at any time during a *Council meeting* and must be dealt with immediately by the *Chair*.

44.2 Procedural motions require a seconder.

44.3 The mover of a procedural motion must not have moved, seconded or spoken to the question before the *Chair* or any amendment of it.

44.4 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:

## PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Adjournment of debate to later hour and/or date and place	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking	Motion and any amendment postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking; or (c) When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later <i>meeting</i> if on the agenda	Debate continues unaffected	Yes
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During nominations for <i>Chair</i>	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising their right to ask any question concerning or arising out of the motion	Debate continues unaffected	No



## DIVISION 6 – RESCISSION MOTIONS

### 45. Notice of rescission

45.1 A Councillor who wishes to propose a *notice of rescission* must either:

45.1.1 flag their intention to do so during the *Council meeting* at which the resolution proposed to be rescinded was made; or

45.1.2 notify the Mayor and *Chief Executive Officer* of their intention to do so within 24 hours of the conclusion of the *Council meeting* at which the resolution proposed to be rescinded was made.

45.2 A Councillor may propose a *notice of rescission* provided:

45.2.1 it has been signed and dated by at least four Councillors, including one Councillor who previously supported the resolution proposed to be rescinded;

45.2.2 the resolution proposed to be rescinded has not been acted on; and

45.2.3 the *notice of rescission* is delivered or sent electronically to the *Chief Executive Officer* within three *business days* of the conclusion of the *meeting* at which the resolution was carried, setting out:

(a) the resolution to be rescinded; and

(b) the *meeting* and date when the resolution was carried.

*It should be remembered that a notice of rescission is a form of notice of motion. Accordingly, all provisions in this Chapter regulating notices of motion equally apply to notices of rescission.*

45.3 A resolution will be deemed to have been acted on if:

45.3.1 its contents have or substance has been communicated in writing to a person whose interests are materially affected by it; or

45.3.2 a statutory process has been commenced

so as to vest enforceable rights in or obligations on *Council* or any other person.

*If Council resolves to give Notice of a Decision to Grant a Planning Permit and the Notice is physically issued to the planning permit applicant (or the applicant's agent) or a letter or email is sent to the planning permit applicant (or the applicant's agent) advising of Council's decision, the resolution will have been 'acted on'. Its contents will have been formally communicated to a person whose interests are materially affected so as to vest enforceable rights in the applicant and any objectors wishing to appeal, as well as*



*obligations on Council to comply with its duties under the Planning and Environment Act 1987.*

45.4 The *Chief Executive Officer* or an appropriate member of *Council* staff must defer implementing a resolution which:

45.4.1 has not been acted on; and

45.4.2 is the subject of a notice of rescission which has been delivered or sent electronically to the *Chief Executive Officer* in accordance with sub-Rule 45.2.3.

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

*By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Monday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the notice of rescission would not be dealt with until the next Monday evening (being the evening of the day on which the planning appeal is to be heard).*

*In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the notice of rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.*

*Sub-Rule 45.4 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.*

**46. If lost**

If a *notice of rescission* is lost, a similar motion may not be put before *Council* for at least 90 days from the date it was last lost, unless *Council* resolves that the *notice of rescission* be re-listed at a future *meeting*.

**47. If not moved**

If a *notice of rescission* is not moved at the *meeting* at which it is listed, it lapses and a similar motion may not be put before *Council* for at least 90 days from the date on which it lapsed.



**48. May be moved by any Councillor**

A *notice of rescission* listed on an *agenda* may be moved by any Councillor in attendance but may not be amended.

**49. When not required**

49.1 Unless sub-Rule 49.2 applies, a *notice of rescission* is not required where *Council* wishes to change policy.

49.2 The following standards apply if Council wishes to change policy:

49.2.1 if the policy has been in force in its original or amended form for less than 12 months, a notice of rescission must be presented to Council; and

49.2.2 any intention to change a Council policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

**DIVISION 7 – POINTS OF ORDER**

**50. Valid points of order**

A point of order may be raised in relation to anything which:

50.1 is contrary to this Chapter;

50.2 is irrelevant to the matter under consideration;

50.3 is outside the powers of Council;

50.4 is an error of fact;

50.5 constitutes improper behaviour;

50.6 is offensive;

50.7 constitutes a tedious repetition of something already said; or

50.8 is an act of disorder.

*Rising to express a difference of opinion or to contradict a speaker is not a point of order.*

**51. Procedure for point of order**

A Councillor raising a point of order must:



51.1 state the point of order; and

51.2 state any section, Rule, paragraph or provision relevant to the point of order.

**52. Chair to decide**

52.1 The *Chair* must decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the point raised without entering into any discussion or comment.

52.2 In the event a point of order is raised against the *Chair* then the *Mayor* (if the *Chair* is not the *Mayor*) or Deputy Mayor (if the *Chair* is the *Mayor*) must take the chair whereupon the *Chair* must vacate the chair and not return to it until the point of order has been resolved upon.

52.3 Should repeat points of order be raised during debate by a Councillor, which are ruled against by the *Chair*, the *Chair* may consider the conduct of the Councillor raising unsuccessful points of order disruptive for the purposes of Rule 79 and, in accordance with that Rule, order the removal of such Councillor from the Chamber for a specified period.

**53. No debate**

A Councillor must not debate a point of order or the merits of a point of order, however the *Chair* may request the Councillor to explain the point of order.

**54. Chair may adjourn to consider**

54.1 The *Chair* may adjourn the *meeting* to consider a point of order but otherwise must rule on it as soon as it is raised.

54.2 All other questions before *Council* are suspended until the point of order is decided.

**55. Effect of ruling**

If the *Chair*:

55.1 rules in favour of the point of order, the speaker may continue and no Councillor must do or say anything which would cause another like point of order to be raised; or

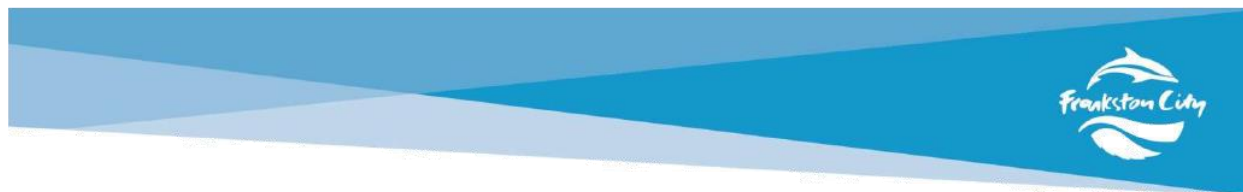
55.2 rules against the point of order, the speaker may continue.

**56. Dissent from *Chair's* ruling**

56.1 A Councillor may move that the *meeting* disagree with the *Chair's* ruling on a point of order, by moving:

"That the *Chair's* ruling [setting out that ruling or part of that ruling] be dissented





from".

56.2 When a motion in accordance with this Rule is moved and seconded:

56.2.1 the *Chair* must leave the chair and the *Mayor* (if the *Chair* is not the *Mayor*) or Deputy Mayor must chair the *meeting*; or

56.2.2 if there is no Deputy Mayor the *Chair* must leave the chair and the chair must be assumed by a temporary Chairperson.

56.3 The Deputy Mayor or the temporary Chairperson must invite the mover to state the reasons for their dissent and the *Chair* may then reply.

56.4 The Deputy Mayor or the temporary Chairperson must put the motion in the following form:

"That the *Chair's* ruling be dissented from."

56.5 If the vote is in the negative, the *Chair* resumes the chair and the *meeting* proceeds.

56.6 If the vote is in the affirmative, the *Chair* must then resume the chair, reverse or vary (as the case may be) their previous ruling and proceed.

56.7 The defeat of the *Chair's* ruling is in no way a motion of censure or non-confidence in the *Chair*, and should not be so regarded by the *meeting*.

#### **DIVISION 8 – PUBLIC QUESTION TIME**

##### **57. Question time**

57.1 There must be a public question time at every *Council meeting* fixed under Rule 9 to enable members of the public to submit questions to *Council*. Questions may be asked of *Council*, and may not be directed to individual Councillors.

57.2 Public question time will be conducted in accordance with any policy adopted by *Council* from time to time.

*The policy adopted by Council may distinguish between Questions With Notice (that are to be lodged a number of days before the Council meeting, and which must be the subject of a considered response at the meeting) and Questions Without Notice (that can be lodged shortly prior to the Council meeting, and to which a written answer may need to be given in the days following the meeting).*

57.3 Questions submitted to *Council* must be:

57.3.1 in writing, state the name and address of the person submitting the question and generally be in a form approved or permitted by *Council*; and





- 57.3.2 lodged at *Council's* offices (in the case of a question submitted in hard copy) or sent to *Council* (in the case of a question submitted electronically) by the time specified in any policy adopted by *Council* from time to time.
- 57.4 No person may submit more than three questions at any one *meeting*. A question may be split into a maximum of two parts only. If more than two parts to a question are received, only the first two parts will be considered. Similarly, if more than three questions are received, only the first three questions will be considered. All parts of the question must be relevant to the same subject of enquiry.
- 57.5 The *Chair* or *Chief Executive Officer* must read to those in attendance at the *meeting* a question in its entirety which has been submitted in accordance with this Rule.
- 57.6 Questions that relate to operational matters may be read but answered in writing by the *Chief Executive Officer* outside the *meeting*.
- 57.7 Notwithstanding sub-Rule 57.5, the *Chair* or *Chief Executive Officer* may refrain from reading a question or having a question read if the person who submitted the question is not in attendance at the time when the question is due to be read.
- 57.8 A question may be disallowed by the *Chair* or *Chief Executive Officer* without causing it to be read if the *Chair* or *Chief Executive Officer* determines that it:
- 57.8.1 it is the nature of a statement or is so prefaced as to have its emphasis on a statement rather than a genuine enquiry (although, in that event, the *Chair* or *Chief Executive Officer* should, if practicable, read an edited version of the question);
  - 57.8.2 relates to a matter outside the duties, functions and powers of *Council*;
  - 57.8.3 is defamatory, abusive, offensive or objectionable in language or substance;
  - 57.8.4 deals with a subject matter already answered; or
  - 57.8.5 is aimed at embarrassing a Councillor or a member of *Council* staff.
- 57.9 If a question is asked and is taken on notice or it is indicated that a written answer to the question will be given, the *Chief Executive Officer* must ensure that:
- 57.9.1 the questioner is asked to provide his or her contact details, unless those details are already known by *Council*;
  - 57.9.2 a written answer to the question is delivered or sent electronically to the questioner within seven days of the *meeting* or any contact details being provided (whichever occurs last); and
  - 57.9.3 the question be recorded in the minutes of the *meeting*, together with a copy of the written response.



## DIVISION 9 – PETITIONS AND JOINT LETTERS

### 58. Petitions and joint letters

- 58.1 Unless *Council* determines to consider it as an item of *Urgent Business*, no motion (other than a motion to receive the same) may be made on any petition or joint letter until the next fixed *Council meeting* after that at which it has been presented.
- 58.2 It is incumbent on every Councillor presenting a petition or joint letter to acquaint themselves with the contents of that petition or joint letter, and to ascertain that it does not contain language which is disrespectful towards *Council*.
- 58.3 Every Councillor presenting a petition or joint letter to *Council* must confine themselves to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of any request.
- 58.4 Every petition or joint letter presented to *Council* must be in writing (other than pencil), contain the request of the petitioners or signatories and, in the case of a petition, be signed by at least five people.
- 58.5 A petition must include a request on every page, consisting of the following words:  
*"We the undersigned hereby petition Frankston City Council ....."*
- 58.6 Every petition or joint letter must be signed by the persons whose names are included in or appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else, and the address of every petitioner or signatory must be clearly stated.
- 58.7 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.
- 58.8 A copy of the text of the petition or joint letter must be included on the agenda for the next available *meeting*.
- 58.9 Every page of a hard copy petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.
- 58.10 Electronic or online petitions, joint letters, memorials or like applications must contain the name and email address of each petitioner or signatory, which details will, for the purposes of this Rule 58, qualify as the address and signature of such petitioner or signatory.
- 58.11 The only motions that may be moved in relation to petitions set out in the *agenda* are:
- 58.11.1 That the petition be received;
- 58.11.2 That the petition be received and a report be submitted to a specific *meeting* cycle for consideration;



58.11.3 That the petition be considered at a specific time or in conjunction with a specific item;

58.11.4 That the petition be dealt with in conjunction with another item on the agenda or any other *Council meeting agenda*; and

58.11.5 That the petition be referred to the *Chief Executive Officer* for consideration and response and the response to the petition be submitted to a specific *meeting* cycle for finalisation.

58.12 If a petition relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* for consideration.

58.13 No member of the public is permitted to speak to the petition when presented at a *Council meeting*. Individuals may request to speak to the petition when any report on the item is considered by *Council* at a later *Council meeting*.

**59. Submissions by incorporated associations**

It will be assumed that a submission which is presented on an incorporated association's letterhead, and which purports to be on behalf of the incorporated association, has, in fact, been appropriately authorised.

**DIVISION 10 – PUBLIC SUBMISSIONS**

**60. Individual presentations to *Council meetings***

An individual wishing to present to a *Council* at a *Council meeting* may make a request to the *Chief Executive Officer* or the *Chief Executive Officer's* nominee to be registered to speak.

**61. Requests to present**

61.1 A request to present must be received by the *Chief Executive Officer* or any member of *Council* staff nominated by the *Chief Executive Officer*, before a time specified in any policy adopted by *Council* from time to time.

61.2 A person requesting to present must, if asked to do so, specify their name, address and contact telephone number and must, in any event, nominate the item to which they wish to speak.

61.3 Requests received after the time referred to in sub-Rule 61.1 will not be considered by the *Council*.

**62. When a presentation can be made**

A person may only present to a designated *Council meeting* if they:

62.1 propose to present to an item on the *agenda*; and



62.2 have been registered to speak following a request made under Rule 60.

**63. Limitations upon speakers**

If *Council* at a *Council meeting* determines to hear from an individual who has been registered to speak, the person addressing the *Council meeting* must comply with any policy relating to presentation adopted by *Council* from time to time.

**64. Questions but no discussion permitted**

Following a speaker's presentation, Councillors at a *Council meeting* or members of *Council* staff at the *meeting* may only ask the speaker questions or seek clarification of issues raised by the speaker in their presentation which may assist in the deliberations prior to the elected body making a decision but no discussion will be allowed.

**65. Relaxation of requirement**

Nothing in this Division prevents:

- 65.1 the Chief Executive Officer determining which *meeting* will consider the request for the individual to be heard;
- 65.2 arranging for a deputation or individual to meet with a group of Councillors; or
- 65.3 *Council* from resolving to hear from a deputation or individual at any time.

**DIVISION 11 – VOTING**

**66. How motion determined**

To determine a motion before a *meeting*, the *Chair* must first call for those in favour of the motion and then those opposed to the motion, and must then declare the result to the *meeting*.

*A motion is carried if a majority of the Councillors present at a meeting at the time the vote is taken vote in favour of the motion. A Councillor who abstains from voting is taken to have voted against the motion.*

**67. Silence**

Subject to Rule 70, voting must take place in silence.

**68. Recount**

The *Chair* may direct that a vote be recounted to satisfy themselves of the result.



**69. Casting vote**

- 69.1 In the event of a tied vote, the *Chair* must exercise a casting vote.
- 69.2 The *Chair* may adjourn a meeting to consider how their casting vote will be cast.

**70. How votes are cast**

Voting on any matter is by show of hands or such other visible or audible means as the *Chair* determines.

**71. Procedure for a division**

- 71.1 Immediately after any question is put to a *meeting* and before the next item of business has commenced, a Councillor may call for a division.
- 71.2 When a division is called for, the vote already taken must be treated as set aside and the division will decide the question, motion or amendment.
- 71.3 When a division is called for, the *Chair* must:
  - 71.3.1 first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of their hands or otherwise signify their support in a manner recognised by the *Chair*. The *Chair* must then state, and the *Chief Executive Officer* or any member of *Council* staff taking the minutes must record, the names of those Councillors voting in the affirmative;
  - 71.3.2 then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of their hands or otherwise signify their opposition in a manner recognised by the *Chair*. The *Chair* must then state, and the *Chief Executive Officer* or any member of *Council* staff taking the minutes must record, the names of those Councillors voting in the negative; and
  - 71.3.3 finally ask each Councillor wishing to abstain from voting to raise a hand and, upon such request being made, each Councillor wishing to abstain from voting must raise one of their hands. The *Chair* must then state, and the *Chief Executive Officer* or any member of *Council* staff taking the minutes must record, the names of those Councillors abstaining from voting.

**72. No discussion once declared**

Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:



- 72.1 a Councillor requesting, before the next item of business is considered, that their opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or
- 72.2 foreshadowing a *notice of rescission* where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

*For example, Rule 72 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.*

*Equally, Rule 72 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.*

*Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in sub-Rule 72.2, to discussion about a positive motion were a resolution has just been rescinded.*

## DIVISION 12 – MINUTES

### 73. Confirmation of minutes

- 73.1 At every *Council meeting* the minutes of the preceding *meeting(s)* must be dealt with as follows:
- 73.1.1 a copy of the draft minutes must be delivered to each Councillor no later than 48 hours after the Mayor has signed the minutes;
  - 73.1.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed;
  - 73.1.3 if a Councillor indicates opposition to the minutes:
    - (a) they must specify the item or items to which they object;
    - (b) the objected item(s) must be considered separately and in the order in which they appear in the minutes;
    - (c) the Councillor objecting must move accordingly without speaking to the motion;
    - (d) the motion must be seconded;
    - (e) the *Chair* must ask: "Is the motion opposed?"
    - (f) if no Councillor indicates opposition, then the Chair must declare the motion carried without discussion and then ask the second of the questions described in sub-Rule 73.1.3(f);





- (g) if a Councillor indicates opposition, then the *Chair* must call on the mover to address the meeting;
- (h) after the mover has addressed the meeting, the seconder may address the meeting;
- (i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;
- (j) if, after the mover has addressed the meeting, the *Chair* invites debate and no Councillor speaks to the motion, the *Chair* must put the motion; and
- (k) the *Chair* must, after all objections have been dealt with, ultimately ask:

"The question is that the minutes be confirmed" or

"The question is that the minutes, as amended, be confirmed",

and then put the question to the vote accordingly;

73.1.4 a resolution of *Council* must confirm the minutes and the minutes must, if practicable, be signed by the *Chair* of the *meeting* at which they have been confirmed; and

73.1.5 the minutes must be entered in the *minute book* and each item in the *minute book* must be entered consecutively.

73.2 Unless otherwise resolved or required by law, minutes of a *Delegated Committee* requiring confirmation by *Council* must not be made public until confirmed by *Council*.

#### **74. No debate on confirmation of minutes**

No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the *meeting* to which they relate is questioned.

#### **75. Deferral of confirmation of minutes**

*Council* may defer the confirmation of minutes until later in the *meeting* or until the next *meeting* if considered appropriate.



**76. Form and availability of minutes**

- 76.1 The *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the *meeting* and to take the minutes of such *meeting*) must keep minutes of each *Council meeting*, and those minutes must record:
- 76.1.1 the date, place, time and nature of the *meeting*;
  - 76.1.2 the names of the Councillors in attendance and the names of any Councillors who apologised in advance for their non-attendance;
  - 76.1.3 the names of the members of Council staff in attendance;
  - 76.1.4 any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 6 and whether the conflict of interest was said by the Councillor to be a general conflict of interest or a material conflict of interest;
  - 76.1.5 arrivals and departures (including temporary departures) of Councillors during the course of the *meeting*;
  - 76.1.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
  - 76.1.7 the vote cast by each Councillor, when the vote was not unanimous or when the vote was taken upon a division, and any abstention from voting;
  - 76.1.8 the vote cast by any Councillor who has requested that their vote be recorded in the minutes;
  - 76.1.9 questions asked in Public Question Time and any answer given;
  - 76.1.10 the failure of a quorum;
  - 76.1.11 any adjournment of the *meeting* and the reasons for that adjournment; and
  - 76.1.12 the time at which standing orders were suspended and resumed.
- 76.2 The Chief Executive Officer must ensure that the minutes of any Council *meeting* are:
- 76.2.1 published on Council's website; and
  - 76.2.2 available for inspection at Council's office during normal business hours.





- 76.3 Nothing in sub-Rule 76.2 requires Council or the Chief Executive Officer to make public any minutes relating to a Council *meeting* or part of a Council *meeting* closed to members of the public in accordance with section 66 of the Act.

**77. Recording of meetings**

- 77.1 The *Chief Executive Officer* or their delegate must record on suitable recording equipment all proceedings of a *Council meeting* except where the *meeting* is closed to the public in accordance with section 66(2) of the *Act*. The copyright in the recordings of the proceedings will vest in *Council*, and permission must be sought to copy, communicate or transmit a recording of the proceedings, or part of a recording of the proceedings.
- 77.2 The proceedings will be live streamed and recordings of the proceedings will be retained and will be published on *Council's* website within 24 hours of the end of the *meeting*.
- 77.3 Members of the public are to be advised that the *meeting* is being recorded and the recording will be made available to members of the public via *Council's* website. Members of the public are to be advised by appropriate signage that while care is taken to maintain a person's privacy as an attendee in the gallery, they may be recorded.
- 77.4 Subject to sub-Rule 77.1, members of the public must not operate photographic audio or video recording equipment or any other recording device at any *Council meeting* without first obtaining the consent of *Council*. Such consent may at any time during the course of such *meeting* be revoked by *Council*.

*A member of the public who breaches sub-Rule 77.3 may also be breaching other legislation or become civilly liable, such as where the recording unlawfully infringes the privacy, or gives rise to harassment, of another who is in attendance at the meeting.*

- 77.5 All Councillors must have their microphones switched on when speaking at a *Council meeting*.

**DIVISION 13 – BEHAVIOUR**

**78. Public addressing the meeting**

- 78.1 Members of the public do not have a right to address *Council* and may only do so with the consent of the *Chair* or by prior arrangement.
- 78.2 Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the *Chair* whenever called on to do so.
- 78.3 A member of the public in attendance at a *Council meeting* must not disrupt the *meeting*.



**79. Chair may remove**

79.1 The *Chair* may order and cause the removal of any person, including a Councillor, who disrupts any *meeting* or fails to comply with a direction given under sub-Rule 78.2, or cause the removal of any object or material that is deemed by the *Chair* as being objectionable or disrespectful.

79.2 Any person removed from the *meeting* under sub-Rule 79.1 must not return to the *meeting* without the approval of the *Chair* or *Council*.

*It is intended that this power be exercisable by the Chair, without the need for any Council resolution. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threaten the Chair's authority in chairing the meeting.*

79.3 In the event the *Chair* causes the removal of a Councillor from a *meeting*, the *Chair* must specify the period of time for which the removal will take effect.

**80. Chair may adjourn disorderly meeting**

If the *Chair* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the *meeting*, the *Chair* may adjourn the *meeting* to a later time on the same day or to some later day as they think proper. In that event, the provisions of sub-Rules 16.1 and 16.3 apply.

**81. Removal from Chamber**

The *Chair* or *Council* may ask the *Chief Executive Officer* or *authorised officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the *Chair* has ordered to be removed from the *meeting* under Rule 79.

**DIVISION 14 – ADDITIONAL DUTIES OF CHAIR**

**82. The Chair's duties and discretions**

In addition to the duties and discretions provided in this Chapter, the *Chair*:

82.1 must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community;

82.2 may demand retraction of any inappropriate statement or unsubstantiated allegation;

82.3 must ensure silence is preserved by all other persons while a Councillor or other speaker is addressing the *meeting*;



- 82.4 must call to order any member of the public who approaches the *Council* or Committee table during the *meeting*, unless invited by the *Chair* to do so;
- 82.5 must call to order any person who is disruptive or unruly during any *meeting*; and
- 82.6 must be impartial and fair, and must take steps to ensure that no Councillor is demeaned or denigrated during any Council *meeting*.

#### **DIVISION 15 – SUSPENSION OF STANDING ORDERS**

##### **83. Suspension of standing orders**

- 83.1 To expedite the business of a *meeting*, *Council* may suspend standing orders.

*The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.*

*Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.*

- 83.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of *Council*. An appropriate motion would be:  
  
"That standing order be suspended to enable discussion on....."
- 83.3 No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of standing orders.
- 83.4 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:  
  
"That standing orders be resumed."

#### **DIVISION 16 – PHYSICAL AND REMOTE ATTENDANCE**

##### **84. Mode of Attendance**

- 84.1 Each notice of meeting must indicate whether the relevant *Council meeting* is to be conducted:
  - 84.1.1 wholly in person;
  - 84.1.2 wholly by electronic means; or
  - 84.1.3 partially in person and partially by electronic means.



- 84.2 The indication in the notice of meeting must be consistent with any Resolution of *Council* that has expressed a preference for, or otherwise specified, when *Council meetings* are to be conducted:
- 84.2.1 wholly in person;
  - 84.2.2 wholly by electronic means; or
  - 84.2.3 partially in person and partially by electronic means.
- 84.3 If a *Council meeting* is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means.
- 84.4 Any request made under sub-Rule 84.3 must:
- 84.4.1 be in writing;
  - 84.4.2 be given to the *Chief Executive Officer* no later than 24 hours prior to the commencement of the relevant *Council meeting*; and
  - 84.4.3 specify the reasons why the Councillor is unable or does not wish to attend the *Council meeting* in person.
- 84.5 The *Chief Executive Officer* must ensure that any request received in accordance with sub-Rule 84.3 and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant *Council meeting*.
- 84.6 *Council* may approve and must not unreasonably refuse any request.
- 84.7 A Councillor who is attending a *Council meeting* by electronic means is responsible for ensuring that they are able to access such equipment and are in an environment that facilitates participation in the *Council meeting*.
- 84.8 Without detracting from anything said in sub-Rule 84.7, a Councillor who is attending a meeting by electronic means must be able to:
- 84.8.1 hear the proceedings;
  - 84.8.2 see all Councillors and members of Council staff who are also attending the *Council meeting*, at least while a Councillor or member of Council staff is speaking;
  - 84.8.3 be seen by all Councillors, members of Council staff and members of the public who are physically present at the *Council meeting*; and
  - 84.8.4 be heard when they speak.
- 84.9 If the conditions of sub-Rule 84.8 cannot be met by one or more Councillors attending a *Council meeting*, whether because of technical difficulties or otherwise:



84.9.1 the *Council meeting* will nonetheless proceed as long as a quorum is present; and

84.9.2 the relevant Councillor (or Councillors) will be treated as being absent from the *Council meeting* or that part of the *Council meeting*

unless the *Council meeting* has been adjourned in accordance with *these Rules*.

84.10 Nothing in this Rule 84 prevents a Councillor from joining (or re-joining) a *Council meeting* at the time that they achieve compliance with sub-Rule 84.8 even if the *Council meeting* has already commenced or has continued in their absence.

**85. Meetings conducted remotely**

If a *Council meeting* is conducted wholly or partially by electronic means, the *Chair* may, with the consent of the *meeting*, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the *meeting*.

**DIVISION 17 – MISCELLANEOUS**

**86. Criticism of members of Council staff**

86.1 At the discretion of the *Chair*, the *Chief Executive Officer* may make a brief statement at a *Council meeting* in respect of any statement by a Councillor made at the *Council meeting* criticising them or any member of Council staff.

86.2 A statement under sub-Rule 86.1 must be made by the *Chief Executive Officer*, through the *Chair*, as soon as it practicable after the Councillor who made the statement has resumed their seat.

**87. Procedure not provided in this Chapter**

In all cases not specifically provided for by this Chapter, *Council* may determine the matter by resolution.

**88. Policies and guidelines**

*Council* may adopt any policies or guidelines from time to time for the purpose of exercising any discretion conferred by this Chapter.



### Chapter 3 – Councillor Briefing Arrangements

#### 1. Purpose of Chapter

This Chapter describes the nature and procedure for some informal meetings of Councillors.

#### 2. Briefings

- 2.1 As part of *Council's* governance arrangements, Councillors may meet regularly at an informal gathering of Councillors known as a "Councillor Briefing" or such other name as *Council* from time to time adopts.
- 2.2 The purpose of such gatherings is for the organisation to provide advice to Councillors on items of a complex nature or of significant community impact. The briefing enables open discussion between the organisation and Councillors and assists both *Council* staff and Councillors develop better understanding of the matter for consideration.
- 2.3 The gatherings are not a decision-making forum.
- 2.4 The gatherings are not open to the public and will generally be held in the Civic Centre or in such other locations as *Council* nominates from time to time.
- 2.5 Rules 77.5, 79, 81 and 82 of Chapter 2 apply to any gathering of Councillors at a scheduled briefing as if any reference to:
  - 2.5.1 the *Chair* is a reference to the Councillor chairing the gathering;
  - 2.5.2 the meeting is a reference to the gathering; and
  - 2.5.3 the Chamber is a reference to the room in which the gathering is being held.
- 2.6 A Councillor who is unable to attend a scheduled briefing must give notice of their apology to the *Chief Executive Officer* as soon as possible but no later than four hours prior to the scheduled briefing commencement time, unless exceptional circumstances exist, so that reasonable notice can be given to other Councillors and Council staff if a briefing is to be cancelled due to insufficient numbers.
- 2.7 The operating meeting protocols and arrangements in relation to these gatherings will be reviewed from time to time and be subject to resolution of *Council*.



#### Chapter 4 – Meeting Procedure for Delegated Committees

##### 1. Meeting Procedure Generally

If *Council* establishes a *Delegated Committee*:

- 1.1 all of the provisions of Chapter 2 apply to meetings of the *Delegated Committee*; and
- 1.2 any reference in Chapter 2 to:
  - 1.2.1 a *Council meeting* is to be read as a reference to a *Delegated Committee* meeting;
  - 1.2.2 a Councillor is to be read as a reference to a member of the *Delegated Committee*; and
  - 1.2.3 the Mayor is to be read as a reference to the Chair of the *Delegated Committee*.

##### 2. Meeting Procedure Can Be Varied

Notwithstanding Rule 1, if *Council* establishes a *Delegated Committee* that is not composed solely of Councillors:

- 2.1 *Council* may; or
- 2.2 the *Delegated Committee* may, with the approval of *Council*

resolve that any or all of the provisions of Chapter 2 are not to apply to a meeting of the *Delegated Committee*, in which case the provision or those provisions will not apply until *Council* resolves, or the *Delegated Committee* with the approval of *Council* resolves, otherwise.



## **Chapter 5 – Meeting Procedure for Community Asset Committees**

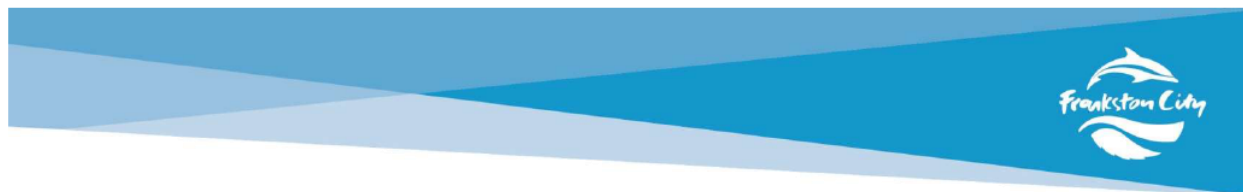
### **1. Introduction**

In this Chapter, “Instrument of Delegation” means an instrument of delegation made by the *Chief Executive Officer* under section 47(1)(b) of the *Act*.

### **2. Meeting Procedure**

Unless anything in the Instrument of Delegation provides otherwise, the conduct of a meeting of a *Community Asset Committee* is in the discretion of the *Community Asset Committee*.





## Chapter 6 – Disclosure of Conflicts of Interest

### 1. Definitions

In this Chapter:

- 1.1 “meeting conducted under the auspices of *Council*” means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Chapter 3 and in Rule 1 of Chapter 7 (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name); and
- 1.2 a member of a *Delegated Committee* includes a Councillor.

### 2. Disclosure of a Conflict of Interest at a Council Meeting

A Councillor who has a conflict of interest in a matter being considered at a *Council meeting* at which the Councillor :

- 2.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Council meeting* immediately before the matter is considered; or
- 2.2 intends to be present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a written notice:
  - 2.2.1 advising of the conflict of interest;
  - 2.2.2 explaining the nature of the conflict of interest; and
  - 2.2.3 detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:
    - (a) name of the other person;
    - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
    - (c) nature of that other person’s interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that they have a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Council meeting* immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

### 3. Disclosure of Conflict of Interest at a Delegated Committee Meeting

A member of a *Delegated Committee* who has a conflict of interest in a matter being considered at a *Delegated Committee* meeting at which they:



- 3.1 are present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Delegated Committee* meeting immediately before the matter is considered; or
  - 3.2 intends to present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the Delegated Committee meeting commences a written notice:
    - 3.2.1 advising of the conflict of interest;
    - 3.2.2 explaining the nature of the conflict of interest; and
    - 3.2.3 detailing, if the nature of the conflict of interest involves a member of a *Delegated Committee's* relationship with or a gift from another person the:
      - (a) name of the other person;
      - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
      - (c) nature of that other person's interest in the matter,
- and then immediately before the matter is considered at the meeting announcing to those present that they have a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The member of a *Delegated Committee* must, in either event, leave the *Delegated Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

#### **4. Disclosure of a Conflict of Interest at a Community Asset Committee Meeting**

A Councillor who has a conflict of interest in a matter being considered at a *Community Asset Committee* meeting at which the Councillor :

- 4.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Community Asset Committee* meeting immediately before the matter is considered; or
- 4.2 intends to present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Community Asset Committee* meeting commences a written notice:
  - 4.2.1 advising of the conflict of interest;
  - 4.2.2 explaining the nature of the conflict of interest; and
  - 4.2.3 detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:



- (a) name of the other person;
- (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- (c) nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that they have a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Committee Asset Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

**5. Disclosure at a Meeting Conducted Under the Auspices of Council**

A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of *Council* at which the Councillor is present must:

- 5.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered;
- 5.2 absent themselves from any discussion of the matter; and
- 5.3 as soon as practicable after the meeting concludes provide to the *Chief Executive Officer* a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.

**6. Disclosure by Members of Council Staff Preparing Reports for Meetings**

- 6.1 A member of Council staff who, in his or her capacity as a member of Council staff, has a conflict of interest in a matter in respect of which they are preparing or contributing to the preparation of a Report for the consideration of a:

- 6.1.1 *Council meeting*;
- 6.1.2 *Delegated Committee* meeting;
- 6.1.3 *Community Asset Committee* meeting

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* disclosing the conflict of interest and explaining the nature of the conflict of interest.

- 6.2 The *Chief Executive Officer* must ensure that the Report referred to in sub-Rule 7.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.
- 6.3 If the member of Council staff referred to in sub-Rule 7.1 is the *Chief Executive Officer*:



6.3.1 the written notice referred to in sub-Rule 7.1 must be given to the *Mayor*; and

6.3.2 the obligation imposed by sub-Rule 7.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

**7. Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power**

7.1 A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest.

7.2 If the member of Council staff referred to in sub-Rule 8.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

**8. Disclosure by a Member of Council Staff in the Exercise of a Statutory Function**

8.1 A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest.

8.2 If the member of Council staff referred to in sub-Rule 9.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

**9. Retention of Written Notices**

The *Chief Executive Officer* must retain all written notices received under this Chapter for a period of three years.



## Chapter 7 – Miscellaneous

### 1. Informal Meetings of Councillors

If there is a meeting of Councillors of the kind described in Chapter 3 or a meeting of Councillors that otherwise:

- 1.1 is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors;
- 1.2 is attended by at least one member of Council staff; and
- 1.3 is not a *Council meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting

the *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting are:

- (a) tabled at the next convenient *Council meeting*; and
- (b) recorded in the minutes of that *Council meeting*.

### 2. Confidential Information

- 2.1 If, after the repeal of section 77(2)(c) of the *Local Government Act 1989*, the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, they may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- 2.2 Information which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.



## **Chapter 8 – Election Period Policy**

### **1. Policy statement**

Frankston City Council is committed to probity in its elections.

Special statutory restrictions apply during the 32 day period leading up to a general Council election; a Council must avoid actions and decisions that could be seen to influence voters or which would have a significant impact on the incoming Council. These requirements are often referred to as election “caretaker” requirements.

The Local Government Act 1989 (“the Act”) requires a Council to have an election period policy. Section 93B of the Act stipulates that an election period policy must include:

- a. procedures to prevent the Council from making inappropriate decisions or using resources inappropriately during the election period before a general election;
- b. limits on public consultation and the scheduling of Council events; and
- c. procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the election.

### **2. Reason for Policy**

This policy has been prepared to satisfy the requirements of section 93B of the Act, and to provide guidance to candidates, Councillors, staff and the community about the particular requirements and expectations that apply during the election period.

### **3. Scope**

#### **3.1 Election period start and finish dates**

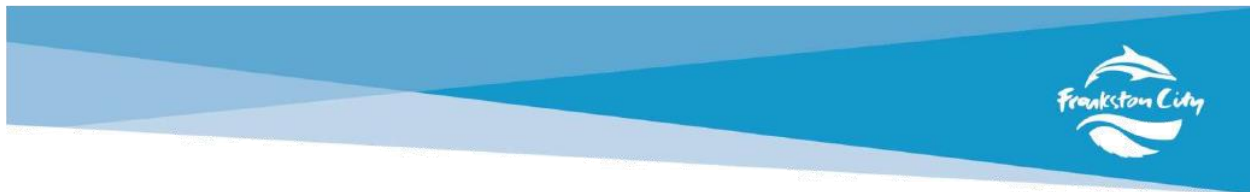
This policy applies during the election period which:

- STARTS at midnight at the end of the last day of nominations, being Tuesday 22nd September 2020; and
- FINISHES at 6:00pm on election day, Saturday 24th October 2020.

#### **3.2 What does this policy cover?**

This policy applies to:

- a. all material published by Council (excluding any document that is required by the Act to be published, for example the annual report);
- b. decisions made by Council, a special committee of the Council, or a delegate of the Council;
- c. the use of Council resources;
- d. public consultation;
- e. the scheduling of Council events and functions;
- f. attendance at and participation in functions and events;
- g. access to Council information;



- h. communication services;
- i. equity in assistance to candidates; and
- j. other matters related to elections.

#### **4. Authorisation**

This policy was adopted by Council at Ordinary Meeting 2019/OM11 on 2 September 2019.

#### **5. Revision date**

This policy will be reviewed and presented to Council by September 2024, or earlier if deemed necessary by Council or the CEO.

#### **6. Principles**

This policy covers the following principles:

- 6.1 Decisions during the election period
- 6.2 Council publications during the election period
- 6.3 Public consultation during the election period
- 6.4 Events and functions during the election period
- 6.5 Preventing misuse of Council resources
- 6.6 Access to Council information
- 6.7 Communication services
- 6.8 Equity in assistance to candidates
- 6.9 Staff member standing for election
- 6.10 Election signage

##### **6.1 Decisions during the election period**

###### ***6.1.1 Who does this part of the policy apply to?***

This section of the Election Period Policy applies to decisions made by the Council or a delegate of the Council.

###### ***6.1.2 What decisions are prohibited during the election period?***

Section 93A of the Act prohibits a Council from making major policy decisions during the election period, unless extraordinary circumstances apply and a Ministerial exemption from the prohibition has been granted.

**Major policy decisions** include:

- the appointment or dismissal of a Chief Executive Officer, or the remuneration of a Chief Executive Officer;
- approval of contracts with a total value exceeding \$1,222,110 (ie 1% of Council's total revenue from rates and charges levied under s.158 in the 2018/19 financial year); and





- the exercise of any entrepreneurial power under s.193.

#### **6.1.3 Preventing inappropriate decisions**

In the interests of good governance, and to preserve the integrity of the election process and the authority of the incoming Council, Council will not make inappropriate decisions during the election period.

**Inappropriate decisions** during the election period are decisions that would affect voting in an election; or may unreasonably bind an incoming council, and could reasonably be made after the election, including:

- approval of contracts that require significant funding in future financial years or are regarded as politically sensitive;
- decisions that have significant impacts on Council's income or expenditure or that relate to expenditure on politically sensitive matters;
- changes to strategic objectives and strategies in the Council Plan;
- policy or strategy decisions;
- allocation of community grants or other direct funding to community organisations;
- major planning scheme amendments; and
- decisions of a politically sensitive nature.

#### **6.1.4 Scheduling the consideration of decisions**

The Chief Executive Officer will ensure that any matters that would constitute an inappropriate decision during the election period are either considered by Council prior to the election period, or scheduled for determination by the incoming Council.

No Council meetings will be held during the election period, unless exceptional circumstances require a Council decision (ie. a decision is absolutely necessary for Council operational purposes, or pursuant to a statutory or legal requirement).

In deciding whether exceptional circumstances warrant the consideration of an item by Council during the election period, the Chief Executive Officer will have regard to a number of factors including:

- whether a decision is necessary to enable the continuation of an essential Council service or operation;
- the urgency of the issue (that is, can it wait until after the election?);
- the possibility of financial or other repercussions if the decision is deferred;
- whether a decision is likely to be controversial; and
- whether a decision is in the best interests of the municipality.





#### **6.1.5 Council meeting reports and agendas**

If extraordinary circumstances necessitate the consideration of an item by Council during the election period, the Chief Executive Officer will ensure that an "election period statement" is included in the officer's report.

The following are examples of an "election period statement":

- a. The recommended decision is not a "major policy decision", as defined in section 93A of the *Local Government Act 1989*, or an "inappropriate decision" as defined in section 93B (5) of the *Local Government Act 1989*.
- b. The recommended decision is to seek an exemption from the Minister because the circumstances require the making of a "major policy decision" (as defined in section 93A of the *Local Government Act 1989*) during the election period.
- c. The recommended decision is a "major policy decision", as defined in section 93A of the *Local Government Act 1989*, but an extraordinary circumstances exemption was granted by the Minister for Local Government on [insert date].

#### **6.1.6 Announcement of decisions made prior to the election period**

The election period restrictions apply to the actual making of decisions, rather than to the announcement of decisions that have been made prior to the election period. However, as far as practicable such announcements should be made before the commencement of the election period.

### **6.2 Council publications during the election period**

#### **6.2.1 Prohibition on publishing materials during election**

It is prohibited under section 55D of the Act for Council to print, publish or distribute; or to cause, permit or authorise others to print, publish or distribute on behalf of the Council, any advertisement, handbill, pamphlet or notice that contains electoral matter during the election period.

The Act also requires that all Council publications during the election period must be certified in writing by the Chief Executive Officer. An Election Period Certification Procedure has been developed as a related document.

Publications should be read broadly to include all documents that are produced for the purpose of communicating with people in the community, including Council newsletters, advertisements and notices, media releases, leaflets and brochures, emails and mailouts to multiple addresses, electronic information and web based productions including Council's website, Facebook account and Twitter page.

The controls do not cover advertisements that simply announce the holding of a meeting or about the election process itself.



Electoral matter is any matter that is “intended or likely to affect voting in an election” and this includes (but is not limited to) material that deals with the election, candidates or issues of contention in the election.

Material is definitely electoral matter if it:

- publicises the strengths or weaknesses of a candidate;
- advocates the policies of the Council or of a candidate;
- responds to claims made by a candidate; or
- publicises the achievements of the elected Council.

Councillors may publish campaign material on their own behalf, but cannot purport for that material to be originating from, or authorised by, Council or Frankston City Council i.e. by use of Council logos.

The prohibition does not apply to documents published before the election period, or documents that are published in accordance with a requirement of the Act (eg. the Annual Report, rate notices, food premises registrations, parking fines).

#### **6.2.2 Council publications**

Any Council material that is required to be published during the election period will be reviewed by Council’s Governance department, and then (if appropriate) sent to the Chief Executive Officer to be certified in writing in accordance with the Election Period Certification Procedure, prior to publication.

#### **6.2.3 Considerations in granting publication approval**

In considering whether to grant approval for the publication of material during the election period, in accordance with the provisions in the Act, the Chief Executive Officer:

- must not permit any materials to be published which include reference to:
  - the election;
  - a candidate in the election;
  - a current Councillor; or
  - an issue before the voters in connection with the election.
- may approve publication of material which only contains information about:
  - the election process itself; or
  - Council services (as long as the material does not include any reference to a current Councillor, an issue before the voters in



connection with the election, or any content that is otherwise precluded by this policy).

#### **6.2.4 Frankston City Council website and social media**

During the election period Council's corporate website will not contain material precluded by this policy. Any references to the election will only relate to the election process. Information about Councillors will be restricted to titles, names and contact details. Other information will be removed for the duration of the election period.

The ability for members of the public to post comments on Council's social media sites will be removed for the duration of the election period.

### **6.3 Public consultation during the election period**

Public consultation is an integral part of Council's policy development, process and operations. However, public consultation undertaken in the lead up to an election has the potential to become an election issue in itself, and can influence voting.

For the purposes of this policy, public consultation means a process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

It is prohibited under this policy for public consultation (new or ongoing) to be commissioned or undertaken during the election period on an issue that is contentious unless prior approval has been given by the Council or the Chief Executive Officer.

In considering whether to grant approval for public consultation during the election period, the Council or Chief Executive Officer will have regard to a number of factors including:

- whether special circumstances make it necessary for the consultation to occur during the election period;
- the possibility of financial or other repercussions if the consultation is deferred; and
- whether the risks of influencing the election can be mitigated or avoided.

This clause does not apply to public consultation that is required to be undertaken in accordance with section 223 of the Act, or under the Planning and Environment Act 1987. However, consideration will be given to whether such statutory processes can be delayed until after the election period.



#### **6.4 Events and functions during the election period**

The scheduling of Council events and functions during the period leading up to an election can create issues due to a perception that such events and functions have the potential to be used by sitting Councillors for electioneering purposes.

For the purposes of this policy, **events** and **functions** include any gathering of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community. An event or function may take the form of a conference, workshop, forum, Annual General Meeting, launch, promotional activity or a social occasion such as a dinner, reception, ball or similar.

##### **6.4.1 Public events and functions staged by external bodies**

Councillors may continue to attend events and functions staged by external bodies during the election period. However, Council resources cannot be used to facilitate attendance or participation in such events. Any speeches prepared by Council officers for the Mayor or the Mayor's representative for events during the election period will include only basic material, and will not include any content that could be construed as **electoral matter** (see definitions).

##### **6.4.2 Council events and functions**

Where possible, public Council events and functions will be scheduled outside the election period. Council organised events and functions held during the election period will be reduced to only those essential to the operation of the Council. This may be varied by a Council resolution or where the Chief Executive Officer has given prior approval.

In considering whether to grant approval for a Council event or function to be held during the election period, the Council or Chief Executive Officer will have regard to a number of factors including:

- whether special circumstances make it necessary for the event or function to occur during the election period;
- the possibility of financial or other repercussions if the event or function is deferred; and
- whether the risks of influencing the election can be mitigated or avoided.

##### **6.4.3 Accords and community meetings**

Meetings of accords, local area community working groups and committees will not be held during the election period.



## **6.5 Preventing misuse of Council resources**

Council is committed to ensuring that due propriety is observed in the use of all Council resources.

During the election period, additional measures will be implemented to prevent the use of Council resources by candidates for electioneering purposes.

For the purposes of this policy, **Council resources** include Council officers and support staff, hospitality services, vehicles, property, equipment and stationery.

### **6.5.1 Use of Council resources**

Council resources will be used exclusively for normal Council business during the election period, and will not be used in connection with an election campaign. Some specific examples of Council's commitment to this principle are set out below:

- a. The use of resources including bulk paper, photocopying and printing, will be monitored.
- b. Photographs and images taken by or on behalf of Council will not be used for the purposes of electioneering.
- c. Equipment and facilities provided to Councillors for the purpose of conducting normal Council business will not be used for election campaign purposes.
- d. Council email addresses will not be used for election campaign purposes.
- e. Where a Councillor has an existing Council funded service (mobile phone, smart phone, land line or internet connection) and it is impractical to discontinue use of the service during the election period, the Councillor will reimburse Council for any usage of the service during the election period that exceeds normal usage levels.

It is acknowledged that certain improper actions during the election period can have serious consequences; for example, the use of Council resources for private purposes such as electioneering can be a criminal misuse of a Councillors' position, in breach of section 76D of the Act.

### **6.5.2 Council officers**

Council staff should avoid assisting Councillors or candidates in any way that could create a perception that they are being used for electoral purposes.

The Mayor and Councillors' support staff must not be asked to undertake any tasks connected directly or indirectly with an election campaign.

In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice will be sought from the Chief Executive Officer.

### **6.5.3 Mayor and Councillors' correspondence**

General correspondence addressed to the Mayor and/or Councillors will be answered in accordance with Council's usual administrative procedures.



However, the Mayor and Councillors will sign only the necessary minimum of correspondence during the election period. Correspondence in respect to significant, sensitive or controversial matters will be signed by the Chief Executive Officer. All correspondence will be prepared so as to protect Council staff from perceptions of political bias.

#### **6.5.4 Expenses incurred by Councillors**

Section 75 of the Act provides that Councillors are entitled to be reimbursed for any reasonable out-of-pocket expenses incurred in performing their duties as a Councillor.

A claim for payment or reimbursement of a Councillor's out-of-pocket expenses incurred during the election period should only relate to necessary costs that have been incurred in the performance of normal Council duties. Reimbursement will not be paid for any expenses that are connected with campaigning, or that could be perceived as supporting or being connected with a candidate's election campaign.

In the case where a Councillor's expenses claim covers a combination of Council and election-related business, the Chief Executive Officer may approve a partial reimbursement to cover Council activities.

#### **6.5.5 Council branding and stationery**

Items bearing Frankston City Council's logo, letterhead or other Frankston City Council branding will not be used for, or linked in any way to, a candidate's election campaign.

### **6.6 Access to Council information**

All candidates have equal rights to access public information relevant to their election campaigns from the Council administration. Neither Councillors nor candidates will be provided with information or advice from Council staff that might be perceived to support election campaigns, and there shall be transparency in the provision of all information and advice during the election period.

#### **6.6.1 Councillor briefings**

Councillor briefings are informal gatherings of Councillors at which the Council administration provides advice to Councillors on items of a complex nature or of significant community impact.

Councillor briefings will not be held during the election period, except in relation to urgent matters.





#### **6.6.2 Information and briefing material**

Information and briefing material prepared or secured by staff for a Councillor during the election period must be necessary to the carrying out of the Councillor's role, and must not be related to election issues or to issues that might be perceived to be of an electoral nature.

#### **6.6.3 Candidate information request register**

The Governance team will maintain a register of candidate information requests during the election period. The register will include all requests made by Councillors and candidates for information (including requests that were unable to be met) and the responses given to those requests. The register will be available for public inspection.

#### **6.6.4 Candidate information file sharing site**

To facilitate the secure, swift and efficient sharing of information with candidates, a candidate information file sharing site will be established for use during the election period. Documents that the Council administration has supplied to a candidate will be uploaded to the candidate folder on the FTP site wherever practicable, so that they can be viewed by all candidates. The login credentials will be supplied to candidates as soon as possible after the close of nominations.

### **6.7 Communication services**

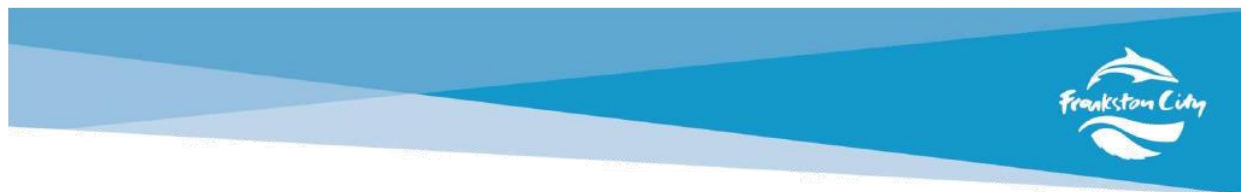
Council's communication services are intended to promote Council activities or initiatives and must not be used in any way that might favour a candidate.

#### **6.7.1 Media advice**

Any requests for media advice or assistance from Councillors during the Election Period will be channelled through the Chief Executive Officer or the Chief Executive Officer's delegate. No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves specific Councillors.

#### **6.7.2 Media releases and spokespersons**

Media releases during the election period will not refer to specific Councillors. Where it is necessary to identify a spokesperson in relation to an issue the Chief Executive Officer will determine the appropriate person.



#### **6.7.3 Publicity campaigns**

During the election period publicity campaigns (other than for the purpose of conducting the election) will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council activity, the Chief Executive Officer or their delegate must approve it. Council publicity during the election period will be restricted to communicating normal Council activities and initiatives.

#### **6.7.4 Restriction on Councillors**

Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign.

#### **6.7.5 Public statements by Council employees**

During the election period no Council employee may make any public statement that relates to an election issue unless the statement has been approved by the Chief Executive Officer.

### **6.8 Equity in assistance to Candidates**

Council affirms that all candidates will be treated equally.

#### **6.8.1 Candidate assistance and advice**

Any assistance and advice provided to candidates as part of the conduct of the elections will be offered equally to all candidates.

#### **6.8.2 Election process enquiries**

All election process related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer.

### **6.9 Staff member standing for election**

In the event that a member of Council's staff is contemplating standing for election as a Councillor for Frankston City Council, they would need to:

- take leave to stand for election to the office of Councillor (with leave commencing, at the latest, from the time of nominating as a candidate); and





- if elected, resign from the Council staff immediately upon being declared elected.

These requirements are set out in section 29(1)(d) and (3) of the Act.

#### **6.10 Election signage**

The rules which apply to signs that promote candidates in an election, or that relate to election issues, are set out in Council's Election Signs and Events Policy. This document can be accessed on Council's website.

### **7. Roles and responsibilities**

This policy will be managed by the Governance and Information Department.

### **8. Policy non-compliance**

Non-compliance with this policy has the potential to compromise the integrity of the election process and the authority of the incoming Council.

It is acknowledged that certain improper actions during the election period can have serious consequences; for example, the use of Council resources for private purposes such as electioneering can be a criminal misuse of a Councillors' position, in breach of section 76D of the Act.

### **9. Related documents**

- Local Government Act 1989 and in particular:
  - section 55D *Prohibition on Council*;
  - section 76D *Misuse of position*;
  - section 93A *Conduct of Council during election period*;
  - section 93B *Council to adopt an election period policy*.
- Election Period Certification Procedure.
- Register of Candidates' Requests for Information.
- Election Signs and Events Policy.

### **10. Implementation of the Policy**

In accordance with section 93B(4) of the Act, the Chief Executive Officer will ensure that a copy of the election period policy is:

- given to each Councillor as soon as possible after it is adopted; and
- available for inspection by the public at the Civic Centre; and
- published on Council's website.



As soon as possible and no later than 30 days prior to the commencement of the election period, the Chief Executive Officer will ensure that all staff are informed of the requirements of this policy.

# 11. Definitions and notes

Relevant definitions from various sources including some Acts of Parliament have been consolidated below. In this policy:

<b>document</b>	<p>includes, in addition to a document in writing—</p> <p>(a) any book, map, plan, graph or drawing;</p> <p>(b) any photograph;</p> <p>(c) any label, marking or other writing which identifies or describes anything of which it forms part, or to which it is attached by any means whatsoever;</p> <p>(d) any disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom;</p> <p>(e) any film (including microfilm), negative, tape or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and</p> <p>(f) anything whatsoever on which is marked any words, figures, letters or symbols which are capable of carrying a definite meaning to persons conversant with them.</p> <p><i>Interpretation of Legislation Act 1984, s.38</i></p>
<b>Chief Executive Officer</b>	means the Chief Executive Officer of Council or their delegate.
<b>Council resources</b>	include Council officers and support staff, hospitality services, vehicles, property, equipment and stationery.
<b>Councillor briefings</b>	are informal gatherings of Councillors at which the Council administration provides advice to Councillors on items of a complex nature or of significant community impact.
	Part D of the <i>Frankston City Council Governance Local Law .1</i>
<b>election period</b>	in relation to an election, means the period that –



	<p>starts on the last day on which nominations for that election can be received; and</p> <p>ends at 6 p.m. on election day.</p> <p><i>Local Government Act 1989, s.3</i></p>
<b><i>electoral matter</i></b>	<p>means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election.</p> <p>Matter is taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on –</p> <ul style="list-style-type: none"> <li>- the election; or</li> <li>- a candidate in the election; or</li> <li>- an issue submitted to, or otherwise before, the voters in connection with the election.</li> </ul> <p><i>Local Government Act 1989, s.3 (1A) and (1B)</i></p>
<b><i>event</i></b>	<p>includes a gathering of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community. An event may take the form of a conference, workshop, forum, Annual General Meeting, launch, promotional activity or a social occasion such as a dinner, reception, ball or similar.</p>
<b><i>function</i></b>	<p>includes a gathering of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community. A function may take the form of a conference, workshop, forum, Annual General Meeting, launch, promotional activity or a social occasion such as a dinner, reception, ball or similar.</p>
<b><i>inappropriate decisions</i></b>	<p>made by a Council during an election period includes decisions that would affect voting in an election; and decisions that could reasonably be made after the election.</p> <p><i>Local Government Act 1989, s.93B(5)</i></p>



<b>major policy decision</b>	<p>means any decision</p> <p>(a) relating to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer;</p> <p>(b) to terminate the appointment of a Chief Executive Officer under section 94;</p> <p>(c) to enter into a contract the total value of which exceeds whichever is the greater of—</p> <p>(i) \$100 000 or such higher amount as may be fixed by Order in Council under section 186(1); or</p> <p>(ii) 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year;</p> <p>(d) to exercise any power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100 000 or 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year.</p> <p><i>Local Government Act 1989, s.93A(6)</i></p>
<b>public consultation</b>	<p>means a process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.</p>
<b>publish</b>	<p>means including by publication on the internet.</p> <p><i>Local Government Act 1989, s.3</i></p>
All references to <b>Councillors</b> should be read as including the <b>Mayor</b> .	

Frankston City Council

# DRAFT Governance Rules



Adopted 31 August 2020, and amended ~~xxxx~~(insert date) 2022.

*Lifestyle Capital of Victoria*



## GOVERNANCE RULES

### Introduction

#### 1. Nature of Rules

These are the Governance Rules of Frankston City Council, made in accordance with section 60 of the *Local Government Act 2020*.

#### 2. Date of Commencement

These Governance Rules commenced d on 1 September 2020 and were amended on (date).

#### 3. Contents

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Framework
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Councillor Briefing Arrangements
Chapter 4	Meeting Procedure for Delegated Committees
Chapter 5	Meeting Procedure for Community Asset Committees
Chapter 6	Disclosure of Conflicts Of Interest
Chapter 7	Miscellaneous
Chapter 8	Election Period Policy

#### 4. Definitions

In these Governance Rules, unless the context suggests otherwise the following words and phrases mean:

*Act* means the *Local Government Act 2020*.

*Attend, attending and in attendance* include attend, attending or in attendance by electronic means.

*Chief Executive Officer* includes an Acting Chief Executive Officer.

*Community Asset Committee* means a Community Asset Committee established under section 65 of the Act.

*Council* means Frankston City Council.

*Council meeting* has the same meaning as in the Act.

*Delegated Committee* means a Delegated Committee established under section 63 of the Act.



*Mayor* means the Mayor of Council.

*these Rules* means these Governance Rules.



## Chapter 1 – Governance Framework

### 1. Context

*These Rules* should be read in the context of and in conjunction with:

- (a) the overarching governance principles specified in section 9(2) of the Act; and
- (b) the following documents adopted or approved by *Council*:
  - (i) Public Submissions and Question Time Policy;
  - (ii) Public Transparency Policy;
  - (iii) Community Engagement Policy;
  - (iv) Councillor Code of Conduct;
  - (v) Councillor Expenses Policy; and
  - (vi) Notice of Motion Protocol.

### 2. Decision Making

- (a) In any matter in which a decision must be made by *Council* (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision:
  - (i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
  - (ii) on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations
- (b) *Council* must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of *Council* is entitled to communicate their views and have their interests considered).
- (c) Without limiting anything in paragraph (b) of this sub-Rule:
  - (i) before making a decision that will directly affect the rights of a person, *Council* (including any person acting with the delegated authority of *Council*) must identify the person or persons whose rights will be directly affected, give notice of the decision which *Council* must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
  - (ii) if a report to be considered at a *Council meeting* concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;
  - (iii) if a report to be considered at a *Delegated Committee* meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and





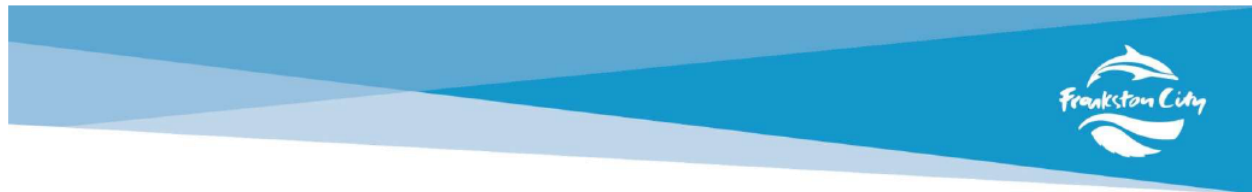
- (iv) if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.



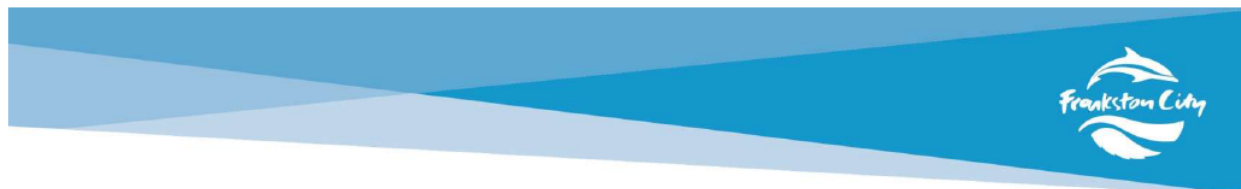
## Chapter 2 – Meeting Procedure for Council Meetings

### Contents

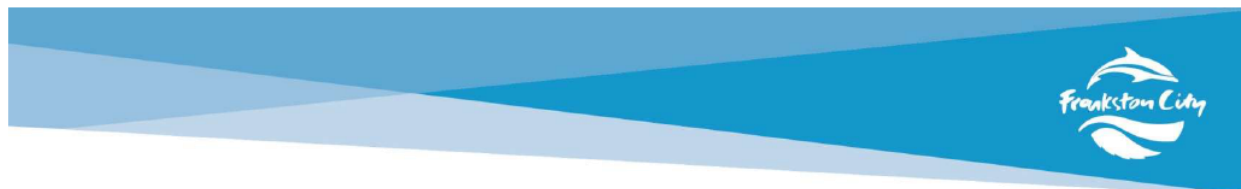
<b>PART A – INTRODUCTION</b>	<b>1</b>
1. Title	1
2. Purpose of this Chapter	1
3. Definitions and notes	1
<b>PART B – ELECTION OF MAYOR</b>	<b>3</b>
4. Election of the <i>Mayor</i>	3
5. Method of voting	3
6. Determining the election of the <i>Mayor</i>	3
7. Election of Deputy Mayor and Chairs of Delegated Committees	5
8. Appointment of Acting Mayor	6
<b>PART C – MEETINGS PROCEDURE</b>	<b>7</b>
<b>DIVISION 1 – NOTICES OF MEETINGS AND DELIVERY OF AGENDAS</b>	<b>7</b>
9. Dates and times of <i>meetings</i> fixed by <i>Council</i>	7
10. <i>Council</i> may alter meeting dates	7
11. <i>Meetings</i> not fixed by <i>Council</i> ( <i>Unscheduled or Special Meetings</i> )	7
12. Notice of <i>meeting</i>	7
<b>DIVISION 2 – QUORUMS</b>	<b>8</b>
13. Scheduled <i>meetings</i>	8
14. Inability to obtain a quorum	8
15. Inability to maintain a quorum	9
16. Adjourned <i>meetings</i>	9
17. Time limits for <i>meetings</i>	9
18. Cancellation or postponement of a <i>meeting</i>	10
<b>DIVISION 3 – BUSINESS OF MEETINGS</b>	<b>10</b>
19. Agenda and the order of business	10
20. Change to order of business	10
21. Urgent business	10
22. Reports of delegates	11
<b>DIVISION 4 – MOTIONS AND DEBATE</b>	<b>12</b>
23. <i>Councillors</i> may propose <i>notices of motion</i>	12
24. <i>Notice of motion</i>	12
25. Chair's duty	13
26. Introducing a motion or an amendment	14
27. Right of reply	15
28. Moving an amendment	15
29. Who may propose and debate an amendment	15
30. How many amendments may be proposed	15
31. An amendment once carried	16
32. Foreshadowing motions	16
33. Withdrawal of motions	16
34. Separation of motions	16
35. <i>Chair</i> may separate motions or allow motions to be moved in block	17
36. Priority of address	17
37. Motions in writing	17



38.	Repeating motion and/or amendment .....	17
39.	Debate must be relevant to the motion .....	17
40.	Speaking times .....	17
41.	Addressing the <i>meeting</i> .....	18
42.	If lost .....	18
43.	Right to ask questions .....	18
<b>DIVISION 5 – PROCEDURAL MOTIONS .....</b>		<b>19</b>
44.	Procedural motions .....	19
<b>DIVISION 6 – RESCISSION MOTIONS .....</b>		<b>22</b>
45.	Notice of rescission .....	22
46.	If lost .....	23
47.	If not moved .....	23
48.	May be moved by any Councillor .....	24
49.	When not required .....	24
<b>DIVISION 7 – POINTS OF ORDER .....</b>		<b>24</b>
50.	Valid points of order .....	24
51.	Procedure for point of order .....	24
52.	Chair to decide .....	25
53.	No debate .....	25
54.	<i>Chair</i> may adjourn to consider .....	25
55.	Effect of ruling .....	25
56.	Dissent from <i>Chair's</i> ruling .....	25
<b>DIVISION 8 – PUBLIC QUESTION TIME .....</b>		<b>26</b>
57.	Question time .....	26
<b>DIVISION 9 – PETITIONS AND JOINT LETTERS .....</b>		<b>28</b>
58.	Petitions and joint letters .....	28
59.	Submissions by incorporated associations .....	29
<b>DIVISION 10 – PUBLIC SUBMISSIONS .....</b>		<b>29</b>
60.	Individual presentations to <i>Council meetings</i> .....	29
61.	Requests to present .....	29
62.	When a presentation can be made .....	30
63.	Limitations upon speakers .....	30
64.	Questions but no discussion permitted .....	30
65.	Relaxation of requirement .....	30
<b>DIVISION 11 – VOTING .....</b>		<b>30</b>
66.	How motion determined .....	30
67.	Silence .....	30
68.	Recount .....	31
69.	Casting vote .....	31
70.	How votes are cast .....	31
71.	Procedure for a division .....	31
72.	No discussion once declared .....	32
<b>DIVISION 12 – MINUTES .....</b>		<b>32</b>
73.	Confirmation of minutes .....	32
74.	No debate on confirmation of minutes .....	34
75.	Deferral of confirmation of minutes .....	34



76.	Form and availability of minutes .....	34
77.	Recording of meetings .....	35
<b>DIVISION 13 – BEHAVIOUR .....</b>		<b>35</b>
78.	Public addressing the <i>meeting</i> .....	35
79.	<i>Chair</i> may remove .....	36
80.	<i>Chair</i> may adjourn disorderly <i>meeting</i> .....	36
81.	Removal from Chamber .....	36
<b>DIVISION 14 – ADDITIONAL DUTIES OF CHAIR .....</b>		<b>36</b>
82.	The <i>Chair's</i> duties and discretions .....	36
<b>DIVISION 15 – SUSPENSION OF STANDING ORDERS .....</b>		<b>37</b>
83.	Suspension of standing orders .....	37
<b>DIVISION 16 – PHYSICAL AND REMOTE ATTENDANCE .....</b>		<b>37</b>
84.	Mode of Attendance .....	37
85.	<i>Meetings</i> conducted remotely .....	39
<b>DIVISION 17 – MISCELLANEOUS .....</b>		<b>39</b>
86.	Criticism of members of Council staff .....	39
87.	Procedure not provided in this Chapter .....	39
88.	Policies and guidelines .....	2
<b>PART A – INTRODUCTION .....</b>		<b>1</b>
1.	Title .....	1
2.	Purpose of this Chapter .....	1
3.	Definitions and notes .....	1
<b>PART B – ELECTION OF MAYOR .....</b>		<b>3</b>
4.	Election of the <i>Mayor</i> .....	3
5.	Method of voting .....	3
6.	Determining the election of the <i>Mayor</i> .....	3
7.	Election of Deputy Mayor and Chairs of Delegated Committees .....	4
8.	Appointment of Acting Mayor .....	5
<b>PART C – MEETINGS PROCEDURE .....</b>		<b>6</b>
<b>DIVISION 1 – NOTICES OF MEETINGS AND DELIVERY OF AGENDAS .....</b>		<b>6</b>
9.	Dates and times of <i>meetings</i> fixed by <i>Council</i> .....	6
10.	<i>Council</i> may alter <i>meeting</i> dates .....	6
11.	<i>Meetings</i> not fixed by <i>Council</i> .....	6
12.	Notice of <i>meeting</i> .....	6
<b>DIVISION 2 – QUORUMS .....</b>		<b>7</b>
13.	Scheduled <i>meetings</i> .....	7
14.	Inability to obtain a quorum .....	7
15.	Inability to maintain a quorum .....	8
16.	Adjourned <i>meetings</i> .....	8
17.	Time limits for <i>meetings</i> .....	8
18.	Cancellation or postponement of a <i>meeting</i> .....	9
<b>DIVISION 3 – BUSINESS OF MEETINGS .....</b>		<b>9</b>
19.	Agenda and the order of business .....	9
20.	Change to order of business .....	9



21. Urgent business .....	9
22. Reports of delegates .....	10
<b>DIVISION 4 – MOTIONS AND DEBATE .....</b>	<b>11</b>
23. Councillors may propose <i>notices of motion</i> .....	11
24. <i>Notice of motion</i> .....	11
25. Chair's duty .....	12
26. Introducing a motion or an amendment .....	13
27. Right of reply .....	14
28. Moving an amendment .....	14
29. Who may propose and debate an amendment .....	14
30. How many amendments may be proposed .....	14
31. An amendment once carried .....	15
32. Foreshadowing motions .....	15
33. Withdrawal of motions .....	15
34. Separation of motions .....	15
35. <i>Chair</i> may separate motions or allow motions to be moved in block .....	15
36. Priority of address .....	16
37. Motions in writing .....	16
38. Repeating motion and/or amendment .....	16
39. Debate must be relevant to the motion .....	16
40. Speaking times .....	16
41. Addressing the <i>meeting</i> .....	17
42. If lost .....	17
43. Right to ask questions .....	17
<b>DIVISION 5 – PROCEDURAL MOTIONS .....</b>	<b>18</b>
44. Procedural motions .....	18
<b>DIVISION 6 – RESCISSION MOTIONS .....</b>	<b>21</b>
45. Notice of rescission .....	21
46. If lost .....	22
47. If not moved .....	22
48. May be moved by any Councillor .....	23
49. When not required .....	23
<b>DIVISION 7 – POINTS OF ORDER .....</b>	<b>23</b>
50. Valid points of order .....	23
51. Procedure for point of order .....	23
52. <i>Chair</i> to decide .....	24
53. No debate .....	24
54. <i>Chair</i> may adjourn to consider .....	24
55. Effect of ruling .....	24
56. Dissent from <i>Chair's</i> ruling .....	25
<b>DIVISION 8 – PUBLIC QUESTION TIME .....</b>	<b>25</b>
57. Question time .....	25
<b>DIVISION 9 – PETITIONS AND JOINT LETTERS .....</b>	<b>27</b>
58. Petitions and joint letters .....	27
59. Submissions by incorporated associations .....	28
<b>DIVISION 10 – PUBLIC SUBMISSIONS .....</b>	<b>28</b>
60. Individual presentations to <i>Council meetings</i> .....	28



61. Requests to present .....	28
62. When a presentation can be made .....	29
63. Limitations upon speakers .....	29
64. Questions but no discussion permitted .....	29
65. Relaxation of requirement .....	29
<b>DIVISION 11 – VOTING .....</b>	<b>30</b>
66. How motion determined .....	30
67. Silence .....	30
68. Recount .....	30
69. Casting vote .....	30
70. By show of hands .....	30
71. Procedure for a division .....	30
72. No discussion once declared .....	31
<b>DIVISION 12 – MINUTES .....</b>	<b>31</b>
73. Confirmation of minutes .....	31
74. No debate on confirmation of minutes .....	32
75. Deferral of confirmation of minutes .....	32
76. Form and availability of minutes .....	32
77. Recording of meetings .....	33
<b>DIVISION 13 – BEHAVIOUR .....</b>	<b>34</b>
78. Public addressing the meeting .....	34
79. Chair may remove .....	34
80. Chair may adjourn disorderly meeting .....	35
81. Removal from Chamber .....	35
<b>DIVISION 14 – ADDITIONAL DUTIES OF CHAIR .....</b>	<b>35</b>
82. The Chair's duties and discretions .....	35
<b>DIVISION 15 – SUSPENSION OF STANDING ORDERS .....</b>	<b>35</b>
83. Suspension of standing orders .....	35
<b>DIVISION 16 – MISCELLANEOUS .....</b>	<b>36</b>
84. Meetings conducted remotely .....	36
85. Procedure not provided in this Chapter .....	36
86. Policies and guidelines .....	36



## PART A – INTRODUCTION

### 1. Title

This Chapter will be known as the "Meeting Procedures Chapter".

### 2. Purpose of this Chapter

2.1 The purpose of this Chapter is to provide for the orderly, efficient and equitable conduct of *Council meetings*.

2.2 Specifically, this Chapter is to:

- 2.2.1 provide a mechanism to facilitate the good government of *Council* through its formal meeting procedure to ensure effective and efficient *Council* decisions are made in a manner which acknowledges the role of local government within the Australian system of government;
- 2.2.2 promote and encourage community participation in the system of local government by providing mechanisms for *Council* to ascertain the community's views and expectations;
- 2.2.3 provide for the election of the Mayor and any Deputy Mayor;
- 2.2.4 provide for the appointment of any Acting Mayor;
- 2.2.5 provide for the procedures governing the conduct of Council meetings, to facilitate their orderly, efficient and equitable operation; and
- 2.2.6 set the rules of behaviour for those participating in or present at Council meetings.

### 3. Definitions and notes

3.1 In this Chapter:

"*agenda*" means the notice of a *meeting* setting out the business to be transacted at the *meeting*;

"*authorised officer*" means a person appointed as an Authorised Officer under section 224 of the *Local Government Act 1989*;

"*business day*" means a day that is not a Saturday, a Sunday or a public holiday;

"*Chair*" means the Chairperson of a *meeting* and includes an acting, a temporary and a substitute Chairperson;



-"meeting" means a *Council meeting*;

"*minute book*" means the collective record of proceedings of *Council*;

"*municipal district*" means the municipal district of *Council*;

"*notice of motion*" means a notice setting out the text of a motion, which it is proposed to move at the next relevant *meeting*;

"*notice of rescission*" means a *notice of motion* to rescind a resolution made by *Council*;

~~"*senior officer*" has the same meaning as in the *Local Government Act 1989*;~~

"*urgent business*" means business which is raised under Rule 21; and

"*written*" includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form, and *writing* has a corresponding meaning.

- 3.2 Introductions to Parts, headings and notes are explanatory notes and do not form part of this Chapter. They are provided to assist understanding.





## PART B – ELECTION OF MAYOR

**Introduction:** This Part is concerned with the annual election of the *Mayor*. It describes how the *Mayor* is to be elected.

### 4. Election of the *Mayor*

The *Chief Executive Officer* must facilitate the election of the *Mayor* in accordance with the provisions of the Act.

### 5. Method of voting

The election of the *Mayor* must be carried out by a show of hands or such other visual or audible means as the *Chief Executive Officer* determines.

### 6. Determining the election of the *Mayor*

6.1 The *Chief Executive Officer* must open the *meeting* at which the *Mayor* is to be elected, and invite nominations for the office of *Mayor*.

~~6.2~~ Any nominations for the office of *Mayor* must be:

~~6.3~~ in writing and in a form prescribed by the *Chief Executive Officer*; and

~~6.4~~6.2 seconded by another Councillor.

6.3 Once nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor*.

#### Single nomination

÷

6.4 If there is only one nomination, the candidate nominated must be declared to be duly elected.

#### Multiple nominations and candidate elected on first vote:

6.5 If there is more than one nomination, the Councillors ~~present in attendance~~ at the *meeting* must vote for one of the candidates and each of the candidates shall be allowed three minutes to speak to their nomination, which cannot be extended.

6.6 In the event of a candidate receiving the votes of an absolute majority of Councillors, ~~the votes~~, that candidate is declared to have been elected.

#### Three or more nominations and no candidate obtaining absolute majority on first vote

6.7 In the event that:



6.7.1 ~~there are three or more candidates;~~

6.7.2 ~~-no candidate receives the votes of an absolute majority of Councillors;  
and~~

6.7.3 ~~the votes, the meeting must consider whether to exercise the discretion conferred by section 25(5) of the Act. If the meeting instead proceeds with the election, the candidate with the fewest number of votes will be declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;~~

~~if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, it is not resolved to conduct a new election at a later day and time,~~

~~the meeting must consider whether to exercise the discretion conferred by section 25(5) of the Act. If the meeting instead proceeds with the election, the process of declaring the candidates with the fewest number of votes must be declared to be a defeated candidate. The Councillors in attendance at the meeting will then vote for one of the remaining candidates, and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;~~

6.8 ~~If one of the remaining candidates receives the votes of an absolute majority of Councillors, that candidate is duly elected. If none of the remaining candidates receives the votes of an absolute majority of Councillors and it is not resolved to conduct a new election at a later day and time, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives the votes of an absolute majority of Councillors. That candidate must then be declared to have been duly elected.~~

6.9 ~~For the purposes of sub-Rules 6.7 and 6.8 if no candidate can be determined to have the fewest number of votes then the candidate who is to be declared a defeated candidate will be determined by lot.~~

6.10 ~~in the event of two or more candidates having an equality of votes and one of them having to be declared:~~

~~a defeated candidate; and~~

~~duly elected~~

~~the declaration will be determined by lot.~~

~~if a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:~~

6.10.1 ~~each candidate who has an equal number of votes with another candidate or candidates will draw one lot;~~

6.10.2 ~~the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes~~



except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and

6.10.3 as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates ~~until one of those candidates receives the votes of an absolute majority of Councillors unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected~~).

Two nominations or two remaining candidates and no candidate obtaining an absolute majority on first vote

6.11 In the event of two candidates being nominated or remaining, and neither candidate receiving the votes of an absolute majority of Councillors, the Councillors in attendance at the meeting will consider whether to resolve to conduct a new election at a later date and time.

6.12 If:

6.12.1 it is resolved to conduct a new election at a later date and time a new election will take place at on the date and at the time resolved upon. In that event the provisions of this Rule **Error! Reference source not found.** will continue to govern the election of the Mayor, and ultimately any candidate whose nomination is the sole nomination or any candidate who receives the votes of an absolute majority of Councillors will be declared duly elected; and

6.4.26.12.2 it is not resolved to conduct a new election at a later date and time Councillors must continue to vote until one of the candidates receives the votes of an absolute majority of Councillors, at which point that candidate will be declared duly elected. If, after two or more further votes are taken neither candidate receives the votes of an absolute majority of Councillors, the provisions of sub-Rule 6.11 and this sub-Rule 6.12 must again be followed.

## 7. Election of Deputy Mayor and Chairs of Delegated Committees

Any election for:

7.1 any office of Deputy Mayor; or

7.2 Chair of a *Delegated Committee*

will be regulated by Rules 4-6 (inclusive) of this Chapter, as if, in the case of any election for Deputy Mayor, the reference to the:



- 7.3 *Chief Executive Officer* is a reference to the *Mayor*; and
- 7.4 *Mayor* is a reference to the Deputy Mayor or the Chair of the *Delegated Committee* (as the case may be).
- 7.5 The role of the Deputy Mayor is to perform the duties ascribed to the *Mayor* where the *Mayor* is absent, unless the Deputy Mayor has a conflict or is unavailable.

#### **8. Appointment of Acting Mayor**

If *Council* has not established an office of Deputy Mayor and it becomes required to appoint an Acting Mayor, it can do so by:

- 8.1 resolving that a specified Councillor be so appointed; or
- 8.2 following the procedure set out in Rules 5 and 6 (inclusive) of this Chapter, at its discretion.



## PART C – MEETINGS PROCEDURE

**Introduction:** This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a *meeting*. Collectively, the Divisions describe how and when a *meeting* is convened, when and how business may be transacted at a *meeting*.

### DIVISION 1 – NOTICES OF MEETINGS AND DELIVERY OF AGENDAS

#### 9. Dates and times of meetings fixed by Council

Subject to Rule 11, *Council* must from time to time fix the date, time and place of all *Council meetings*.

#### 10. Council may alter meeting dates

*Council* may change the date, time and place of any *Council meeting* which has been fixed by it and must provide reasonable notice of the change to the public.

#### 11. Meetings not fixed by Council (*Unscheduled or Special Meetings*)

11.1 The Mayor or at least 3 Councillors may by a written notice call a *Council meeting*.

11.2 The notice must specify the date and time of the *Council meeting* and the business to be transacted.

11.3 The Chief Executive Officer must convene the *Council meeting* as specified in the notice.

11.4 Unless all Councillors are *in attendance present* and unanimously agree to deal with any other matter, only the business specified in the written notice can be transacted at the *Council meeting*.

#### 12. Notice of meeting

12.1 A notice of *meeting*, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically (at the option of the Councillor) to every Councillor for each *Council meeting* after noon on a day which is at least *two businessfour clear* days before the *meeting*.

*If a Council meeting is scheduled for a Monday evening, the notice of meeting (including the agenda) must be delivered or sent electronically by the immediately preceding Thursday evening.*

12.2 Notwithstanding sub-Rule 12.1:



- 12.2.1 a draft *agenda* for each *Council meeting* must be delivered or sent electronically (at the option of the Councillor) to every Councillor at least ~~ten clear~~ **five business** days before the *meeting*; and
- 12.2.2 a notice of *meeting* or draft *agenda* need not be served on or sent to any Councillor who has been granted leave of absence unless the Councillor has requested the *Chief Executive Officer* in writing to continue to give notice of any *meeting* during the period of ~~their~~ **his or her** absence.
- 12.3 Reasonable notice of each *Council meeting* must be provided to the public. *Council* may do this:
- 12.3.1 for *meetings* which it has fixed by preparing a schedule of *meetings* annually, twice yearly or from time to time, and arranging publication of such schedule on *Council's* website and in a local newspaper either at various times throughout the year, or prior to each such *Council meeting*; and
- 12.3.2 for any *meeting* by giving notice on its website and:
- (a) in each of its Customer Service Centres; and/or
- (b) in at least one local newspaper or daily metropolitan newspaper.
- 12.4 Copies of the *agenda* and any related material for *Council meetings* must be made available to members of the public after noon on a day which is at least ~~four clear~~ **two business** days before the *meeting*, by being made available at the Civic Centre and on *Council's* website.

*If a Council meeting is scheduled for a Monday evening, the agenda and any related material must appear on Council's website by the immediately preceding Thursday evening. Hard copies of the agenda and any related material must be available for inspection or collection from the Friday morning immediately preceding the Monday evening meeting.*

## DIVISION 2 – QUORUMS

### 13. Scheduled meetings

The quorum for *Council meetings* is the presence of a majority of the Councillors.

### 14. Inability to obtain a quorum

If, after 30 minutes from the scheduled starting time of any *Council meeting*, a quorum cannot be obtained:



- 14.1 the *meeting* will be deemed to have lapsed;
- 14.2 the agenda for which will be identical to the agenda for the lapsed *meeting*; and
- 14.3 the *Chief Executive Officer* must give all Councillors *written notice* of the *meeting* convened by the *Mayor*.

**15. Inability to maintain a quorum**

- 15.1 If, during any Council *meeting*, a quorum cannot be maintained then Rule 14 will apply as if the reference to the *meeting* is a reference to so much of the *meeting* as remains.
- 15.2 Sub-Rule 15.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.

**16. Adjourned meetings**

16.1 *Council may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any Councillor or member of Council staff adjourn a meeting in session to another place.*

16.2 *The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.*

16.3 *If it is impracticable for the notice given under sub-Rule 16.1 to be in writing, the Chief Executive Officer must give notice to each Councillor by telephone, in person, by electronic mail or by SMS message.*

16.4 *Notice must also be provided to the public of the resumption of the adjourned meeting by publishing details on Council's website and posting a notice at the entrance to the Council Chambers and Civic Centre.*

**17. Time limits for meetings**

- 17.1 A Council *meeting* must not continue for more than four hours from its commencement unless a majority of Councillors *who are in attendance* ~~present~~ vote in favour of it continuing.
- 17.2 Notwithstanding sub-Rule 17.1, a motion to continue the *meeting* need not be moved until after consideration of that item of business which was before the *meeting* as soon as four hours passed since the commencement of the *meeting*.
- 17.3 A continuance must not exceed 30 minutes.





- 17.4 In the absence of such continuance, the *meeting* must stand adjourned to a time, date and place announced by the *Chair* immediately prior to the *meeting* standing adjourned. In that event, the provisions of sub-Rules 16.1 and ~~16.316.2~~ apply.

**18. Cancellation or postponement of a *meeting***

- 18.1 The *Chief Executive Officer* may, in the case of an emergency necessitating the cancellation or postponement of a *Council meeting*, cancel or postpone a *Council meeting*.
- 18.2 The *Chief Executive Officer* must present to the immediately following *Council meeting* a written report on any exercise of the power conferred by sub-Rule 18.1.

**DIVISION 3 – BUSINESS OF MEETINGS**

**19. Agenda and the order of business**

- 19.1 The *agenda* and the order of business for a *Council meeting* will be determined by the Mayor and the *Chief Executive Officer* jointly, so as to facilitate and maintain open, efficient and effective processes of government, but the views of Councillors expressed at any relevant Councillor briefing are to be taken into account in finalising the *agenda* and the order of business.
- 19.2 Notwithstanding sub-Rule 19.1, the *Chief Executive Officer* may vary the order of business to take advantage of opportunities which may arise from time to time.
- 19.3 Late reports can only be accepted into the *agenda* with the consent of *Council*.

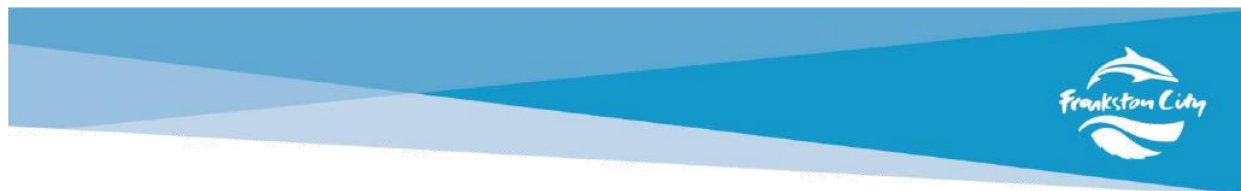
**20. Change to order of business**

Once an *agenda* has been sent to Councillors, the order of business for that *meeting* may only be altered with the consent of *Council*.

**21. Urgent business**

- 21.1 Business which has not been listed on the *agenda* for a *meeting* must only be raised as *urgent business* by resolution of *Council*.
- 21.2 A Councillor who wishes to raise an item of *urgent business* must state the motion for the proposed item of *urgent business*, to enable *Council* to determine whether the item will be accepted as *urgent business*.
- 21.3 A Councillor may submit the motion in writing to all Councillors prior to the *Council meeting*, outlining the proposed item of *urgent business*.
- 21.4 Unless exceptional circumstances exist and *Council* approves by resolution, only items:





21.4.1 of minimal impact; and

21.4.2 which have arisen since distribution of the *agenda* and cannot safely and conveniently be deferred until the next *Council meeting*

may be raised in *urgent business*.

21.5 The following items are deemed not to be items of minimal impact (and, therefore, unless exceptional circumstances exist and *Council* approves by resolution, cannot be raised in *urgent business*):

21.5.1 the creation or abolition of any office;

21.5.2 the appointment of any person to any office or termination of that appointment;

21.5.3 employment issues;

21.5.4 the sale or lease of any assets;

21.5.5 the declaration of any rate or charge;

21.5.6 the creation, alteration or abolition of any strategy, policy or guideline;

21.5.7 any request for an investigation which will unreasonably or substantially divert staff resources;

21.5.8 any request for a report which will unreasonably or substantially divert staff resources;

21.5.9 the commitment of funds, or in kind contributions, for any purposes which will exceed \$5,000; and

21.5.10 the content, and provision, of any media release.

## 22. Reports of delegates

22.1 A Councillor or member of *Council* staff who is a *delegate* may present to a *Council meeting* on the deliberations of the external body, association, group or working party in respect of which ~~they are~~ he or she is a *delegate* or an attendee at a *Council* approved conference / seminar.

22.2 In presenting, the Councillor may for up to three minutes:

22.2.1 address *Council* on the contents of any *written* report which the Councillor has submitted for inclusion in the *agenda*; or

22.2.2 provide a verbal report on any matters otherwise arising out of the deliberations of the external body, association, group or working party.



#### DIVISION 4 – MOTIONS AND DEBATE

##### 23. *Councillors may propose notices of motion*

Councillors may ensure that an issue is listed on an *agenda* by lodging a *notice of motion*.

##### 24. *Notice of motion*

~~24.1~~ — A *notice of motion* must be in writing signed by a Councillor, and be delivered or sent electronically to the *Chief Executive Officer* by no later than noon at least ~~seven~~ business days ~~11 clear days~~ before the *meeting* at which it is intended to be considered.

##### 24.224.1

*If a Council meeting is scheduled for a Monday evening this means that any notice of motion must be lodged prior to noon on the Thursday eleven days prior to the meeting date (assuming that no public holidays fall within the period between when the notice of motion must be lodged and the meeting date).*

24.324.2 A *notice of motion* will not be accepted if it:

24.3.124.2.1 \_\_\_\_\_ relates to a matter in respect of which *Council* has no power to act;

*This does not preclude a notice of motion which calls for Council to advocate or lobby to other levels of government for change.*

24.3.224.2.2 \_\_\_\_\_ declares a rate or charge;

24.3.324.2.3 \_\_\_\_\_ is defamatory, indecent, abusive or objectionable in language or substance;

24.3.424.2.4 \_\_\_\_\_ promotes or is likely to facilitate a threat to public order or safety; or

24.3.524.2.5 \_\_\_\_\_ seeks to substantially affect the level of *Council* services, commit *Council* to significant expenditure not included in the adopted Budget or commit *Council* to any contractual arrangement, without first calling for a formal report to be prepared and presented to *Council* in response to the *notice of motion*.

24.424.3 The *Chief Executive Officer* may reject any *notice of motion* which is vague or unclear in intention but must:

24.4.124.3.1 \_\_\_\_\_ notify the Councillor who lodged the *notice of motion* of the rejection and reasons for the rejection; and



~~24.4.2~~~~24.3.2~~ provide reasonable assistance to the Councillor to help ensure that a *notice of motion*:

- (a) of similar intention; but
  - (b) which is neither vague nor unclear
- is lodged.

~~24.5~~~~24.4~~ The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda* and, where practicable, will be accompanied by comments from a *senior officer* with responsibility for the subject matter or the issue to which the *notice of motion* relates.

~~24.6~~~~24.5~~ The *Chief Executive Officer* must cause all *notices of motion* to be numbered, dated and entered in the *notice of motion* register in the order in which they were received.

~~24.7~~~~24.6~~ Except by leave of *Council*, *notices of motion* before any *meeting* must be considered in the order in which they were entered in the *notice of motion* register.

~~24.8~~~~24.7~~ If a Councillor who has given a *notice of motion* is absent from the *meeting* or fails to move the motion when called upon by the *Chair*, any other Councillor may move the motion.

~~24.9~~~~24.8~~ If a *notice of motion* is not moved at the *meeting* at which it is listed, it lapses.

~~24.10~~~~24.9~~ If a *notice of motion* is moved but not seconded, it lapses.

~~24.11~~~~24.10~~ Except where the *notice of motion* is to confirm a previous resolution of *Council*, the *notice of motion* may be amended.

~~24.12~~~~24.11~~ If the Councillor who has lodged or is moving a *notice of motion* wishes to amend it, ~~they~~ ~~he or she~~ may do so by seeking leave of *Council* to amend the *notice of motion* prior to it being seconded. A motion must be put to the *meeting* to give approval for the Councillor moving the *notice of motion* to amend it, prior to putting forward the suggested amending words.

~~24.13~~~~24.12~~ Once a *notice of motion* has been moved and seconded, the mover cannot amend it.

~~24.14~~~~24.13~~ Notwithstanding sub-Rule 24.11 another Councillor may move an amendment to the *notice of motion*, which motion must be dealt with in accordance with sub-Rule 26.2.

~~24.15~~~~24.14~~ A Councillor cannot foreshadow an alternate motion to amend another Councillor's *notice of motion*.

## 25. Chair's duty

Any motion which is determined by the *Chair* to be:



- 25.1 defamatory of or embarrassing to any Councillor, member of *Council* staff or other person;
  - 25.2 abusive or objectionable in language or nature;
  - 25.3 a direct negative of the question before the *Chair*;
  - 25.4 vague or unclear in intention;
  - 25.5 outside the powers of *Council*; or
  - 25.6 irrelevant to the item of business on the agenda and has not been admitted as *urgent business*, or purports to be an amendment but is not,
- must not be accepted by the *Chair*.

## 26. Introducing a motion or an amendment

- 26.1 The procedure for moving any motion or amendment is:
  - 26.1.1 the mover must state the motion without speaking to it;
  - 26.1.2 the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;
  - 26.1.3 if a motion or an amendment is moved and seconded the *Chair* must ask:
 

"Does the mover wish to speak to the motion or amendment?"
  - 26.1.4 after the mover has addressed the *meeting* or been provided with an opportunity to address the *meeting*, the seconder may address the *meeting*;
  - 26.1.5 after the seconder has addressed the *meeting* (or after the mover has addressed the *meeting* if the seconder does not address the *meeting*), the *Chair* must invite debate or contributions by calling on any Councillor who wishes to speak to the motion (including the seconder, if ~~the seconder~~ ~~he or she~~ has not already spoken to the motion), ~~providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion~~; and
  - 26.1.6 if, after the mover has addressed the *meeting*, the *Chair* has invited debate or contributions and no Councillor speaks to the motion, then the *Chair* must put the motion to the vote.
- 26.2 No discussion on the item being considered may take place until such time as a motion is before the *Chair*. Questions of clarification may be asked of the *Chair* or members of *Council* staff present at the *meeting*.



26.3 The *Chair* may only debate a motion by speaking immediately after the mover and seconder of the motion have been given opportunity to speak to the motion.

26.4 If the *Chair* wishes to move or second a motion then the *Mayor* (if the *Chair* is not the *Mayor*) or Deputy Mayor (if the *Chair* is the *Mayor*) must take the chair whereupon the *Chair* must vacate the chair and not return to it until the motion has been resolved upon.

## 27. Right of reply

27.1 The mover of a motion which has not been amended has a right of reply to matters raised during debate.

27.2 After the right of reply has been taken but subject to any Councillor exercising ~~his or her~~ **their** right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

## 28. Moving an amendment

28.1 Subject to sub-Rule 28.2 a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.

28.2 A motion to confirm a previous resolution of *Council* cannot be amended.

28.3 An amendment must not be directly opposite to the motion.

28.4 The mover of an amendment cannot exercise any right of reply.

## 29. Who may propose and debate an amendment

29.1 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.

29.2 Any one Councillor cannot, without the leave of the *Chair*, move more than two amendments in succession.

29.3 Any Councillor can debate an amendment irrespective of whether the Councillor has spoken or proposes to speak to the original motion.

29.4 Debate on an amendment must be restricted to the terms of the amendment.

## 30. How many amendments may be proposed

30.1 No more than three amendments may be proposed to a motion but only one amendment may be accepted by the *Chair* at any one time.



- 30.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

**31. An amendment once carried**

- 31.1 If the amendment is carried, the motion as amended then becomes the motion before the *meeting*, and the amended motion must then be put.
- 31.2 The mover of the original motion retains the right of reply to that motion.

**32. Foreshadowing motions**

- 32.1 At any time during debate a Councillor may foreshadow a motion so as to inform Council of ~~their~~ ~~his or her~~ intention to move a motion at a later stage in the *meeting*, but this does not extend any special right to the foreshadowed motion.
- 32.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the *Chair* being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 32.3 The *Chief Executive Officer* or person taking the minutes of the *meeting* is not required to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
- 32.4 A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a *Council meeting*.

**33. Withdrawal of motions**

Before any motion is put to the vote, it may be withdrawn by the mover and seconder with leave of *Council*, in which case the *Chair* must call for a substitute mover and seconder and, if no such substitute is forthcoming, the motion will lapse.

**34. Separation of motions**

- 34.1 Where a motion contains more than one part:
- 34.1.1 *Council* by resolution; or
- 34.1.2 in the absence of a resolution, the *Chair* may require the motion to be put to the vote in separate parts.
- 34.2 Debate will not be permitted on any question that a motion in more than one part be put to the vote in separate parts.



**35. Chair may separate motions or allow motions to be moved in block**

35.1 The *Chair* may decide to put any motion to the vote in several parts.

35.2 The *Chair* may allow or request a Councillor to move items in block.

**36. Priority of address**

In the case of competition for the right to speak, the *Chair* must decide the order in which the Councillors concerned will be heard.

**37. Motions in writing**

37.1 The *Chair* may require that a long, complex or detailed motion be in writing.

37.2 *Council* may adjourn the *meeting* while the motion is being *written* or *Council* may defer the matter until the motion has been *written*, allowing the *meeting* to proceed uninterrupted.

**38. Repeating motion and/or amendment**

The *Chair* may request the person taking the minutes of the *meeting* to read the motion or amendment to the *meeting* before the vote is taken.

**39. Debate must be relevant to the motion**

39.1 Debate must always be relevant to the motion before the *Chair*, and, if not, the *Chair* must request the speaker to confine debate to the motion.

39.2 If after being requested to confine debate to the motion before the chair, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker not speak further in respect of the motion then before the *Chair*.

39.3 A speaker to whom a direction has been given under sub-Rule 39.2 must comply with that direction.

**40. Speaking times**

40.1 A Councillor must not speak longer than the time set out below, unless granted an extension by *Council*:

40.1.1 the mover of a motion or an amendment: three minutes;

40.1.2 the mover of a motion exercising a right of reply: three minutes; and

40.1.3 any other Councillor: three minutes.

40.2 Only one extension is permitted for each Councillor.

40.3 A motion to extend the speaking time cannot be moved:





40.3.1 until the original speaking time has expired; and

40.3.2 if another speaker has already commenced his or her contribution to the debate,

and must be seconded.

40.4 Any extended speaking time must not exceed three minutes.

#### 41. Addressing the *meeting*

41.1 If the *Chair* so determines:

~~41.1.1~~ any person addressing the *Chair* must refer to the *Chair* as Mayor or Chair;

~~41.1.2~~ Madam Mayor; or

~~41.1.3~~ Mr Mayor; or

~~41.1.4~~ Madam Chair; or

~~41.1.5~~ Mr Chair

~~41.1.6~~ 41.1.1 as the case may be;

~~41.1.7~~ 41.1.2 all Councillors, other than the *Mayor*, must be addressed as Councillor (name).

~~41.1.8~~ 41.1.3 all members of *Council* staff, must be addressed as Mr or Ms (name) as appropriate or by their official title.

41.2 Except for the *Chair*, any Councillor who addresses a *Council meeting* must direct all remarks through the *Chair*.

#### 42. If lost

If a *notice of motion* is lost, a similar *notice of motion* cannot be put before *Council* for at least 90 days from the date it was lost unless *Council* resolves that such a *notice of motion* be listed sooner.

#### 43. Right to ask questions

43.1 A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of any matter or item of business ~~the motion or amendment~~ before the *Chair*.

43.2 Any question asked of a member of *Council* staff must not have the effect of:

43.2.1 embarrassing the member of staff; or





43.2.2 drawing the member of staff into the debate.

43.3 Any question asked in contravention of sub-Rule 43.2 may be disallowed by the *Chair*.

43.4 The *Chair* has the right to limit or disallow questions and direct that any debate be commenced or resumed.

#### **DIVISION 5 – PROCEDURAL MOTIONS**

##### **44. Procedural motions**

44.1 Unless otherwise prohibited, a procedural motion may be moved at any time during a *Council meeting* and must be dealt with immediately by the *Chair*.

44.2 Procedural motions require a seconder.

44.3 The mover of a procedural motion must not have moved, seconded or spoken to the question before the *Chair* or any amendment of it.

44.4 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:



## PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Adjournment of debate to later hour and/or date and place	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking	Motion and <u>any</u> amendment <del>is</del> postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking; <del>(c) When the matter is one in respect of which a call of the Council has been made for that meeting in accordance with section 85 of the Act;</del> or ( <u>cd</u> ) When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later <i>meeting</i> if on the agenda	Debate continues unaffected	Yes

## Item 12.2 Attachment B: Tracked changes draft amended Governance Rules



Procedural Motion	Form	Mover & Seconded	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During nominations for <i>Chair</i>	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising <u>their</u> <del>his or her</del> right to ask any question concerning or arising out of the motion	Debate continues unaffected	No



## DIVISION 6 – RESCISSION MOTIONS

### 45. Notice of rescission

45.1 A Councillor who wishes to propose a *notice of rescission* must either:

- 45.1.1 flag their intention to do so during the *Council meeting* at which the resolution proposed to be rescinded was made; or
- 45.1.2 notify the Mayor and *Chief Executive Officer* of their intention to do so within 24 hours of the conclusion of the *Council meeting* at which the resolution proposed to be rescinded was made.

45.2 A Councillor may propose a *notice of rescission* provided:

- 45.2.1 it has been signed and dated by at least four Councillors, including one Councillor who previously supported the resolution proposed to be rescinded;
- 45.2.2 the resolution proposed to be rescinded has not been acted on; and
- 45.2.3 the *notice of rescission* is delivered or sent electronically to the *Chief Executive Officer* within three *business days* of the conclusion of the *meeting* at which the resolution was carried, setting out:
  - (a) the resolution to be rescinded; and
  - (b) the *meeting* and date when the resolution was carried.

*It should be remembered that a notice of rescission is a form of notice of motion. Accordingly, all provisions in this Chapter regulating notices of motion equally apply to notices of rescission.*

45.3 A resolution will be deemed to have been acted on if:

- 45.3.1 its contents have or substance has been communicated in writing to a person whose interests are materially affected by it; or
  - 45.3.2 a statutory process has been commenced
- so as to vest enforceable rights in or obligations on *Council* or any other person.

*If Council resolves to give Notice of a Decision to Grant a Planning Permit and the Notice is physically issued to the planning permit applicant (or the applicant's agent) or a letter or email is sent to the planning permit applicant (or the applicant's agent) advising of Council's decision, the resolution will have been 'acted on'. Its contents will have been formally communicated to a person whose interests are materially affected so as to vest enforceable rights in the applicant and any objectors wishing to appeal, as well as*



*obligations on Council to comply with its duties under the Planning and Environment Act 1987.*

45.4 The *Chief Executive Officer* or an appropriate member of *Council* staff must defer implementing a resolution which:

45.4.1 has not been acted on; and

45.4.2 is the subject of a notice of rescission which has been delivered or sent electronically to the *Chief Executive Officer* in accordance with sub-Rule 45.2.3.

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

*By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Monday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the notice of rescission would not be dealt with until the next Monday evening (being the evening of the day on which the planning appeal is to be heard).*

*In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the notice of rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.*

*Sub-Rule 45.4 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.*

**46. If lost**

If a *notice of rescission* is lost, a similar motion may not be put before *Council* for at least 90 days from the date it was last lost, unless *Council* resolves that the *notice of rescission* be re-listed at a future *meeting*.

**47. If not moved**

If a *notice of rescission* is not moved at the *meeting* at which it is listed, it lapses and a similar motion may not be put before *Council* for at least 90 days from the date on which it lapsed.



**48. May be moved by any Councillor**

A *notice of rescission* listed on an *agenda* may be moved by any Councillor in attendance ~~present~~ but may not be amended.

**49. When not required**

49.1 Unless sub-Rule 49.2 applies, a *notice of rescission* is not required where *Council* wishes to change policy.

49.2 The following standards apply if Council wishes to change policy:

49.2.1 if the policy has been in force in its original or amended form for less than 12 months, a notice of rescission must be presented to Council; and

49.2.2 any intention to change a Council policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

**DIVISION 7 – POINTS OF ORDER**

**50. Valid points of order**

A point of order may be raised in relation to anything which:

50.1 is contrary to this Chapter;

50.2 is irrelevant to the matter under consideration;

50.3 is outside the powers of Council;

50.4 is an error of fact;

50.5 constitutes improper behaviour;

50.6 is offensive;

50.7 constitutes a tedious repetition of something already said; or

50.8 is an act of disorder.

*Rising to express a difference of opinion or to contradict a speaker is not a point of order.*

**51. Procedure for point of order**

A Councillor raising a point of order must:



51.1 state the point of order; and

51.2 state any section, Rule, paragraph or provision relevant to the point of order.

**52. Chair to decide**

52.1 The *Chair* must decide all points of order by stating the provision, rule, practice or precedent which ~~they he or she~~ considers applicable to the point raised without entering into any discussion or comment.

52.2 In the event a point of order is raised against the *Chair* then the *Mayor* (if the *Chair* is not the *Mayor*) or Deputy Mayor (if the *Chair* is the *Mayor*) must take the chair whereupon the *Chair* must vacate the chair and not return to it until the point of order has been resolved upon.

52.3 Should repeat points of order be raised during debate by a Councillor, which are ruled against by the *Chair*, the *Chair* may consider the conduct of the Councillor raising unsuccessful points of order disruptive for the purposes of Rule 79 and, in accordance with that Rule, order the removal of such Councillor from the Chamber for a specified period.

**53. No debate**

A Councillor must not debate a point of order or the merits of a point of order, however the *Chair* may request the Councillor to explain the point of order.

**54. Chair may adjourn to consider**

54.1 The *Chair* may adjourn the *meeting* to consider a point of order but otherwise must rule on it as soon as it is raised.

54.2 All other questions before *Council* are suspended until the point of order is decided.

**55. Effect of ruling**

If the *Chair*:

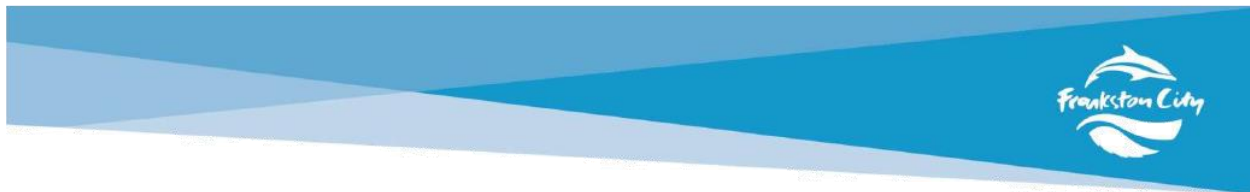
55.1 rules in favour of the point of order, the speaker may continue and no Councillor must do or say anything which would cause another like point of order to be raised; or

55.2 rules against the point of order, the speaker may continue.

**56. Dissent from *Chair's* ruling**

56.1 A Councillor may move that the *meeting* disagree with the *Chair's* ruling on a point of order, by moving:

"That the *Chair's* ruling [setting out that ruling or part of that ruling] be dissented



from".

56.2 When a motion in accordance with this Rule is moved and seconded:

56.2.1 the *Chair* must leave the chair and the *Mayor* (if the *Chair* is not the *Mayor*) or Deputy Mayor must chair the *meeting*; or

56.2.2 if there is no Deputy Mayor the *Chair* must leave the chair and the chair must be assumed by a temporary Chairperson.

56.3 The Deputy Mayor or the temporary Chairperson must invite the mover to state the reasons for ~~their his or her~~ dissent and the *Chair* may then reply.

56.4 The Deputy Mayor or the temporary Chairperson must put the motion in the following form:

"That the *Chair's* ruling be dissented from."

56.5 If the vote is in the negative, the *Chair* resumes the chair and the *meeting* proceeds.

56.6 If the vote is in the affirmative, the *Chair* must then resume the chair, reverse or vary (as the case may be) ~~their his or her~~ previous ruling and proceed.

56.7 The defeat of the *Chair's* ruling is in no way a motion of censure or non-confidence in the *Chair*, and should not be so regarded by the *meeting*.

#### DIVISION 8 – PUBLIC QUESTION TIME

##### 57. Question time

57.1 There must be a public question time at every *Council meeting* fixed under Rule 9 to enable members of the public to submit questions to *Council*. Questions may be asked of *Council*, and may not be directed to individual Councillors.

57.2 Public question time will be conducted in accordance with any policy adopted by *Council* from time to time.

*The policy adopted by Council may distinguish between Questions With Notice (that are to be lodged a number of days before the Council meeting, and which must be the subject of a considered response at the meeting) and Questions Without Notice (that can be lodged shortly prior to the Council meeting, and to which a written answer may need to be given in the days following the meeting).*

57.3 Questions submitted to *Council* must be:

57.3.1 in ~~writing hard copy or be sent electronically~~, state the name and address of the person submitting the question and generally be in a form approved or permitted by *Council*; and





- 57.3.2 lodged at *Council's* offices (in the case of a question submitted in hard copy) or sent to *Council* (in the case of a question submitted electronically) by the time specified in any policy adopted by *Council* from time to time.
- 57.4 No person may submit more than three questions at any one *meeting*. A question may be split into a maximum of two parts only. If more than two parts to a question are received, only the first two parts will be considered. Similarly, if more than three questions are received, only the first three questions will be considered. All parts of the question must be relevant to the same subject of enquiry.
- 57.5 The *Chair* or *Chief Executive Officer* must read to those ~~in attendance present~~ at the *meeting* a question in its entirety which has been submitted in accordance with this Rule.
- 57.6 Questions that relate to operational matters may be read but answered in writing by the *Chief Executive Officer* outside the *meeting*.
- 57.7 Notwithstanding sub-Rule 57.5, the *Chair* or *Chief Executive Officer* may refrain from reading a question or having a question read if the person who submitted the question is not ~~in attendance present in the gallery~~ at the time when the question is due to be read.
- 57.8 A question may be disallowed by the *Chair* or *Chief Executive Officer* without causing it to be read if the *Chair* or *Chief Executive Officer* determines that it:
- 57.8.1 it is the nature of a statement or is so prefaced as to have its emphasis on a statement rather than a genuine enquiry (although, in that event, the *Chair* or *Chief Executive Officer* should, if practicable, read an edited version of the question);
  - 57.8.2 relates to a matter outside the duties, functions and powers of *Council*;
  - 57.8.3 is defamatory, abusive, offensive or objectionable in language or substance;
  - 57.8.4 deals with a subject matter already answered; or
  - 57.8.5 is aimed at embarrassing a Councillor or a member of *Council* staff.
- 57.9 If a question is asked and is taken on notice or it is indicated that a written answer to the question will be given, the *Chief Executive Officer* must ensure that:
- 57.9.1 the questioner is asked to provide his or her contact details, unless those details are already known by *Council*;
  - 57.9.2 a written answer to the question is delivered or sent electronically to the questioner within seven days of the *meeting* or any contact details being provided (whichever occurs last); and

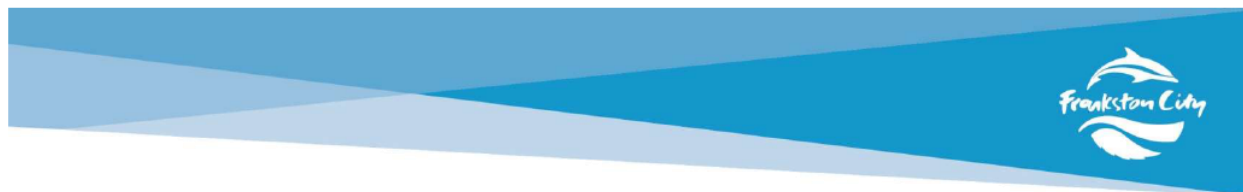


57.9.3 the question be recorded in the minutes of the *meeting*, together with a copy of the written response.

## DIVISION 9 – PETITIONS AND JOINT LETTERS

### 58. Petitions and joint letters

- 58.1 Unless *Council* determines to consider it as an item of *Urgent Business*, no motion (other than a motion to receive the same) may be made on any petition or joint letter until the next fixed *Council meeting* after that at which it has been presented.
- 58.2 It is incumbent on every Councillor presenting a petition or joint letter to acquaint ~~themselves himself or herself~~ with the contents of that petition or joint letter, and to ascertain that it does not contain language which is disrespectful towards *Council*.
- 58.3 Every Councillor presenting a petition or joint letter to *Council* must confine ~~themselves himself or herself~~ to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of any request.
- 58.4 Every petition or joint letter presented to *Council* must be in writing written (other than pencil ~~in a hard copy form~~), contain the request of the petitioners or signatories and, in the case of a petition, be signed by at least five people.
- 58.5 A petition must include a request on every page, consisting of the following words:  
*"We the undersigned hereby petition Frankston City Council ....."*
- 58.6 Every petition or joint letter must be signed by the persons whose names are included in or appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else, and the address of every petitioner or signatory must be clearly stated.
- 58.7 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.
- 58.8 A copy of the text of the petition or joint letter must be included on the agenda for the next available *meeting*.
- 58.9 Every page of a hard copy petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.
- 58.10 Electronic or online petitions, joint letters, memorials or like applications must contain the name and email address of each petitioner or signatory, which details will, for the purposes of this Rule 58, qualify as the address and signature of such petitioner or signatory.
- 58.1058.11 The only motions that may be moved in relation to petitions set out in the *agenda* are:



~~58.10.158.11.1~~ That the petition be received;

~~58.10.258.11.2~~ That the petition be received and a report be submitted to a specific *meeting* cycle for consideration;

~~58.10.358.11.3~~ That the petition be considered at a specific time or in conjunction with a specific item;

~~58.10.458.11.4~~ That the petition be dealt with in conjunction with another item on the agenda or any other *Council meeting agenda*; and

~~58.10.558.11.5~~ That the petition be referred to the *Chief Executive Officer* for consideration and response and the response to the petition be submitted to a specific *meeting* cycle for finalisation.

~~58.1158.12~~ If a petition relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* for consideration.

~~58.1258.13~~ No member of the public is permitted to speak to the petition when presented at a *Council meeting*. Individuals may request to speak to the petition when any report on the item is considered by *Council* at a later *Council meeting*.

#### 59. Submissions by incorporated associations

It will be assumed that a submission which is presented on an incorporated association's letterhead, and which purports to be on behalf of the incorporated association, has, in fact, been appropriately authorised.

### DIVISION 10 – PUBLIC SUBMISSIONS

#### 60. Individual presentations to *Council meetings*

An individual wishing to present to a *Council* at a *Council meeting* may make a request to the *Chief Executive Officer* or ~~the *Chief Executive Officer's* his or her~~ nominee to be registered to speak.

#### 61. Requests to present

61.1 A request to present must be received by the *Chief Executive Officer* or any member of *Council* staff nominated by ~~the *Chief Executive Officer's* him or her~~, before a time specified in any policy adopted by *Council* from time to time.

61.2 A person requesting to present must, if asked to do so, specify their name, address and contact telephone number and must, in any event, nominate the item to which ~~they he or she~~ wishes to speak.

61.3 Requests received after the time referred to in sub-Rule 61.1 will not be considered by the *Council*.



**62. When a presentation can be made**

A person may only present to a designated *Council meeting* if ~~they~~<sup>he or she</sup>:

- 62.1 propose~~s~~ to present to an item on the *agenda*; and
- 62.2 has<sup>ve</sup> been registered to speak following a request made under Rule 60.

**63. Limitations upon speakers**

If *Council* at a *Council meeting* determines to hear from an individual who has been registered to speak, the person addressing the *Council meeting* must comply with any policy relating to presentation adopted by *Council* from time to time.

**64. Questions but no discussion permitted**

Following a speaker's presentation, Councillors at a *Council meeting* or members of *Council* staff at the *meeting* may only ask the speaker questions or seek clarification of issues raised by the speaker in ~~their his or her~~ presentation which may assist in the deliberations prior to the elected body making a decision but no discussion will be allowed.

**65. Relaxation of requirement**

Nothing in this Division prevents:

- 65.1 the Chief Executive Officer determining which *meeting* will consider the request for the individual to be heard;
- 65.2 arranging for a deputation or individual to meet with a group of Councillors; or
- 65.3 *Council* from resolving to hear from a deputation or individual at any time.

**DIVISION 11 – VOTING**

**66. How motion determined**

To determine a motion before a *meeting*, the *Chair* must first call for those in favour of the motion and then those opposed to the motion, and must then declare the result to the *meeting*.

A motion is carried if a majority of the Councillors present at a meeting at the time the vote is taken vote in favour of the motion. A Councillor who abstains from voting is taken to have voted against the motion.

**67. Silence**

Subject to Rule 70, vVoting must take place in silence.



**68. Recount**

The *Chair* may direct that a vote be recounted to satisfy themselves ~~himself or herself~~ of the result.

**69. Casting vote**

69.1 In the event of a tied vote, the *Chair* must exercise a casting vote.

69.2 ~~The *Chair* may adjourn a meeting to consider how their casting vote will be cast.~~

**70. How votes are cast~~By show of hands~~**

Voting on any matter is by show of hands or such other visible or audible means as the *Chair* determines.

**71. Procedure for a division**

71.1 Immediately after any question is put to a *meeting* and before the next item of business has commenced, a Councillor may call for a division.

71.2 When a division is called for, the vote already taken must be treated as set aside and the division will decide the question, motion or amendment.

71.3 When a division is called for, the *Chair* must:

71.3.1 first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of their ~~his or her~~ hands or otherwise signify their support in a manner recognised by the *Chair*. The *Chair* must then state, and the *Chief Executive Officer* or any member of *Council* staff taking the minutes must record, the names of those Councillors voting in the affirmative;

71.3.2 then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of their ~~his or her~~ hands or otherwise signify their opposition in a manner recognised by the *Chair*. The *Chair* must then state, and the *Chief Executive Officer* or any member of *Council* staff taking the minutes must record, the names of those Councillors voting in the negative; and

71.3.3 finally ask each Councillor wishing to abstain from voting to raise a hand and, upon such request being made, each Councillor wishing to abstain from voting must raise one of their ~~his or her~~ hands. The *Chair* must then state, and the *Chief Executive Officer* or any member of *Council* staff taking the minutes must record, the names of those Councillors abstaining from voting.



## 72. No discussion once declared

Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

- 72.1 a Councillor requesting, before the next item of business is considered, that ~~their~~ ~~his or her~~ opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or
- 72.2 foreshadowing a *notice of rescission* where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

*For example, Rule 72 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.*

*Equally, Rule 72 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.*

*Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in sub-Rule ~~72~~72.2, to discussion about a positive motion were a resolution has just been rescinded.*

## DIVISION 12 – MINUTES

### 73. Confirmation of minutes

- 73.1 At every *Council meeting* the minutes of the preceding *meeting(s)* must be dealt with as follows:
  - 73.1.1 a copy of the draft minutes must be delivered to each Councillor no later than 48 hours after the Mayor has signed the minutes;
  - 73.1.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed;
  - 73.1.3 if a Councillor indicates opposition to ~~is dissatisfied with the accuracy of~~ the minutes, ~~he or she must:~~
    - (a) they must specify state ~~the item or items to which they object;~~ ~~with which he or she is dissatisfied; and~~
    - (b) the objected item(s) must be considered separately and in the order in which they appear in the minutes;
    - (c) the Councillor objecting must move accordingly without speaking to the motion;





- (d) the motion must be seconded;
- (e) the Chair must ask: "Is the motion opposed?"
- (f) if no Councillor indicates opposition, then the Chair must declare the motion carried without discussion and then ask the second of the questions described in sub-Rule 73.1.3(f);
- (g) if a Councillor indicates opposition, then the Chair must call on the mover to address the meeting;
- (h) after the mover has addressed the meeting, the seconder may address the meeting;
- (i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;
- (j) if, after the mover has addressed the meeting, the Chair invites debate and no Councillor speaks to the motion, the Chair must put the motion; and
- (k) the Chair must, after all objections have been dealt with, ultimately ask:
  - "The question is that the minutes be confirmed" or
  - "The question is that the minutes, as amended, be confirmed",
  - and ~~he or she must~~ then put the question to the vote accordingly;

~~(b) — purpose a motion clearly indicating the alternative language necessary to amend the minutes;~~

73.1.4 a resolution of *Council* must confirm the minutes and the minutes must, if practicable, be signed by the *Chair* of the *meeting* at which they have been confirmed; and

73.1.5 the minutes must be entered in the *minute book* and each item in the *minute book* must be entered consecutively.

73.2 Unless otherwise resolved or required by law, minutes of a *Delegated Committee* requiring confirmation by *Council* must not be made public until confirmed by *Council*.



**74. No debate on confirmation of minutes**

No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the *meeting* to which they relate is questioned.

**75. Deferral of confirmation of minutes**

*Council* may defer the confirmation of minutes until later in the *meeting* or until the next *meeting* if considered appropriate.

**76. Form and availability of minutes**

76.1 The *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the *meeting* and to take the minutes of such *meeting*) must keep minutes of each *Council meeting*, and those minutes must record:

- 76.1.1 the date, place, time and nature of the *meeting*;
- 76.1.2 the names of the Councillors ~~present~~in attendance and the names of any Councillors who apologised in advance for their non-attendance;
- 76.1.3 the names of the members of Council staff ~~present~~in attendance;
- 76.1.4 any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 6 and whether the conflict of interest was said by the Councillor to be a general conflict of interest or a material conflict of interest;
- 76.1.5 arrivals and departures (including temporary departures) of Councillors during the course of the *meeting*;
- 76.1.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
- 76.1.7 the vote cast by each Councillor, when the vote was not unanimous or when the vote was taken upon a division, and any abstention from voting;
- 76.1.8 the vote cast by any Councillor who has requested that ~~their~~his or her vote be recorded in the minutes;
- 76.1.9 questions asked in Public Question Time and any answer given;
- 76.1.10 the failure of a quorum;
- 76.1.11 any adjournment of the *meeting* and the reasons for that adjournment; and
- 76.1.12 the time at which standing orders were suspended and resumed.





- 76.2 The Chief Executive Officer must ensure that the minutes of any Council *meeting* are:
- 76.2.1 published on Council's website; and
  - 76.2.2 available for inspection at Council's office during normal business hours.
- 76.3 Nothing in sub-Rule 76.2 requires Council or the Chief Executive Officer to make public any minutes relating to a Council *meeting* or part of a Council *meeting* closed to members of the public in accordance with section 66 of the Act.

## 77. Recording of meetings

- 77.1 The *Chief Executive Officer* or ~~their his/her~~ delegate must record on suitable recording equipment all proceedings of a *Council meeting* except where the *meeting* is closed to the public in accordance with section 66(2) of the Act. The copyright in the recordings of the proceedings will vest in *Council*, and permission must be sought to copy, communicate or transmit a recording of the proceedings, or part of a recording of the proceedings.
- 77.2 The proceedings will be live streamed and recordings of the proceedings will be retained and will be published on *Council's* website within 24 hours of the end of the *meeting*.
- 77.3 Members of the public are to be advised that the *meeting* is being recorded and the recording will be made available to members of the public via *Council's* website. Members of the public are to be advised by appropriate signage that while care is taken to maintain a person's privacy as an attendee in the gallery, they may be recorded.
- 77.4 Subject to sub-Rule 77.1, members of the public must not operate photographic audio or video recording equipment or any other recording device at any *Council meeting* without first obtaining the consent of *Council*. Such consent may at any time during the course of such *meeting* be revoked by *Council*.

*A member of the public who breaches sub-Rule 77.3 may also be breaching other legislation or become civilly liable, such as where the recording unlawfully infringes the privacy, or gives rise to harassment, of another who is ~~present~~in attendance at the meeting.*

- 77.5 All Councillors must have their microphones switched on when speaking at a *Council meeting*.

## DIVISION 13 – BEHAVIOUR

### 78. Public addressing the *meeting*

- 78.1 Members of the public do not have a right to address *Council* and may only do so with the consent of the *Chair* or by prior arrangement.



78.2 Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the *Chair* whenever called on to do so.

78.3 A member of the public ~~present~~in attendance at a *Council meeting* must not disrupt the *meeting*.

**79. Chair may remove**

79.1 The *Chair* may order and cause the removal of any person, including a Councillor, who disrupts any *meeting* or fails to comply with a direction given under sub-Rule 78.2, or cause the removal of any object or material that is deemed by the *Chair* as being objectionable or disrespectful.

79.2 Any person removed from the *meeting* under sub-Rule 79.1 must not return to the *meeting* without the approval of the *Chair* or *Council*.

*It is intended that this power be exercisable by the Chair, without the need for any Council resolution. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threaten ~~the Chair's his or her~~ authority in chairing the meeting.*

79.3 In the event the *Chair* causes the removal of a Councillor from a *meeting*, the *Chair* must specify the period of time for which the removal will take effect.

**80. Chair may adjourn disorderly meeting**

If the *Chair* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the *meeting*, ~~the Chair he or she~~ may adjourn the *meeting* to a later time on the same day or to some later day as ~~they he or she~~ thinks proper. In that event, the provisions of sub-Rules 16.1 and ~~16.3~~16.2 apply.

**81. Removal from Chamber**

The *Chair* or *Council* may ask the *Chief Executive Officer* or *authorised officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the *Chair* has ordered to be removed from the *meeting* under Rule 79.

**DIVISION 14 – ADDITIONAL DUTIES OF CHAIR**

**82. The Chair's duties and discretions**

In addition to the duties and discretions provided in this Chapter, the *Chair*:

82.1 must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community;



82.182.2 may demand retraction of any inappropriate statement or unsubstantiated allegation;

82.282.3 must ensure silence is preserved by all other persons while a Councillor or other speaker is addressing the *meeting*;

82.382.4 must call to order any member of the public who approaches the *Council* or Committee table during the *meeting*, unless invited by the *Chair* to do so;

82.482.5 must call to order any person who is disruptive or unruly during any *meeting*; and

82.582.6 must be impartial and fair, and must take steps to ensure that no Councillor is demeaned or denigrated during any Council *meeting*.

#### **DIVISION 15 – SUSPENSION OF STANDING ORDERS**

##### **83. Suspension of standing orders**

83.1 To expedite the business of a *meeting*, *Council* may suspend standing orders.

*The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.*

*Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.*

83.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of *Council*. An appropriate motion would be:

"That standing order be suspended to enable discussion on....."

83.3 No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of standing orders.

83.4 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

#### **DIVISION 16 – PHYSICAL AND REMOTE MISCELLANEOUS ATTENDANCE**

##### **84. Mode of Attendance**

84.1 Each notice of meeting must indicate whether the relevant *Council meeting* is to be conducted:

84.1.1 wholly in person;



- 84.1.2 wholly by electronic means; or
- 84.1.3 partially in person and partially by electronic means.
- 84.2 The indication in the notice of meeting must be consistent with any Resolution of Council that has expressed a preference for, or otherwise specified, when Council meetings are to be conducted:
  - 84.2.1 wholly in person;
  - 84.2.2 wholly by electronic means; or
  - 84.2.3 partially in person and partially by electronic means.
- 84.3 If a Council meeting is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means.
- 84.4 Any request made under sub-Rule 84.3 must:
  - 84.4.1 be in writing;
  - 84.4.2 be given to the Chief Executive Officer no later than 24 hours prior to the commencement of the relevant Council meeting; and
  - 84.4.3 specify the reasons why the Councillor is unable or does not wish to attend the Council meeting in person.
- 84.5 The Chief Executive Officer must ensure that any request received in accordance with sub-Rule 84.3 and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant Council meeting.
- 84.6 Council may approve and must not unreasonably refuse any request.
- 84.7 A Councillor who is attending a Council meeting by electronic means is responsible for ensuring that they are able to access such equipment and are in an environment that facilitates participation in the Council meeting.
- 84.8 Without detracting from anything said in sub-Rule 84.7, a Councillor who is attending a meeting by electronic means must be able to:
  - 84.8.1 hear the proceedings;
  - 84.8.2 see all Councillors and members of Council staff who are also attending the Council meeting, at least while a Councillor or member of Council staff is speaking;
  - 84.8.3 be seen by all Councillors, members of Council staff and members of the public who are physically present at the Council meeting; and
  - 84.8.4 be heard when they speak.



84.9 If the conditions of sub-Rule 84.8 cannot be met by one or more Councillors attending a *Council meeting*, whether because of technical difficulties or otherwise:

84.9.1 the *Council meeting* will nonetheless proceed as long as a quorum is present; and

84.9.2 the relevant Councillor (or Councillors) will be treated as being absent from the *Council meeting* or that part of the *Council meeting*

unless the *Council meeting* has been adjourned in accordance with these Rules.

84.10 Nothing in this Rule 84 prevents a Councillor from joining (or re-joining) a *Council meeting* at the time that they achieve compliance with sub-Rule 84.8 even if the *Council meeting* has already commenced or has continued in their absence.

#### **84-85. Meetings conducted remotely**

If:

by law a ~~meeting may be conducted electronically; and~~

84.2 ~~— Council decides that a meeting is to be conducted~~ wholly or partially by electronic means ~~electronically,~~

the *Chair* may, with the consent of the *meeting*, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the *meeting*.

#### **DIVISION 17 – MISCELLANEOUS**

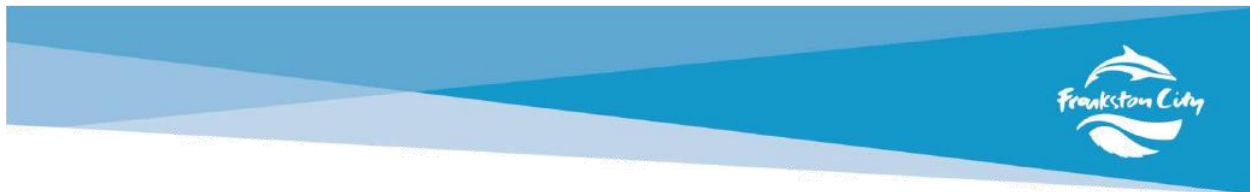
##### **86. Criticism of members of Council staff**

86.1 At the discretion of the *Chair*, the *Chief Executive Officer* may make a brief statement at a *Council meeting* in respect of any statement by a Councillor made at the *Council meeting* criticising them or any member of Council staff.

86.2 A statement under sub-Rule 86.1 must be made by the *Chief Executive Officer*, through the *Chair*, as soon as it practicable after the Councillor who made the statement has resumed their seat.

##### **85-87. Procedure not provided in this Chapter**

In all cases not specifically provided for by this Chapter, *Council* may determine the matter by resolution.

**86-88. Policies and guidelines**

*Council* may adopt any policies or guidelines from time to time for the purpose of exercising any discretion conferred by this Chapter.



### Chapter 3 – Councillor Briefing Arrangements

#### 1. Purpose of Chapter

This Chapter describes the nature and procedure for some informal meetings of Councillors.

#### 2. Briefings

- 2.1 As part of *Council's* governance arrangements, Councillors may meet regularly at an informal gathering of Councillors known as a "Councillor Briefing" or such other name as *Council* from time to time adopts.
- 2.2 The purpose of such gatherings is for the organisation to provide advice to Councillors on items of a complex nature or of significant community impact. The briefing enables open discussion between the organisation and Councillors and assists both *Council* staff and Councillors develop better understanding of the matter for consideration.
- 2.3 The gatherings are not a decision-making forum.
- 2.4 The gatherings are not open to the public and will generally be held in the Civic Centre or in such other locations as *Council* nominates from time to time.
- 2.5 Rules 77.5, 79, 81 and 82 of Chapter 2 apply to any gathering of Councillors at a scheduled briefing as if any reference to:
  - 2.5.1 the *Chair* is a reference to the Councillor chairing the gathering;
  - 2.5.2 the meeting is a reference to the gathering; and
  - 2.5.3 the Chamber is a reference to the room in which the gathering is being held.
- 2.6 A Councillor who is unable to attend a scheduled briefing must give notice of their apology to the *Chief Executive Officer* as soon as possible but no later than four hours prior to the scheduled briefing commencement time, unless exceptional circumstances exist, so that reasonable notice can be given to other Councillors and Council staff if a briefing is to be cancelled due to insufficient numbers.
- 2.7 The operating meeting protocols and arrangements in relation to these gatherings will be reviewed from time to time and be subject to resolution of *Council*.



#### Chapter 4 – Meeting Procedure for Delegated Committees

##### 1. Meeting Procedure Generally

If *Council* establishes a *Delegated Committee*:

- 1.1 all of the provisions of Chapter 2 apply to meetings of the *Delegated Committee*; and
- 1.2 any reference in Chapter 2 to:
  - 1.2.1 a *Council meeting* is to be read as a reference to a *Delegated Committee* meeting;
  - 1.2.2 a Councillor is to be read as a reference to a member of the *Delegated Committee*; and
  - 1.2.3 the Mayor is to be read as a reference to the Chair of the *Delegated Committee*.

##### 2. Meeting Procedure Can Be Varied

Notwithstanding Rule 1, if *Council* establishes a *Delegated Committee* that is not composed solely of Councillors:

- 2.1 *Council* may; or
- 2.2 the *Delegated Committee* may, with the approval of *Council*

resolve that any or all of the provisions of Chapter 2 are not to apply to a meeting of the *Delegated Committee*, in which case the provision or those provisions will not apply until *Council* resolves, or the *Delegated Committee* with the approval of *Council* resolves, otherwise.





## Chapter 5 – Meeting Procedure for Community Asset Committees

### 1. Introduction

In this Chapter, “Instrument of Delegation” means an instrument of delegation made by the *Chief Executive Officer* under section 47(1)(b) of the *Act*.

### 2. Meeting Procedure

Unless anything in the ~~l~~instrument of ~~d~~Delegation provides otherwise, the conduct of a meeting of a *Community Asset Committee* is in the discretion of the *Community Asset Committee*.



## Chapter 6 – Disclosure of Conflicts of Interest

### ~~1. Introduction~~

~~2. The following Rules in this Chapter apply only upon Division 1A of Part 4 of the Local Government Act 1989 being repealed.<sup>5</sup>~~

### ~~3.1. Definitions~~

In this Chapter:

~~21.1~~ “meeting conducted under the auspices of *Council*” means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Chapter 3 and in Rule 1 of Chapter 7 (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name); and

~~12.2~~ a member of a *Delegated Committee* includes a Councillor.

### ~~4.2. Disclosure of a Conflict of Interest at a Council Meeting~~

A Councillor who has a conflict of interest in a matter being considered at a *Council meeting* at which ~~the Councillor~~ ~~he or she~~:

~~32.1~~ is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Council meeting* immediately before the matter is considered; or

~~32.2~~ intends to be present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a written notice:

~~32.2.1~~ advising of the conflict of interest;

~~23.2.2~~ explaining the nature of the conflict of interest; and

~~23.2.3~~ detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:

(a) name of the other person;

(b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

(c) nature of that other person’s interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that ~~they have~~ ~~he or she has~~ a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

<sup>5</sup>-At the time of making these Rules the date on which Division 1A of Part 4 of the *Local Government Act 1989* is expected to be repealed is 24 October 2020.



The Councillor must, in either event, leave the *Council meeting* immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

### 3. Disclosure of Conflict of Interest at a Delegated Committee Meeting

A member of a *Delegated Committee* who has a conflict of interest in a matter being considered at a *Delegated Committee* meeting at which ~~they~~ he or she:

- ~~43.1~~ 34.1 ~~are is~~ present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Delegated Committee* meeting immediately before the matter is considered; or
- ~~34.2~~ 34.2 intends to present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the Delegated Committee meeting commences a written notice:
  - ~~43.2.1~~ 34.2.1 advising of the conflict of interest;
  - ~~34.2.2~~ 34.2.2 explaining the nature of the conflict of interest; and
  - ~~34.2.3~~ 34.2.3 detailing, if the nature of the conflict of interest involves a member of a *Delegated Committee's* relationship with or a gift from another person the:
    - (a) name of the other person;
    - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
    - (c) nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that ~~they~~ he or she ~~have as~~ a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The member of a *Delegated Committee* must, in either event, leave the *Delegated Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

### 4. Disclosure of a Conflict of Interest at a Community Asset Committee Meeting

A Councillor who has a conflict of interest in a matter being considered at a *Community Asset Committee* meeting at which ~~the Councillor~~ he or she:

- ~~54.1~~ 54.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Community Asset Committee* meeting immediately before the matter is considered; or



~~45.2~~ intends to present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Community Asset Committee* meeting commences a written notice:

~~54.2.1~~ advising of the conflict of interest;

~~45.2.2~~ explaining the nature of the conflict of interest; and

~~45.2.3~~ detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:

(a) name of the other person;

(b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

(c) nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that ~~they have~~ ~~he or she has~~ a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Committee Asset Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

#### 5. Disclosure at a Meeting Conducted Under the Auspices of Council

A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of *Council* at which ~~the Councillor~~ ~~he or she~~ is present must:

~~65.1~~ disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered;

~~56.2~~ absent ~~themselves~~ ~~himself or herself~~ from any discussion of the matter; and

~~56.3~~ as soon as practicable after the meeting concludes provide to the *Chief Executive Officer* a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.

#### 6. Disclosure by Members of Council Staff Preparing Reports for Meetings

~~76.1~~ A member of Council staff who, in his or her capacity as a member of Council staff, has a conflict of interest in a matter in respect of which ~~they are~~ ~~he or she is~~ preparing or contributing to the preparation of a Report for the consideration of a:

~~76.1.1~~ *Council meeting*;

~~67.1.2~~ *Delegated Committee meeting*;

~~67.1.3~~ *Community Asset Committee meeting*



must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* disclosing the conflict of interest and explaining the nature of the conflict of interest.

~~76~~.2 The *Chief Executive Officer* must ensure that the Report referred to in sub-Rule 7.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

~~67~~.3 If the member of Council staff referred to in sub-Rule 7.1 is the *Chief Executive Officer*:

~~76~~.3.1 the written notice referred to in sub-Rule 7.1 must be given to the *Mayor*; and

~~67~~.3.2 the obligation imposed by sub-Rule 7.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

**7. Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power**

~~87~~.1 A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest.

~~87~~.2 If the member of Council staff referred to in sub-Rule 8.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

**8. Disclosure by a Member of Council Staff in the Exercise of a Statutory Function**

~~89~~.1 A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest.

~~89~~.2 If the member of Council staff referred to in sub-Rule 9.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

**9. Retention of Written Notices**

The *Chief Executive Officer* must retain all written notices received under this Chapter for a period of three years.



## Chapter 7 – Miscellaneous

### 1. Informal Meetings of Councillors

If there is a meeting of Councillors of the kind described in Chapter 3 or a meeting of Councillors that otherwise:

- 1.1 is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors;
- 1.2 is attended by at least one member of Council staff; and
- 1.3 is not a *Council meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting

the *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting are:

- (a) tabled at the next convenient *Council meeting*; and
- (b) recorded in the minutes of that *Council meeting*.

### 2. Confidential Information

- 2.1 If, after the repeal of section 77(2)(c) of the *Local Government Act 1989*, the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, ~~they~~ ~~he or she~~ may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- 2.2 Information which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.



## Chapter 8 – Election Period Policy

### 1. Policy statement

Frankston City Council is committed to probity in its elections.

Special statutory restrictions apply during the 32 day period leading up to a general Council election; a Council must avoid actions and decisions that could be seen to influence voters or which would have a significant impact on the incoming Council. These requirements are often referred to as election “caretaker” requirements.

The Local Government Act 1989 (“the Act”) requires a Council to have an election period policy. Section 93B of the Act stipulates that an election period policy must include:

- a. procedures to prevent the Council from making inappropriate decisions or using resources inappropriately during the election period before a general election;
- b. limits on public consultation and the scheduling of Council events; and
- c. procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the election.

### 2. Reason for Policy

This policy has been prepared to satisfy the requirements of section 93B of the Act, and to provide guidance to candidates, Councillors, staff and the community about the particular requirements and expectations that apply during the election period.

### 3. Scope

#### 3.1 *Election period start and finish dates*

This policy applies during the election period which:

- STARTS at midnight at the end of the last day of nominations, being Tuesday 22nd September 2020; and
- FINISHES at 6:00pm on election day, Saturday 24th October 2020.

#### 3.2 *What does this policy cover?*

This policy applies to:

- a. all material published by Council (excluding any document that is required by the Act to be published, for example the annual report);
- b. decisions made by Council, a special committee of the Council, or a delegate of the Council;
- c. the use of Council resources;
- d. public consultation;
- e. the scheduling of Council events and functions;
- f. attendance at and participation in functions and events;
- g. access to Council information;





- h. communication services;
- i. equity in assistance to candidates; and
- j. other matters related to elections.

#### 4. Authorisation

This policy was adopted by Council at Ordinary Meeting 2019/OM11 on 2 September 2019.

#### 5. Revision date

This policy will be reviewed and presented to Council by September 2024, or earlier if deemed necessary by Council or the CEO.

#### 6. Principles

This policy covers the following principles:

- 6.1 Decisions during the election period
- 6.2 Council publications during the election period
- 6.3 Public consultation during the election period
- 6.4 Events and functions during the election period
- 6.5 Preventing misuse of Council resources
- 6.6 Access to Council information
- 6.7 Communication services
- 6.8 Equity in assistance to candidates
- 6.9 Staff member standing for election
- 6.10 Election signage

##### 6.1 Decisions during the election period

###### 6.1.1 Who does this part of the policy apply to?

This section of the Election Period Policy applies to decisions made by the Council or a delegate of the Council.

###### 6.1.2 What decisions are prohibited during the election period?

Section 93A of the Act prohibits a Council from making major policy decisions during the election period, unless extraordinary circumstances apply and a Ministerial exemption from the prohibition has been granted.

**Major policy decisions** include:

- the appointment or dismissal of a Chief Executive Officer, or the remuneration of a Chief Executive Officer;
- approval of contracts with a total value exceeding \$1,222,110 (ie 1% of Council's total revenue from rates and charges levied under s.158 in the 2018/19 financial year); and





- the exercise of any entrepreneurial power under s.193.

#### **6.1.3 Preventing inappropriate decisions**

In the interests of good governance, and to preserve the integrity of the election process and the authority of the incoming Council, Council will not make inappropriate decisions during the election period.

**Inappropriate decisions** during the election period are decisions that would affect voting in an election; or may unreasonably bind an incoming council, and could reasonably be made after the election, including:

- approval of contracts that require significant funding in future financial years or are regarded as politically sensitive;
- decisions that have significant impacts on Council's income or expenditure or that relate to expenditure on politically sensitive matters;
- changes to strategic objectives and strategies in the Council Plan;
- policy or strategy decisions;
- allocation of community grants or other direct funding to community organisations;
- major planning scheme amendments; and
- decisions of a politically sensitive nature.

#### **6.1.4 Scheduling the consideration of decisions**

The Chief Executive Officer will ensure that any matters that would constitute an inappropriate decision during the election period are either considered by Council prior to the election period, or scheduled for determination by the incoming Council.

No Council meetings will be held during the election period, unless exceptional circumstances require a Council decision (ie. a decision is absolutely necessary for Council operational purposes, or pursuant to a statutory or legal requirement).

In deciding whether exceptional circumstances warrant the consideration of an item by Council during the election period, the Chief Executive Officer will have regard to a number of factors including:

- whether a decision is necessary to enable the continuation of an essential Council service or operation;
- the urgency of the issue (that is, can it wait until after the election?);
- the possibility of financial or other repercussions if the decision is deferred;
- whether a decision is likely to be controversial; and
- whether a decision is in the best interests of the municipality.



#### **6.1.5 Council meeting reports and agendas**

If extraordinary circumstances necessitate the consideration of an item by Council during the election period, the Chief Executive Officer will ensure that an “election period statement” is included in the officer’s report.

The following are examples of an “election period statement”:

- a. The recommended decision is not a “major policy decision”, as defined in section 93A of the *Local Government Act 1989*, or an “inappropriate decision” as defined in section 93B (5) of the *Local Government Act 1989*.
- b. The recommended decision is to seek an exemption from the Minister because the circumstances require the making of a “major policy decision” (as defined in section 93A of the *Local Government Act 1989*) during the election period.
- c. The recommended decision is a “major policy decision”, as defined in section 93A of the *Local Government Act 1989*, but an extraordinary circumstances exemption was granted by the Minister for Local Government on [insert date].

#### **6.1.6 Announcement of decisions made prior to the election period**

The election period restrictions apply to the actual making of decisions, rather than to the announcement of decisions that have been made prior to the election period. However, as far as practicable such announcements should be made before the commencement of the election period.

### **6.2 Council publications during the election period**

#### **6.2.1 Prohibition on publishing materials during election**

It is prohibited under section 55D of the Act for Council to print, publish or distribute; or to cause, permit or authorise others to print, publish or distribute on behalf of the Council, any advertisement, handbill, pamphlet or notice that contains electoral matter during the election period.

The Act also requires that all Council publications during the election period must be certified in writing by the Chief Executive Officer. An Election Period Certification Procedure has been developed as a related document.

Publications should be read broadly to include all documents that are produced for the purpose of communicating with people in the community, including Council newsletters, advertisements and notices, media releases, leaflets and brochures, emails and mailouts to multiple addresses, electronic information and web based productions including Council’s website, Facebook account and Twitter page.

The controls do not cover advertisements that simply announce the holding of a meeting or about the election process itself.



Electoral matter is any matter that is “intended or likely to affect voting in an election” and this includes (but is not limited to) material that deals with the election, candidates or issues of contention in the election.

Material is definitely electoral matter if it:

- publicises the strengths or weaknesses of a candidate;
- advocates the policies of the Council or of a candidate;
- responds to claims made by a candidate; or
- publicises the achievements of the elected Council.

Councillors may publish campaign material on their own behalf, but cannot purport for that material to be originating from, or authorised by, Council or Frankston City Council i.e. by use of Council logos.

The prohibition does not apply to documents published before the election period, or documents that are published in accordance with a requirement of the Act (eg. the Annual Report, rate notices, food premises registrations, parking fines).

#### **6.2.2 Council publications**

Any Council material that is required to be published during the election period will be reviewed by Council’s Governance department, and then (if appropriate) sent to the Chief Executive Officer to be certified in writing in accordance with the Election Period Certification Procedure, prior to publication.

#### **6.2.3 Considerations in granting publication approval**

In considering whether to grant approval for the publication of material during the election period, in accordance with the provisions in the Act, the Chief Executive Officer:

- must not permit any materials to be published which include reference to:
  - the election;
  - a candidate in the election;
  - a current Councillor; or
  - an issue before the voters in connection with the election.
- may approve publication of material which only contains information about:
  - the election process itself; or
  - Council services (as long as the material does not include any reference to a current Councillor, an issue before the voters in



connection with the election, or any content that is otherwise precluded by this policy).

#### **6.2.4 Frankston City Council website and social media**

During the election period Council's corporate website will not contain material precluded by this policy. Any references to the election will only relate to the election process. Information about Councillors will be restricted to titles, names and contact details. Other information will be removed for the duration of the election period.

The ability for members of the public to post comments on Council's social media sites will be removed for the duration of the election period.

### **6.3 Public consultation during the election period**

Public consultation is an integral part of Council's policy development, process and operations. However, public consultation undertaken in the lead up to an election has the potential to become an election issue in itself, and can influence voting.

For the purposes of this policy, public consultation means a process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

It is prohibited under this policy for public consultation (new or ongoing) to be commissioned or undertaken during the election period on an issue that is contentious unless prior approval has been given by the Council or the Chief Executive Officer.

In considering whether to grant approval for public consultation during the election period, the Council or Chief Executive Officer will have regard to a number of factors including:

- whether special circumstances make it necessary for the consultation to occur during the election period;
- the possibility of financial or other repercussions if the consultation is deferred; and
- whether the risks of influencing the election can be mitigated or avoided.

This clause does not apply to public consultation that is required to be undertaken in accordance with section 223 of the Act, or under the Planning and Environment Act 1987. However, consideration will be given to whether such statutory processes can be delayed until after the election period.



#### **6.4 Events and functions during the election period**

The scheduling of Council events and functions during the period leading up to an election can create issues due to a perception that such events and functions have the potential to be used by sitting Councillors for electioneering purposes.

For the purposes of this policy, **events** and **functions** include any gathering of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community. An event or function may take the form of a conference, workshop, forum, Annual General Meeting, launch, promotional activity or a social occasion such as a dinner, reception, ball or similar.

##### **6.4.1 Public events and functions staged by external bodies**

Councillors may continue to attend events and functions staged by external bodies during the election period. However, Council resources cannot be used to facilitate attendance or participation in such events. Any speeches prepared by Council officers for the Mayor or the Mayor's representative for events during the election period will include only basic material, and will not include any content that could be construed as **electoral matter** (see definitions).

##### **6.4.2 Council events and functions**

Where possible, public Council events and functions will be scheduled outside the election period. Council organised events and functions held during the election period will be reduced to only those essential to the operation of the Council. This may be varied by a Council resolution or where the Chief Executive Officer has given prior approval.

In considering whether to grant approval for a Council event or function to be held during the election period, the Council or Chief Executive Officer will have regard to a number of factors including:

- whether special circumstances make it necessary for the event or function to occur during the election period;
- the possibility of financial or other repercussions if the event or function is deferred; and
- whether the risks of influencing the election can be mitigated or avoided.

##### **6.4.3 Accords and community meetings**

Meetings of accords, local area community working groups and committees will not be held during the election period.



## **6.5 Preventing misuse of Council resources**

Council is committed to ensuring that due propriety is observed in the use of all Council resources.

During the election period, additional measures will be implemented to prevent the use of Council resources by candidates for electioneering purposes.

For the purposes of this policy, **Council resources** include Council officers and support staff, hospitality services, vehicles, property, equipment and stationery.

### **6.5.1 Use of Council resources**

Council resources will be used exclusively for normal Council business during the election period, and will not be used in connection with an election campaign. Some specific examples of Council's commitment to this principle are set out below:

- a. The use of resources including bulk paper, photocopying and printing, will be monitored.
- b. Photographs and images taken by or on behalf of Council will not be used for the purposes of electioneering.
- c. Equipment and facilities provided to Councillors for the purpose of conducting normal Council business will not be used for election campaign purposes.
- d. Council email addresses will not be used for election campaign purposes.
- e. Where a Councillor has an existing Council funded service (mobile phone, smart phone, land line or internet connection) and it is impractical to discontinue use of the service during the election period, the Councillor will reimburse Council for any usage of the service during the election period that exceeds normal usage levels.

It is acknowledged that certain improper actions during the election period can have serious consequences; for example, the use of Council resources for private purposes such as electioneering can be a criminal misuse of a Councillors' position, in breach of section 76D of the Act.

### **6.5.2 Council officers**

Council staff should avoid assisting Councillors or candidates in any way that could create a perception that they are being used for electoral purposes.

The Mayor and Councillors' support staff must not be asked to undertake any tasks connected directly or indirectly with an election campaign.

In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice will be sought from the Chief Executive Officer.

### **6.5.3 Mayor and Councillors' correspondence**

General correspondence addressed to the Mayor and/or Councillors will be answered in accordance with Council's usual administrative procedures.





However, the Mayor and Councillors will sign only the necessary minimum of correspondence during the election period. Correspondence in respect to significant, sensitive or controversial matters will be signed by the Chief Executive Officer. All correspondence will be prepared so as to protect Council staff from perceptions of political bias.

#### **6.5.4 Expenses incurred by Councillors**

Section 75 of the Act provides that Councillors are entitled to be reimbursed for any reasonable out-of-pocket expenses incurred in performing their duties as a Councillor.

A claim for payment or reimbursement of a Councillor's out-of-pocket expenses incurred during the election period should only relate to necessary costs that have been incurred in the performance of normal Council duties. Reimbursement will not be paid for any expenses that are connected with campaigning, or that could be perceived as supporting or being connected with a candidate's election campaign.

In the case where a Councillor's expenses claim covers a combination of Council and election-related business, the Chief Executive Officer may approve a partial reimbursement to cover Council activities.

#### **6.5.5 Council branding and stationery**

Items bearing Frankston City Council's logo, letterhead or other Frankston City Council branding will not be used for, or linked in any way to, a candidate's election campaign.

### **6.6 Access to Council information**

All candidates have equal rights to access public information relevant to their election campaigns from the Council administration. Neither Councillors nor candidates will be provided with information or advice from Council staff that might be perceived to support election campaigns, and there shall be transparency in the provision of all information and advice during the election period.

#### **6.6.1 Councillor briefings**

Councillor briefings are informal gatherings of Councillors at which the Council administration provides advice to Councillors on items of a complex nature or of significant community impact.

Councillor briefings will not be held during the election period, except in relation to urgent matters.



#### **6.6.2 Information and briefing material**

Information and briefing material prepared or secured by staff for a Councillor during the election period must be necessary to the carrying out of the Councillor's role, and must not be related to election issues or to issues that might be perceived to be of an electoral nature.

#### **6.6.3 Candidate information request register**

The Governance team will maintain a register of candidate information requests during the election period. The register will include all requests made by Councillors and candidates for information (including requests that were unable to be met) and the responses given to those requests. The register will be available for public inspection.

#### **6.6.4 Candidate information file sharing site**

To facilitate the secure, swift and efficient sharing of information with candidates, a candidate information file sharing site will be established for use during the election period. Documents that the Council administration has supplied to a candidate will be uploaded to the candidate folder on the FTP site wherever practicable, so that they can be viewed by all candidates. The login credentials will be supplied to candidates as soon as possible after the close of nominations.

### **6.7 Communication services**

Council's communication services are intended to promote Council activities or initiatives and must not be used in any way that might favour a candidate.

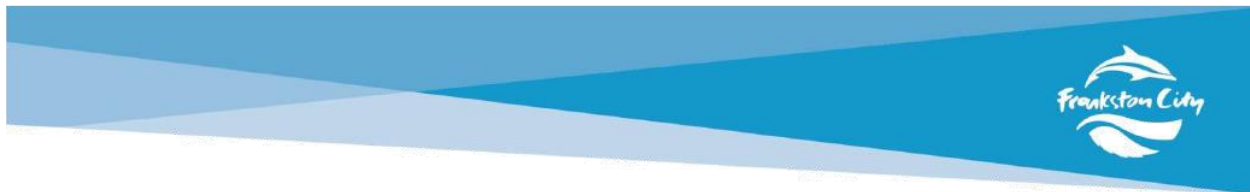
#### **6.7.1 Media advice**

Any requests for media advice or assistance from Councillors during the Election Period will be channelled through the Chief Executive Officer or the Chief Executive Officer's ~~his~~ delegate. No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves specific Councillors.

#### **6.7.2 Media releases and spokespersons**

Media releases during the election period will not refer to specific Councillors. Where it is necessary to identify a spokesperson in relation to an issue the Chief Executive Officer will determine the appropriate person.





### **6.7.3 Publicity campaigns**

During the election period publicity campaigns (other than for the purpose of conducting the election) will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council activity, the Chief Executive Officer or ~~his~~their delegate must approve it. Council publicity during the election period will be restricted to communicating normal Council activities and initiatives.

### **6.7.4 Restriction on Councillors**

Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign.

### **6.7.5 Public statements by Council employees**

During the election period no Council employee may make any public statement that relates to an election issue unless the statement has been approved by the Chief Executive Officer.

## **6.8 Equity in assistance to Candidates**

Council affirms that all candidates will be treated equally.

### **6.8.1 Candidate assistance and advice**

Any assistance and advice provided to candidates as part of the conduct of the elections will be offered equally to all candidates.

### **6.8.2 Election process enquiries**

All election process related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer.

## **6.9 Staff member standing for election**

In the event that a member of Council's staff is contemplating standing for election as a Councillor for Frankston City Council, they would need to:

- take leave to stand for election to the office of Councillor (with leave commencing, at the latest, from the time of nominating as a candidate); and



- if elected, resign from the Council staff immediately upon being declared elected.

These requirements are set out in section 29(1)(d) and (3) of the Act.

#### **6.10 Election signage**

The rules which apply to signs that promote candidates in an election, or that relate to election issues, are set out in Council's Election Signs and Events Policy. This document can be accessed on Council's website.

### **7. Roles and responsibilities**

This policy will be managed by the Governance and Information Department.

### **8. Policy non-compliance**

Non-compliance with this policy has the potential to compromise the integrity of the election process and the authority of the incoming Council.

It is acknowledged that certain improper actions during the election period can have serious consequences; for example, the use of Council resources for private purposes such as electioneering can be a criminal misuse of a Councillors' position, in breach of section 76D of the Act.

### **9. Related documents**

- Local Government Act 1989 and in particular:
  - section 55D *Prohibition on Council*;
  - section 76D *Misuse of position*;
  - section 93A *Conduct of Council during election period*;
  - section 93B *Council to adopt an election period policy*.
- Election Period Certification Procedure.
- Register of Candidates' Requests for Information.
- Election Signs and Events Policy.

### **10. Implementation of the Policy**

In accordance with section 93B(4) of the Act, the Chief Executive Officer will ensure that a copy of the election period policy is:

- given to each Councillor as soon as possible after it is adopted; and
- available for inspection by the public at the Civic Centre; and
- published on Council's website.



As soon as possible and no later than 30 days prior to the commencement of the election period, the Chief Executive Officer will ensure that all staff are informed of the requirements of this policy.

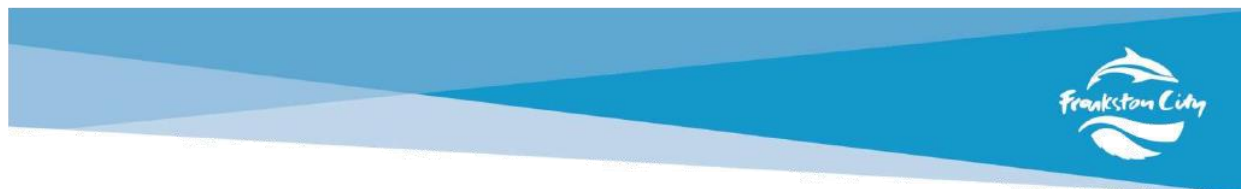
# 11. Definitions and notes

Relevant definitions from various sources including some Acts of Parliament have been consolidated below. In this policy:

<b>document</b>	<p>includes, in addition to a document in writing—</p> <p>(a) any book, map, plan, graph or drawing;</p> <p>(b) any photograph;</p> <p>(c) any label, marking or other writing which identifies or describes anything of which it forms part, or to which it is attached by any means whatsoever;</p> <p>(d) any disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom;</p> <p>(e) any film (including microfilm), negative, tape or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and</p> <p>(f) anything whatsoever on which is marked any words, figures, letters or symbols which are capable of carrying a definite meaning to persons conversant with them.</p> <p><i>Interpretation of Legislation Act 1984, s.38</i></p>
<b>Chief Executive Officer</b>	means the Chief Executive Officer of Council or <del>their</del> <del>his/her</del> delegate.
<b>Council resources</b>	include Council officers and support staff, hospitality services, vehicles, property, equipment and stationery.
<b>Councillor briefings</b>	are informal gatherings of Councillors at which the Council administration provides advice to Councillors on items of a complex nature or of significant community impact.
	Part D of the <i>Frankston City Council Governance Local Law .1</i>



<b><i>election period</i></b>	<p>in relation to an election, means the period that –</p> <p>starts on the last day on which nominations for that election can be received; and</p> <p>ends at 6 p.m. on election day.</p> <p><i>Local Government Act 1989, s.3</i></p>
<b><i>electoral matter</i></b>	<p>means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election.</p> <p>Matter is taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on –</p> <ul style="list-style-type: none"> <li>- the election; or</li> <li>- a candidate in the election; or</li> <li>- an issue submitted to, or otherwise before, the voters in connection with the election.</li> </ul> <p><i>Local Government Act 1989, s.3 (1A) and (1B)</i></p>
<b><i>event</i></b>	<p>includes a gathering of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community. An event may take the form of a conference, workshop, forum, Annual General Meeting, launch, promotional activity or a social occasion such as a dinner, reception, ball or similar.</p>
<b><i>function</i></b>	<p>includes a gathering of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community. A function may take the form of a conference, workshop, forum, Annual General Meeting, launch, promotional activity or a social occasion such as a dinner, reception, ball or similar.</p>
<b><i>inappropriate decisions</i></b>	<p>made by a Council during an election period includes decisions that would affect voting in an election; and decisions that could reasonably be made after the election.</p> <p><i>Local Government Act 1989, s.93B(5)</i></p>



<b>major policy decision</b>	<p>means any decision</p> <p>(a) relating to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer;</p> <p>(b) to terminate the appointment of a Chief Executive Officer under section 94;</p> <p>(c) to enter into a contract the total value of which exceeds whichever is the greater of—</p> <p>(i) \$100 000 or such higher amount as may be fixed by Order in Council under section 186(1); or</p> <p>(ii) 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year;</p> <p>(d) to exercise any power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100 000 or 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year.</p> <p><i>Local Government Act 1989, s.93A(6)</i></p>
<b>public consultation</b>	<p>means a process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.</p>
<b>publish</b>	<p>means including by publication on the internet.</p> <p><i>Local Government Act 1989, s.3</i></p>
All references to <b>Councillors</b> should be read as including the <b>Mayor</b> .	

### Proposed amendments to the Governance Rules of Frankston City Council

Rule	Description of change	Reason for change
Various	<b>Gender neutrality</b> Various amendments have been made throughout the document to adopt more gender neutral language.	Alignment with changing community standards.
3.1	<b>Definitions</b> The definition of 'senior officer' has been deleted.	The term is redundant following the repeal of relevant provisions in the LGA1989.
6.2	<b>Election of Mayor</b> Rule 6 has been redrafted to make it clearer that a lot is only to be conducted when there are three or more candidates and one of those candidates needs to be eliminated from the count. The requirement for nominations to be in writing has also been removed (consistent with remote meeting provisions).	Improved clarity and consistency with remote meeting provisions.
12.4	<b>Notice of meeting</b> References to "clear days" have been changed to the equivalent "business days" to align with the recommended change to Rule 24.1 (see below).	Improved clarity and consistency.
16.1	<b>Adjourned meetings</b> A new provision has been added in Rule 16.1 – Council may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any Councillor or member of Council staff adjourn a meeting in session to another place.	Addresses a current gap in the Governance Rules – intended to ensure consistency of meeting venue, whilst allowing for exceptions.
24.1	<b>Notice of motion</b> A notice of motion is currently required to be delivered or sent electronically to the Chief Executive Officer by no later than noon at least <u>11 clear days</u> before the meeting at which it is intended to be considered. The reference to "clear days" can be problematic, particularly in circumstances where there is a public holiday prior to the meeting. Changing the requirement from "11 clear days" to "7 business days" would rarely result in a different deadline but would ensure that NoMs are submitted in time for inclusion in the draft agenda, so that they can be discussed at the draft agenda review. A definition of "business day" has also been added into the Definitions in Rule 3.1.	Addresses the issue which arises when there is a public holiday in the lead up to a Council meeting and ensures that notices of motion are submitted in time to be included with the draft agenda. Also provides improved clarity – the term "clear days" is not widely understood, but "business days" is a well-known phrase.
26.1.5	<b>Introducing a motion or amendment</b> The following unnecessary words have been deleted from the end of sub-Rule 26.1.5: <i>providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion</i> ;	Removal of unnecessary restriction and enables the Chair to open the matter up for general debate.
41	<b>Addressing the meeting</b> References to Mr and Madam Mayor have been removed to align with gender neutral language throughout the document.	Consistency with gender neutral language throughout the document.

### Proposed amendments to the Governance Rules of Frankston City Council

Rule	Description of change	Reason for change
43	<p><b>Right to ask questions</b></p> <p>Minor amendments have been made to the wording of sub-Rules 43.1 and 43.4, as shown below:</p> <p>43.1 A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of <del>the motion or amendment</del> <b>any matter or item of business</b> before the Chair.</p> <p>...</p> <p>43.4 The Chair has the right to limit <b>or disallow</b> questions, and direct that <b>any</b> debate be commenced or resumed.</p>	Broadens the application and enhances the Chair's ability to appropriately manage questions.
44	<p><b>Procedural motions table</b> – item 2 (adjournment of debate indefinitely)</p> <p>The reference to call of the Council (s.85 of LGA1989) has been removed from the “when prohibited” column because the call of the Council provision was not replicated in the LGA2020.</p>	Repeal of s.85 of LGA1989.
57.3.1	<p><b>Question time</b></p> <p>Terminology has been changed. Rule 57 now refers to questions being “in writing” (instead of previous reference to questions being “in hard copy or sent electronically”).</p>	Consistency with remote meeting provisions.
57.7	<p><b>Question time</b></p> <p>Reference to ‘in the gallery’ (in relation to the person who submitted the question being present) has been removed.</p>	Consistency with remote meeting provisions.
58.1	<p><b>Petitions and joint letters</b></p> <p>The word ‘fixed’ (in relation to the next fixed meeting of council) has been inserted.</p>	Updated to align with terminology used in LGA2020 and elsewhere in the Governance Rules (eg. Rules 9 & 11)
58.4	<p><b>Petitions and joint letters</b></p> <p>The reference to ‘hard copy form’ has been replaced with reference to a document being ‘in writing’.</p>	Updated terminology is broader. It covers online petitions.
58.10	<p><b>Petitions and joint letters</b></p> <p>New provision has been added to expressly permit electronic or online petitions and joint letters. <i>(see end of table for further information regarding the proposed acceptance of online petitions).</i></p>	Addresses a current gap in the Governance Rules.
66	<p><b>How motion determined</b></p> <p>The following explanatory note has been added to reflect the position set out in section 61(5) of the LGA2020: <i>A motion is carried if a majority of the Councillors present at a meeting at the time the vote is taken vote in favour of the motion. A Councillor who abstains from voting is taken to have voted against the motion.</i></p>	Clarifies the legal position where a Councillor abstains from voting on a matter.
67	<p><b>Voting</b></p> <p>The requirement for voting to be in silence has been amended to better facilitate remote attendance.</p>	Consistency with remote meeting provisions.
69.2	<p><b>Casting vote</b></p> <p>A new provision has been added to provide for the Chair to adjourn a meeting to consider how to cast their casting vote.</p>	Addresses a current gap in the Governance Rules.

### Proposed amendments to the Governance Rules of Frankston City Council

Rule	Description of change	Reason for change
70	<b>Voting – By show of hands</b> Rule title has been amended from “By show of hands” to “how votes are cast” and content has been added to better facilitate remote attendance.	Consistency with remote meeting provisions.
73	<b>Confirmation of minutes</b> Procedure for confirmation of minutes has been amended to incorporate a detailed procedure which could be used in the event that there was opposition to the minutes.	Addresses a current gap in the Governance Rules.
76.1.4	<b>Form and availability of minutes</b> The procedure for recording declarations of conflict of interest made in a Council meeting has been amended to require the minutes to include the explanation given by the Councillor, and whether the interest was said to be a general or material conflict of interest.	Better reflects the provisions in 2020 Act.
82.1	<b>The Chair’s duties and discretions</b> Sub-rule 82.1 has been added to specify that the Chair must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community. The following sub-Rules have been renumbered.	Addresses a current gap in the Governance Rules.
84	<b>Mode of attendance</b> New provisions for attendance via electronic means, and related matters, have been inserted as Rule 84.	Achieves compliance with new requirements which were introduced by the Regulatory Legislation Amendment (Reform) Act 2022.
85	<b>Meetings conducted remotely</b> The wording of this Rule (formerly Rule 84) has been amended to align with the updated legislation and the above provisions.	Aligns with new requirements introduced by the Regulatory Legislation Amendment (Reform) Act 2022.
86	<b>Criticism of members of Council staff</b> New provision to enable CEO (at the discretion of the Chair) to make a brief statement to respond to any statement made by a Councillor at the Council meeting criticising the CEO or any member of Council staff.	Addresses a current gap in the Governance Rules. Provides for a CEO to speak up if there is unfounded criticism, which addresses the risk that their silence might be assumed to equal acquiescence.
	Chapter 6 – Disclosure of Conflicts of interest Introduction removed – unnecessary following repeal of relevant provisions in LGA1989. Subsequent paragraphs have been renumbered.	The introduction is redundant following the repeal of relevant provisions in the LGA1989.



## Executive Summary

### 12.3 Community Satisfaction Survey 2022

Enquiries: (Clare Warren: Corporate and Commercial Services)

#### Council Plan

- |          |  |
|----------|--|
| Level 1: | 6. Progressive and Engaged City  |
| Level 2: | 6.1 Ensure sustainable financial management and the strategic allocation of resources to deliver planned infrastructure and services |

#### Purpose

To present Council with the 2022 Local Government Community Satisfaction Survey results.

#### Recommendation (Director Corporate and Commercial Services)

That Council:

1. Notes the Local Government Community Satisfaction Survey results for 2022 highlights Frankston City Council lead metro councils with an overall community satisfaction rate of 7.1, compared with a metro average of 6.6;
2. Notes the significant improvement of community satisfaction increasing by 6 per cent this year, on top of record levels of growth last year;
3. Notes that waste services are the leading areas of community satisfaction demonstrating confidence leading into the development of Council's waste circularity plan; and
4. Releases the results to the community, via various social media channels, on the Council's website, in e-news, in the next available issue of the Frankston City News (FCN) and through media releases.

#### Key Points / Issues

- The Local Government Community Satisfaction Survey (Survey) results for Frankston City Council have been received for 2022. The Survey provides comparisons to the previous year, metropolitan and state-wide results of similar councils.
- The Survey was conducted from May to July 2022 as a face-to-face doorstep interview. In 2021 interviews were conducted by telephone due to COVID-19. This is the second year the research has been undertaken by independent research company Metropolis Research Pty Ltd. A sample size of 803 residents were drawn proportionally across all the suburbs within the municipality.
- *Metropolis Research* noted that, at **7.11 satisfaction overall**, Frankston gained the highest score recorded by their company this year, ahead of Monash City Council (7.07) and Bayside City Council (6.99). This is Council's best result over the past ten years and increased by **6 per cent** compared to last year.
- Comparatively the metro average was **6.6** and the average for South East region councils was **6.7**.
- It is a very well researched saying that 'Happier employees make happier Customers' and at Frankston we are witnessing how these two themes are intertwined. Like every other organisation, we undertake employee engagement survey to better understand and improve our employee's experience with us an

**12.3 Community Satisfaction Survey 2022****Executive Summary**

employer. In last 3 to 5 years, Council has made a concerted effort on our two pronged approach to enhancing Customer and Employee experience through our 'Future Ready Frankston' program. Council is witnessing what is happening in the inside of the organisation is being felt at the outside of the organisation as reflected in our annual community satisfaction survey results.

- Overall satisfaction with the Frankston City Council is in the “very good” range and strong improvements in community satisfaction were seen in core areas of performance:
  - Council’s overall performance **7.1** (increase 6 per cent)
  - Conditions of sealed local roads **7.3** (increase 4 per cent)
  - Community decisions **7.1** (increase 12 per cent)
  - Lobbying and advocacy **7.1** (increase 16 per cent)
  - Consultation and engagement **6.9** (increase 10 per cent)
  - Customer service **7.1** (decrease 4 per cent)
- The survey sought feedback on satisfaction with and the importance of 31 specific Council services and facilities. Average **satisfaction with Council services and facilities was 7.71, 0.29 above the metro average**, suggesting service delivery is being well received by the community. The report concludes that satisfaction with services and facilities in Frankston is considered to be at a “very good” level. The top and bottom 5 services and facilities compared to the metro average can be seen below.

**Services and facilities with the highest community satisfaction:**

Weekly garbage collection	<b>Frankston City 8.65</b>   Metro 8.41
Fortnightly recycling collection	<b>Frankston City 8.63</b>   Metro 8.35
Food and garden waste collection	<b>Frankston City 8.53</b>   Metro 8.16
Hard rubbish collection	<b>Frankston City 8.35</b>   Metro 7.99
Services for children	<b>Frankston City 8.21</b>   Metro 8.14

**Services and facilities with the lowest community satisfaction:**

Council support for local business (up 10%)	<b>Frankston City 7.25</b>   Metro n/a
Frankston City News (newsletter) (up 5%)	<b>Frankston City 7.09</b>   Metro 6.70
Parking enforcement (up 4%)	<b>Frankston City 6.90</b>   Metro 6.54
Planning applications	<b>Frankston City 6.57</b>   Metro n/a
Public toilets	<b>Frankston City 6.56</b>   Metro 6.33

It is worth noting that the bottom five services and facilities still obtained good scores which were all higher than the metro average.

Council is committed to address the areas where the community expressed concern and refer consideration to the 2023-2024 planning cycle through Service Planning, and informing the 2023-2027 Budget process.

**Financial Impact**

There are no financial implications associated with this report.

**12.3 Community Satisfaction Survey 2022****Executive Summary****Consultation****External Stakeholders**

Metropolis Research conducted the 2022 Survey which was coordinated in line with Local Government Planning and Reporting regulations.

**Analysis (Environmental / Economic / Social Implications)**

There are no known environmental, economic or social implications for the 2022 Survey results.

**Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

There are three mandatory satisfaction measures required to be reported for compliance with the Local Government Planning and Reporting regulations.

Policy Impacts

There are no known policy impacts to the report.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

**Risk Mitigation**

The survey relies on a sample size of 803 respondents, which is considered statistically significant. This matches the demographic profile of Frankston City Council according to the most recent Australian Bureau of Statistics population estimates.

The survey was conducted by face-to-face, door-stop interviews conducted at weekends for 795 surveys, with 8 surveys conducted by telephone for isolated properties (OH&S issues).

**Conclusion**

Council thanks those community members who gave of their time to participate in the 2022 Community Satisfaction Survey. Such feedback provides direction and focus on what matters to our residents and inspires us to build an even higher functioning organisation that is community focused.

The full results of this survey have been made public (in this meeting's agenda) and will be communicated to residents via the Frankston City News, a media release and Council's website. Frankston does make its full report publicly available every year in the interests of transparency and good governance.

---

**ATTACHMENTS**

Attachment A:  Community Satisfaction Survey 2022 (*Under Separate Cover*)

**Executive Summary****12.4 Emergency Management Obligations - Council/stakeholder and community expectations**

*Enquiries: (Tammy Beauchamp: Communities)*

Council Plan

Level 1: 1. Healthy and Safe Communities

Level 2: 1.2 Maintain systems and capacity to manage and respond to emergency events

**Purpose**

To provide Councillors with an overview of Council's emergency management responsibilities including any limitations and/or boundaries of Council and external service providers in regards to emergency events and how they affect the community.

**Recommendation (Director Communities)**

That Council:

1. Notes its legislative responsibilities and operational requirements during and following an emergency;
2. Notes the legislative responsibilities and operational requirements of emergency service agencies during and following an emergency; and
3. Notes Council's community resilience building initiatives in collaboration with emergency service agencies.

**Key Points / Issues**

- This report has been prepared at the request of the Audit and Risk Committee, who at the meeting on 20 May 2022, resolved to require officers to "*Explore the boundaries of Council and external service providers in regards to disaster and how they affect the community and report back to next Audit & Risk Committee*". This report will be listed and discussed at the October 2022 Audit and Risk Committee meeting.
- An emergency is a sudden event, which endangers or threatens to endanger the safety or health of any person, destroys or threatens to destroy or damage property or the environment. The emergency management structure is scalable and can be tailored from a single incident through to a large, complex event.
- Emergency situations can be confined to a local area (e.g. fire), cross border events (e.g. storms) or in some instances be state-wide, national or global events (e.g. COVID-19 pandemic).
- Council has legislative obligations within the Emergency Management Act, Country Fire Authority Act, Fire Rescue Victoria Act and the State Emergency Management Plan. The Emergency Management Act requires Council to appoint one or more Municipal Emergency Management Officer(s) (MEMO) and one or more Municipal Recovery Manager(s) (MRM).
- There are three phases of emergencies, and Council has a range of legal responsibilities during each phase, as well expectations from the community.
- This report explores each phase of an emergency, Council's legal responsibilities and any boundaries, challenges and limitations that have been observed in the current climate.

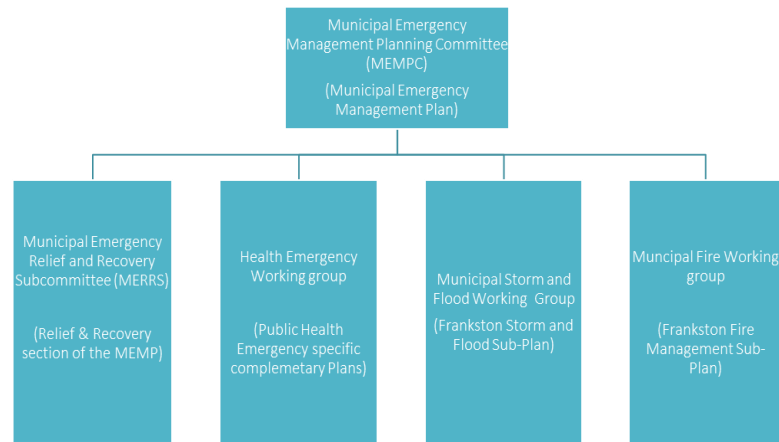
**12.4 Emergency Management Obligations - Council/stakeholder and community expectations****Executive Summary**

- A review of Council's Emergency Management resourcing structure was undertaken by officers in February 2022 which resulted in the addition of a permanent full time role, Coordinator Emergency Management.
- In response to the two severe weather events that occurred in 2021, additional small plant equipment items were purchased to assist the Operations Team to respond to such events. Council's Emergency Trailer was also upgraded to provide additional support to the Emergency Management Team and residents during emergency events, including the addition of power outlets, a water tank and a fridge.

**Phase 1 Preparedness – before an emergency****Overview:**

- Each municipal district is required by legislation to have a Municipal Emergency Management Plan (MEMP). This must be consistent with the applicable Regional Emergency Management Plan (REMP) and the State Emergency Management Plan (SEMP).
- Municipal plans provide information tailored to the Municipality's context and local risks. The Municipal Emergency Management Planning Committee (MEMPC) identifies, reviews and implements mitigation strategies for local risk via the *Community Emergency Risk Assessment* (CERA) process facilitated by VicSES.
- The Frankston City MEMP (an output of the MEMPC) was reviewed in March 2022, and subsequently passed the regional assurance process and was published on Council's website.
- The MEMPC is comprised of government and non-government agencies and individuals and is the peak planning body for emergency management within the municipal district. The committee's role is to develop policies, procedures, strategies and frameworks to support communities. The membership is legislated. Council has the legislated responsibility of Chairperson, and motivates and monitors the committee's actions.
- A Subcommittee and working groups sit beneath the MEMPC. These groups address hazard specific risks such as flood, storm, and fire and are also responsible for the planning of relief and recovery activities in response to an emergency. For example, the Relief and Recovery Subcommittee includes community organisations, internal Council officers and external agency partners. The group specifically addresses emerging issues, allows for collaboration, networking and sharing of lessons learnt.
- The MEMPC includes a new, standard agenda item relating to community resilience building activities, where agencies share their local initiatives and relate how they are engaging with the community to inform and educate. Multi-agency collaborations allow for a smarter all-hazards approach to community engagement activities. Local Councils play a key role in driving an integrated engagement approach.

Figure 1 illustrates the Municipal emergency management planning structure and key output documents. Council Officers facilitate and are represented at meetings for all groups.

**12.4 Emergency Management Obligations - Council/stakeholder and community expectations****Executive Summary****Boundaries, limitations and/or challenges:**

- As the global COVID-19 pandemic evolved, the lines blurred between the emergency management and social services sector responsibilities and arrangements for food and material aid to the community. Whilst emergency management has a remit to coordinate relief and recovery during and post events, this “non-traditional” emergency placed Council in a position of responsibility to provide this to the community 7 days a week, 12 hours a day until 30 June 2022.
- Frankston City’s relief model during this period was considered gold standard by Local Government Victoria due to the partnership with Community Support Frankston, despite the partnership being outside standard emergency arrangements. Over 125 families in mandatory isolation were directly supported during this program utilising State government funding.
- It has become apparent during COVID-19 that a strategic focus and engagement plan for building community resilience to and preparedness for emergency situations is required. As we move forward living with COVID-19, a strategic focus has been placed on our most vulnerable residents and their preparedness for emergencies. Council will be completing a community emergency readiness and resilience review in 2022/2023 and implementing the findings of this.
- During the 2022/2023 financial year, a collaboration with CFA and Red Cross titled the “Emergency Planning Advisory Service” (EPAS) will receive referrals to assist vulnerable residents with the creation of an emergency plan tailored to their specific circumstances. Existing stakeholder networks will be key in seeking and securing referrals. The Disability, Access and Inclusion Committee are optimistic it will address some gaps in this space.
- Emergency management arrangements in the MEMP will be tested (as per legislative requirements) through a multi-agency discussion exercise later in the 2022/2023 year. This exercise will focus on a thunderstorm asthma scenario where Peninsula Health and Ambulance Victoria resources are pushed beyond capacity in dealing with a large Council run, community event.
- The Municipal Emergency Management Enhancement Group (MEMEG) is a collaboration of ten Council areas and has identified an ongoing need for consistent training for staff across all LGAs. With stretched resources, working together to streamline process, advocate for change and provide collaborative support to each other in times of emergency is highly advantageous.



**12.4 Emergency Management Obligations - Council/stakeholder and community expectations****Executive Summary**

- Inter Council training for emergency management support staff in both “Gender and disaster” and “children and disaster” has been an efficient and cost effective exercise between LGAs.

Phase 2 Response and Relief – during an emergency

## Overview:

- In an emergency, the Municipal Emergency Response Coordinator (MERC), who is a Senior Sergeant within Victoria Police liaises with Council’s Municipal Emergency Management Officer (MEMO) and Council’s Municipal Recovery Manager (MRM) to determine the best course of action. This is known locally as the Emergency Management Coordination Group (EMCG). This group has overall responsibility for Council’s involvement in the emergency event. The MEMO liaises with agencies and assists in the coordination of emergency management activities on behalf of Council. The MRM coordinates, in consultation with agencies, the resources of the municipal council and the community for the purposes of recovery.
- If required, according to the EMCG, an Emergency Relief Centre (ERC) or other support will be established to meet the immediate needs of the community, who potentially do not have any contingency measures in place such as staying with a friend or family member, until the emergency has subsided.
- For example, during the October 2021 storm event, the MRM was notified by the VicSES Incident Controller on numerous occasions to meet the accommodation, immediate financial, material and other needs of residents displaced from their homes. In addition, residents who are listed on the Vulnerable Persons Register (a register administered by Council on behalf of DFFH) were contacted by phone to enquire as to their welfare at that time. Where they could not be contacted by phone, Victoria Police attended their house in person to enquire and ensure that they were safe.
- “Shower and power” hubs were established for residents who sought support due to prolonged power outages. Up to date advice was provided, along with referrals for financial aid if appropriate and information on accessing other support. Residents calling Council directly were put through to the MRM and assisted similarly.
- Both the MRM and the MEMO where required, attend Incident and Regional Control meetings to provide status updates for the municipality and to advocate for agency assistance in providing impact assessment data and action in areas of significant stress. This Initial Impact Assessment (IIA) data is used to inform the Secondary Impact Assessments (SIA). These meetings also provide a platform to receive Control Agency communications which can then be disseminated through Council’s channels, aligning with agency advice to the community and ensuring a consistent message.
- For single incident events like house fires for example, the MERC contacts the MRM directly in cases where residents have been displaced and require assistance. The MRM liaises immediately with the persons affected and case manages the family’s immediate needs, such as finding them somewhere to sleep, a meal, access to medications, transport to accommodation and then places the relevant referrals to other service agencies the next business day. Psychological first aid can also be arranged to support residents in their time

**12.4 Emergency Management Obligations - Council/stakeholder and community expectations****Executive Summary**

of crisis. Emergency events are managed on Council's IT platform, Crisisworks.

Boundaries, limitations and/or challenges:

- The emergency management function of Council is not widely understood by the community. For example, the telecommunication and energy providers receive intelligence and escalation advice from Council during sustained power outage events, however Council is not responsible for restoring telecommunications or energy to local homes. The community's concerns and wellbeing during an event are communicated, however it is up to the utility agencies to facilitate a change in the situation. This can be frustrating for the community who can mistakenly assume that Council can control the outcome of a situation.
- Identifying and engaging vulnerable residents during times of crisis to provide support where it is most needed can be challenging. Focus is required to promote preparedness. The implementation of the [Emergency Preparedness Advisory Service](#) (EPAS) in collaboration with CFA and Red Cross will be an important step forward to connect and expand the reach to those historically who do not ask for assistance.

**Phase 3 Recovery – after an emergency**

Overview:

- Relief and Recovery technically are considered and begin during the response phase. During emergencies and moving in to recovery following an emergency, Council coordinates the relief and recovery needs of the community including the establishment of Emergency Relief Centres/drop in locations and conducting Post Emergency Needs Assessment (PENA) on areas of significant impact. Needs may range from information, financial assistance and material aid referrals through to assistance to relocate families, individuals and companion animals to safe accommodation.
- Depending on the needs of the community that are identified through engagement post emergency, a Community Recovery Committee may be established by Council to inform the direction of recovery planning. The MRM is responsible for advocating internally on how best to move forward toward a new normal for those residents/businesses affected.
- Depending on the need, other government organisations such as community service organisations may support and deliver recovery services in addition to or alongside the Recovery lead agencies. All recovery services must be managed under the recovery coordination arrangements. For State and Regional events, this is Bushfire Recovery Victoria (BRV) (soon to be known as Emergency Recovery Victoria) and for municipal level recovery events, Council is responsible. The nature and extent of work by Council to deliver activities will depend on their capability, capacity and the particular circumstances of an event. Council will utilise a variety of approaches and local arrangements to best deliver these responsibilities and to meet unique municipal needs.
- Council is a Recovery Support Agency (RecSA) to the Department of Jobs, Precincts and Regions (DJPR). Where directed and funded accordingly, Council may assist DJPR to:



**12.4 Emergency Management Obligations - Council/stakeholder and community expectations****Executive Summary**

- Implement approved actions and projects to assist economic recovery to encourage and bring forward the resumption of local trade and economic activity;
  - Monitor broad economic impacts and consequences;
  - Assist businesses to access available information and advice following an emergency;
  - Provide information and advice to small businesses to support decision making and encourage return to business;
  - Implement funded activities to support business recovery
  - Provide opportunities for the enhancement of knowledge and skills within small businesses;
  - Implement marketing/public relations and industry product development activities to assist affected tourism regions and businesses; and
  - Deliver recovery programs and advice to primary producers, and rural land managers and other animal businesses.
- Council is also a RecSA to:
  - BRV to coordinate approved state-led or supported clean-up of residential properties.
  - Victorian Building Authority to provide building advice and information to residents; and
  - DELWP to provide policy and regulatory settings, issues resolution and support for land use planning, building and heritage to facilitate rebuilding for housing, local businesses, and public buildings and services.
- Council are further responsible in assisting respective asset owners or managing agencies to undertake the assessment, restoration, clearing and rehabilitation of public buildings and assets (e.g. roads, bridges, sporting facilities, public amenities, station buildings, schools, hospitals) where an agency is the owner or manager of that respective building or asset.
- If an emergency is deemed significant by the Commonwealth there is an opportunity to put forward a claim for reimbursement of monies spent by Council in response to the emergency event. The Disaster Recovery Funding Arrangement (DRFA) has very strict criteria and requires a substantial amount of evidence to be provided in order for this claim to be assessed. This was the case with the two storm events in 2021 and a significant amount of resources were used to receive funding which was able to offset Council's costs in the clean-up of this event.

## 12.4 Emergency Management Obligations - Council/stakeholder and community expectations

### Executive Summary

FIGURE 1: RECOVERY MANAGEMENT STRUCTURE



Boundaries, limitations and/or challenges:

- Both the June and October 2021 storm events presented a significant logistical challenge for Council that was escalated both internally and externally through to State via all available channels. Due to the widespread nature of the event, the disaster footprint was difficult to determine and Initial Impact Assessment (IIA) data was not provided by the Control Agency (CA). Without this data to analyse, Council had very little information to inform the Secondary Impact Assessment (SIA). Officers relied only on the information provided directly to Council from residents, such as those Council assisted with information, referrals, accommodation and other relief and recovery services to form a picture of the impact to the municipality. This was inadequate and the State level impact assessment procedures and guidelines for agencies has since changed, primarily to address this issue in future.
- In instances where an event is deemed significant by the State or Commonwealth and Council is identified as an affected municipality, Council's expenditure on the event can potentially be reimbursed through the DRFA program. Outside of this, no funding is available to assist. The claim process is arduous and often the time spent by staff in completing the paperwork and evidence gathering outweighs the reimbursable amount.
- Dedicated grants for recovery, advertised for businesses and individuals to apply following events may be available at times. Council's COVID-19 recovery package in the 2021/22 budget provided funds for specific projects initiated by the community to aid in recovery.

For more information on Recovery arrangements at all government levels please see [State Emergency Management Plan - Recovery Roles and Responsibilities](#) and specifically for Frankston City at [Frankston City Municipal Emergency Management Plan](#) attached

The MAV's publications entitled *The Role of Local Government in Emergency Management* and *Mayor and Councillor Guide to Emergency Management* are relevant to this discussion and provide a greater depth of information. These are attached.

**12.4 Emergency Management Obligations - Council/stakeholder and community expectations****Executive Summary****Financial Impact**

There are financial costs, however, these costs can be accommodated within existing budgets.

**Consultation****1. External Stakeholders**

The Municipal Emergency Management Planning Committee (MEMPC) members are supportive of a standard meeting agenda item to discuss individual agency actions around community resilience to look for collaboration opportunities, share learnings and to be accountable to the group and the community as a whole.

Feedback and advice from both the MEMPC and the Disability, Access and Inclusion Committee (DAIC) with regards to the Emergency Planning Advice Service (EPAS) collaboration with CFA and Red Cross was overwhelmingly positive. Frankston City is likely to be the first LGA to implement the program outside of the trial.

**2. Other Stakeholders**

Diversity and Inclusion Project Manager - Karen McMahon was consulted on the implementation of the EPAS initiative for Council. On advice, the Coordinator Emergency Management gave a presentation to the Disability, Access and Inclusion Committee (DAIC) to seek their advice and feedback. Feedback was also received with regards to the MEMP and its consideration of people with a disability and will be considered for the next iteration.

**Analysis (Environmental / Economic / Social Implications)**

In Victoria, all climate change modelling indicates that as Victoria becomes drier and warmer, weather-related hazards are likely to occur more often and potentially be more severe. Risks include more days of extreme heat, harsher fire weather, less rainfall overall, however more intense downpours and rising sea levels.

Examples of such hazards include heatwaves, bushfires, severe winds, storms, floods, maximum temperature thresholds and concurrent and/or compounding events.

With the increased risk and frequency of emergency events occurring, combined with the fact that emergencies are fast paced and dynamic it is important that Council maintains its capability of trained and skilled staff and maintains a focus on local "all hazard" resilience building activities.

The COVID-19 pandemic, still technically an emergency event, has created significant mental health/social implications for our community. The building of organisational, family and personal resilience is imperative for sustainable wellbeing in all areas of life. Stressors and shocks can happen at any time, but a well prepared community will withstand these events and recover accordingly.

**Legal / Policy / Council Plan Impact****Charter of Human Rights and Responsibilities**

All matters relevant to the Charter of Human Rights and Responsibilities have been considered in the preparation of this report and are consistent with the standards set by the Charter.

**12.4 Emergency Management Obligations - Council/stakeholder and community expectations****Executive Summary**Legal

Key emergency management responsibilities of Councils stem primarily from the Emergency Management Act 1986, the Emergency Management Act 2013 and the State Emergency Management Plan (SEMP) of which the Roles and Responsibilities section is attached.

Policy Impacts

Each municipal district or alpine resort management board is required to have a Municipal Emergency Management Plan (MEMP) that is consistent with the relevant regional emergency management plan (REMP) and the State Emergency Management Plan (SEMP). Municipal plans should not replicate the regional plan. Rather, they should provide specific information tailored to the municipality's context and risk. The Frankston City Municipal Emergency Management Plan was most recently reviewed and endorsed in March 2022.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

**Risk Mitigation**

- There may be punitive consequences of Council failing to meet its obligations in accordance with emergency management legislation and the SEM. This risk is mitigated through Council officers who are aware of requirements and internal reporting.
- Loss of public trust and confidence in Council may occur during emergency events where community expectations are not met due to lack of awareness, heightened emotional states and lower personal resilience. This risk can be mitigated through communications to the community and community resilience/recovery led activities.
- Limitations on emergency management staff capacity will occur during emergency events especially where concurrent responsibilities exist i.e. pandemic food relief and storm event management. This risk has been mitigated by a new permanent position being added to Council's Emergency Management Team in the 2022/23 budget.

**Conclusion**

Council plays a critical role in emergency management. Council is the tier of government closest to the community and have an intricate understanding of local needs. Using these strong community connections, and the MEMPC collaboration, Council can identify the many opportunities available to enhance resilience, and relief and recovery outcomes, through a community-first lens.

Council works alongside many external stakeholders in times of emergency and the management of an emergency event is a collaborative partnership across many organisations and agencies. Having agreed arrangements in place in the form of plans and a shared responsibility across agencies is integral to successful outcomes for the community.

Frankston City Council is complying with all legal requirements of the Emergency Management Act and relevant Regional and State plans in addition to having excellent working relationships with emergency management stakeholders and agencies. Council is well prepared to respond to any emergency situation and has a key focus on building resilience and improving preparedness across the local community.

**12.4 Emergency Management Obligations - Council/stakeholder and community expectations****Executive Summary**

---

**ATTACHMENTS**

- Attachment A: [!\[\]\(9a53fe79a03d38d8322f7a2c5a875b36\_img.jpg\)](#) The Role of Local Government in Emergency Management
- Attachment B: [!\[\]\(01f19d40f03100aa8a158c4891453b0d\_img.jpg\)](#) Mayor and Councillor Guide - Emergency Management
- Attachment C: [!\[\]\(e08cd99387e13601e6c12f535030ab90\_img.jpg\)](#) State Emergency Management Plan - Recovery Roles and Responsibilities (*Under Separate Cover*)
- Attachment D: [!\[\]\(e3c5fe615c12e7c56b62fb195faeae4a\_img.jpg\)](#) Frankston Municipal Emergency Management Plan (*Under Separate Cover*)



## **The Role of Local Government in Emergency Management**

**Position Paper**

**June 2022**

© **Copyright Municipal Association of Victoria, 2022.**

*The Municipal Association of Victoria (MAV) is the owner of the copyright in this publication.*

*No part of this publication may be reproduced, stored or transmitted in any form or by any means without the prior permission in writing from the Municipal Association of Victoria.*

*All requests to reproduce, store or transmit material contained in the publication should be addressed to [inquiries@mav.asn.au](mailto:inquiries@mav.asn.au).*

*The MAV does not guarantee the accuracy of this document's contents if retrieved from sources other than its official websites or directly from a MAV employee.*

*The MAV can provide this publication in an alternative format upon request, including large print, Braille and audio.*





## Table of contents

<b>1</b>	<b>Introduction</b>	3
<b>2</b>	<b>Background</b>	3
2.1	Role of councils and the MAV in Victoria	3
2.2	Current role of councils in emergency management	4
2.3	An evolving emergency management sector	4
2.4	An evolving role for councils	5
<b>3</b>	<b>Strategic Outcomes</b>	5
<b>4</b>	<b>Role Principles</b>	5
<b>5</b>	<b>Opportunities and Challenges for Councils</b>	6
5.1	High-Level Opportunities	6
5.2	High-Level Challenges	8
5.3	Operational Opportunities	10
5.4	Operational Challenges	11
<b>6</b>	<b>Roles and Responsibilities</b>	12
6.1	Core roles and responsibilities	12
6.2	Limited supporting roles and responsibilities	13
6.3	Unaligned roles and responsibilities	13
<b>7</b>	<b>Summary and Next Steps</b>	14



## 1 Introduction

Victorian councils play a critical role in emergency management. They are the tier of government closest to community and have an intricate understanding of local needs. Using these strong community connections, they can identify many of the opportunities available to enhance resilience, and relief and recovery outcomes, through a community-first lens.

The position paper articulates Victorian councils' position on emergency management. It explores the changing role and nature of emergency management services delivered by councils over time, including the factors that have influenced those changes. It also explores the high-level and operational opportunities and challenges for councils now and into the future.

Three strategic outcomes, and ten key principles are identified to guide future decision-making about the role of councils. Also identified are a number of core roles and responsibilities expected to continue, those which the sector believes should be limited and others which are out of scope for Victorian councils to deliver moving forward.

While this position paper aims to broadly reflect the views of councils in Victoria, it does not purport to reflect the exact views of individual councils.

## 2 Background

### 2.1 Role of councils and the MAV in Victoria

The Municipal Association of Victoria (MAV) is a membership association and the legislated peak body for Victoria's 79 councils. The MAV was formed in 1879, with the *Municipal Association Act 1907* officially recognising us as the voice of local government in Victoria.

In Victoria, local government is made up of 79 councils representing more than six million people. Councils are area-based, representative governments with a legislative and electoral mandate to manage local issues and plan for the community's needs.

Councils enable the economic, social and cultural development of the municipal area it represents, supports individuals and groups, and provides a wide range of services for the wellbeing of the local community. Each municipality is different – its community may be young or old, established or still developing, rural or urban, and its population may vary from fewer than 3,000 people to more than 340,000.

Councils implement policies, regulations and programs set by other levels of government. Councils also have to respond to local community needs. Each council has powers to set their own regulations and local laws and provide various services. They also advocate to state and federal governments on behalf of their communities.

Councils collect rates from residents and businesses in their municipality to help fund the delivery of community infrastructure worth over \$110 billion, as well as more than 100 local services. Nationally, local government collects only 3.6 cents of every tax dollar raised, so councils rely on funding from other levels of government to fund important infrastructure and services for their communities.



## 2.2 Current role of councils in emergency management

Victorian councils have a legislative requirement to plan, with other relevant agencies, for community needs and fulfill a broad range of other emergency management responsibilities. A significant focus is on land use planning, hazard mitigation on council owned or managed land, fire prevention on private land, emergency planning, response support, and local relief and recovery coordination.

Under Victorian emergency management legislation, councils establish a Municipal Emergency Management Planning Committee (MEMPC) which has the function of planning for all emergencies. While councils convene and chair the committees, planning is a shared responsibility of the MEMPC. While no longer a legislative requirement, in municipalities with specific risks, hazard-specific subcommittees may be established to focus on planning for specific emergencies such as fire or flood.

The MEMPC is the peak planning body for emergency management within the municipal district. It is the forum for government and non-government agencies to develop policies, procedures, strategies and frameworks to support communities.

Councils also perform specific functions for identified emergency hazards. They play a role in designating and recording neighbourhood safer places-bushfire places of last resort (NSP-BPLR). Land use planning decisions are also made to mitigate against fire and flood, alongside implementation of other measures such as levees.

Councils are required to appoint Municipal Fire Prevention Officers who conduct inspections on private property and serve fire prevention notices. Councils may issue permits to burn and play a role in fire prevention on council land.

During and following emergencies, councils coordinate the relief and recovery needs of communities, including establishing Emergency Relief Centres and conducting secondary impact assessments. Legislation also requires appointments to the roles of Municipal Recovery Manager and Municipal Emergency Management Officer.

In support of councils, the MAV represents the sector as their voice on the State Crisis and Resilience Council (SCRC) and numerous other state committees and working groups. The MAV also insures the sector and support joint procurement.

## 2.3 An evolving emergency management sector

Victoria's emergency management sector has undergone significant reform since the 2009 Black Saturday fires, following a Royal Commission. Shortly after, Victoria experienced widespread flooding in 2010-11, triggering the Victorian Floods Review. Heatwaves and the 2014 Hazelwood Mine Fire led to further reviews and reforms.

More recently, the Inspector-General for Emergency Management (IGEM) reviewed the sector in the context of ten years of reform, and conducted an Inquiry into the 2019-20 Fire Season. A Commonwealth Royal Commission into National Natural Disaster Arrangements in response to the 2019-20 fires also occurred.

These reviews, inquiries and Royal Commissions have dramatically altered the entire emergency management sector, including through the creation of new organisations, entities and roles. The recent pandemic and other ongoing reforms have further shifted expectations and impacted resourcing across the sector.



## 2.4 An evolving role for councils

Roles and responsibilities of councils have continued to evolve throughout the reform journey. Victorian Government expectations, changing legislation and revised emergency planning arrangements have created significant complexity and resourcing constraints. This has increased the risk of councils being unable to comply with the broad range of requirements, ultimately risking community outcomes.

There is a lack of clarity about the role of councils across the emergency management sector. Despite some work by the Victorian Government to deal with this issue through the Councils and Emergencies Project, little has improved. Capacity and capability gaps identified over the six-year project are still present, including significant gaps in resourcing, training and clarity on expectations.

Twelve years on from Black Saturday and the ensuing Royal Commission, ongoing and significant reform of the broader emergency management sector continues, with no signs of any easing. While the Victorian Government invests in improvements to state arrangements, councils have been left behind. They remain continually stretched as they seek to respond to the growing number of major emergencies.

The MAV's assessment is that there is a need for a fundamental, strategic review of councils' role. This position paper articulates the sector's position and rationale for a revised approach. This must reflect the importance of local, council-led recovery coordination as a crucial strength and one which must be the central feature of any revised approach. The Victorian Government must then commit to the defined role.

## 3 Strategic Outcomes

Victorian councils have identified the following strategic outcomes as critical to informing ongoing discussions about the role of councils in emergency management.

- 1) Legislation, policy, frameworks, other doctrine and funding effectively support communities before, during and after emergencies
- 2) Council connections with community are leveraged and supported as part of emergency management activities.
- 3) Councils are sufficiently resourced and trained to deliver and coordinate agreed emergency management responsibilities.

## 4 Role Principles

The following principles have been agreed to by the sector to guide decision-making on the roles and responsibilities of councils in emergency management.

- 1) Council emergency management roles should draw on the sector's strengths and close connections to their communities.
- 2) Councils support a focus on community-based approaches, local decision making and resilience building as part of their role.
- 3) Council emergency management roles should focus on resilience-building, and relief and recovery coordination. It should not involve activities or responsibilities that are response-focused and better delivered through state-based agencies, departments or emergency services.



- 4) Council emergency management roles must not be expanded without close consultation with the sector. New or changed roles must be in alignment with funding, resourcing and existing responsibilities.
- 5) The Victorian Government must properly resource the capability and capacity of councils to which they have delegated responsibilities.
- 6) Emergency management arrangements should allow for councils to collaborate and share resources in a way that suits local needs.
- 7) Council emergency management roles need to be supported by system-wide and organisational structures that reflect responsibilities, and must have redundancy and escalation capabilities built in.
- 8) Council emergency management roles must not interfere with the delivery and continuity of essential council-led community services, such as waste, recycling, and maternal and child health services. Councils are not structured as emergency response agencies and the role should reflect this.
- 9) Council emergency management roles must be appropriate, achievable and risk-based, with absolute clarity about responsibilities.
- 10) The Victorian Government must ensure funding to councils flows immediately when increased service demand is triggered by an emergency. The important role of councils in local recovery needs to be recognised in funding models.

## 5 Opportunities and Challenges for Councils

Victorian councils have identified a range of strategic and operational opportunities and challenges that are, or have the potential to be, influencing the roles and responsibilities of councils in emergency management moving forward.

### 5.1 High-Level Opportunities

#### New and emerging technology

The quality and scale of data, information and next-generation systems available to emergency management agencies and councils continue to grow.

We must be at the forefront of implementing innovative new approaches that enable the transformation of data and information into actionable intelligence. There are significant opportunities for councils, and indeed the broader sector to leverage smarter technologies that minimise administrative burdens, and maximise process efficiencies, allowing for faster decision-making and better community outcomes.

Services traditionally provided in an Emergency Relief Centre (ERC) could be further shifted online. This would enable tailored, virtual services enabling more community members to access emergency funding, personal support and other assistance without needing to travel through potentially dangerous impacted areas. The use of crowd sourced intelligence, impact models and self-serve reporting could drastically improve Secondary Impact Assessments and ensure recovery planning commences more rapidly after a major event.

In some rural and regional communities, a physical ERC service delivery model may be more appropriate. Areas of limited digital connectivity also need to be factored into any new approach, as does the potential for telecommunications network failures during and following emergencies.





There are also significant opportunities for communities, councils, and the broader emergency management sector to better collaborate through data sharing. This would help to inform a more holistic view across the sector in resilience-building, response and relief and recovery phases, with machine learning enabling enhanced decision-making through more timely risk analysis and assessment. Councils must be supported to test, trial and leverage new and emerging technology.

#### Structural funding changes

A structural review of funding arrangements presents as a significant opportunity for the Victorian Government to properly support councils to deliver on the roles and responsibilities they have been delegated.

The current Municipal Emergency Resourcing Program (MERP) funding is grossly inadequate. Existing arrangements under the Natural Disaster Financial Assistance program (a Victorian component of the Federal Disaster Recovery Funding Arrangements) are inefficient and place significant administrative burdens on councils and communities impacted by emergencies.

Higher levels of ongoing funding, reflective of risk-assessments and community expectations, would dramatically enhance the service-delivery offering and ensure local community needs are met before, during and after emergencies. A new model should include sufficient base level funding for all metropolitan, regional and rural councils. Funding allocations should not be unnecessarily skewed by population density, political interests or other factors.

#### Revised emergency management planning arrangements

The recently enhanced emergency management planning arrangements in Victoria present an opportunity to leverage the specialist skills and hazard expertise of control agencies. With responsibility for municipal-level emergency planning now sitting with multi-agency Municipal Emergency Management Planning Committees (MEMPCs) – rather than councils – local circumstances, needs and risks can be better addressed.

Control agencies and their subject matter experts should lead development of hazard-specific preparedness and plans. Open sharing of Victorian Government hazard and risk intelligence and knowledge with MEMPCs would also assist. While councils have a critical role to play in informing agencies about local needs, it is no longer appropriate for councils to be leading hazard-specific planning.

The risks and consequences of emergencies vary significantly across each municipality. It is vital to maintain a locally led risk assessment and mitigation approach. A tool commonly used by MEMPCs to identify risks is the Community Emergency Risk Assessment (CERA) platform. The approach supports multi-agency risk discussions and is the foundation on which many MEMPs are built. The Victorian Government should continue to invest in and improve this approach alongside other tools such as the Victorian Fire Risk Register (VFRR). It may also be appropriate to consider consolidating the various risk tools to ensure a streamlined approach.

#### Changing community expectations

Increasingly, the importance of 'person-centric' policy making and partnering with communities as part of government decision-making and service delivery are being



acknowledged as critical. Individuals and communities expect their interaction with governments at all tiers to reflect their specific needs. While technology has enabled much more personalised approaches and the tailoring of information and services in emergencies, there is still significant room for improvement.

Councils are well positioned with strong community networks and local expertise to inform and strengthen resilience, relief and recovery outcomes. The Victorian and Australian Governments should support and utilise these connections and the expertise of councils by resourcing and empowering them to deliver local initiatives that meet community needs and expectations.

Under the *Gender Equality Act 2020*, councils now have an obligation to conduct a gender impact assessment of policies, programs and services that are new or under review and have a direct and significant impact on the public. This presents an opportunity for local government and the broader emergency management sector to ensure an inclusive and effective emergency management approach that caters to the needs of all community members.

Comprehensive engagement and co-design will continue to be critical in planning for and delivering a range of innovative resilience building approaches. A one size fits all approach will no longer suffice, with new initiatives needing to capture the nuances of all communities, and indeed all emergencies. Shifting community expectations present a real opportunity for councils to lead improved disaster outcomes.

#### Increased private sector and not for profit support

Globally, more effective resilience-building, and improved relief and recovery outcomes are tied to greater support from the private sector. Councils, with strong local connections to business and industry are well placed to drive further engagement and integration in this space. In the United States, for example, companies like Walmart partner with local government and key agencies to support relief and provide access to essential goods like food and medicine. East Gippsland Shire worked closely with GIVIT after the Black Summer bushfires to better match donations with community needs.

With the increasing shift in the business community towards initiatives that enhance corporate social responsibility, councils can take the opportunity to decentralise aspects of relief coordination to the private sector and not for profits.

## **5.2 High-Level Challenges**

### Financial constraints

The ability of councils to support their communities before, during and after emergencies is under considerable financial strain. Despite ongoing calls for substantial and sustainable funding from the Victorian Government to deliver on council emergency management responsibilities, funding remains stagnant.

Collecting only 3 per cent of every tax dollar raised, councils deliver critical services with an incredibly limited budget. The increasing complexity, frequency and intensity of emergency events is leading to even greater financial impacts on councils and communities. This is particularly pertinent in the context of rate-capping.





Baseline emergency management funding for rural and regional councils is stagnant, or effectively reduces over time considering inflation, further impacting the ability of councils to deliver core services and ultimately posing a risk to community safety. There is no recurrent emergency management funding for metropolitan councils.

Without addressing these major flaws, councils will be forced to prioritise services, and discontinue those which are unsustainable to deliver. This presents an unacceptable risk – but it is avoidable – subject to proper support from the Victorian Government.

#### Climate change

The MAV recognises that we are in a state of climate emergency that requires urgent action by all levels of government. Our changing climate will further challenge an already stretched sector, with a likely increase in resources needed to prepare for, respond to and recover from emergencies.

An increased focus on local, community-led resilience building and mitigation is required. Some communities are facing increased threats from natural hazards, such as coastal erosion, bushfire and flooding. Lower resilience in some population groups will overlay with the rising natural hazard threat and lead to larger scale impacts.

Councils are well placed to lead and engage communities in all-hazard emergency preparedness, including through land use planning – assuming the Victorian Government commits to investing in and empowering councils to do so.

More robust preparedness activities will be far more effective in dealing with the changing climate and associated increase in emergency events. Continued growth in response investment at the expense of resilience building is no longer sustainable.

#### Diminishing Victorian Government support

The current operating environment of the Victorian emergency management sector is complex. There is ongoing significant change. The sector remains continually stretched as it seeks to respond to a growing number of major emergencies. Capacity and capability gaps were further highlighted during the COVID pandemic. At the same time, broader Victorian Government support to councils is waning despite ongoing calls for sustainable funding to deliver on council responsibilities.

Additionally, the Victorian Government has continued to roll out disparate emergency management reforms across separate departments and agencies. In this environment, there is a significant risk that council roles and responsibilities will be reshaped in a piecemeal approach without strategic consideration. The role of councils into the future must reflect the importance of local, council-led recovery coordination as a crucial strength and must be central to any revised approach.

The recent Councils and Emergencies project intended to confirm and clarify the role of councils in emergency management. It promised to improve capacity and capability gaps identified across key areas including training, relief, recovery and resourcing. Disappointingly, the gaps identified are still present today.



### Changing demographics

The COVID pandemic has brought unprecedented population growth to some regional areas. In the coming years, Melbourne's population is also predicted to increase with a return to pre-pandemic migration levels and a strong economic rebound. These pressures will continue to build on the emergency management sector, especially councils. They will challenge how we deliver services.

The interface between the traditional built and natural environments in towns and cities may continue to expand and could lead to higher numbers of residents placed at-risk if inappropriate development occurs in high bushfire or flood risk areas – particularly on the urban fringe. The Victorian Government must empower councils with powers to make smarter, locally led planning decisions to deal with these risks. Additionally, some smaller rural communities will face further population decline, limiting the capacity of local communities to face the challenges of climate change, withering economic growth and an ageing population.

## **5.3 Operational Opportunities**

### Leveraging community connections

Councils are closely connected to their communities. With strong networks into local business and industry, health, education, sporting and community groups, councils have an intricate understanding of day to day need and challenges. Councils can drive an approach that supports and strengthens local institutions after emergencies, rather than replacing them with temporary services.

Councils see a significant opportunity to enhance emergency outcomes through community-based approaches, local decision making and resilience building. This approach should take precedence ahead of increasing investment in response. Investment in local capacity and capability is critical.

### Cross-border collaboration and resource sharing

Assuming baseline capacity is enhanced, Victorian councils see an opportunity to further encourage sharing of resourcing, and collaboration in project delivery across council and even state borders. While localised nuances will be important to recognise and respond to, cross-border collaborations will drive increased efficiencies and ensure lessons can be more easily shared. Practitioner-driven collaboration groups, such as Municipal Emergency Management Enhancement Groups (MEMEGs) can help to achieve this.

### Multi-agency collaboration

Victorian councils are keen to continue to work more closely with state-based agencies in delivery of resilience-building, relief and recovery activities. There are opportunities to better integrate impact assessment activities to minimise the burden on local communities when responding to government requests for information.

Multi-agency collaborations allow for a smarter, all-hazards approach to community engagement activities. Councils can play a key role in driving an engagement approach that is integrated and avoids the mistakes of the past where siloed agencies each delivered their own campaigns, overburdening communities.



#### Shift to resilience-focused activities

Increasingly, the sector is understanding the return on investment in resilience-building and mitigation activities is far greater than continued investment in response.

The challenges associated with emergency events experienced over last two years further highlight the importance of resilience building activities, particularly those which are hazard agnostic. We cannot always predict the nature, type and intensity of emergencies. Well prepared and resilient communities are critical.

Victorian councils already play an important role in planning for and supporting the needs of local communities. With adequate support from the Victorian Government, councils are ready to respond to local risks, deliver more significant resilience-building initiatives and ensure all communities are well positioned to face the challenges of an increase in the intensity and frequency of emergencies. Community-centered engagement and education will be critical as part of this approach.

#### Consistency in systems and processes

With a plethora of disparate systems and processes across emergency management agencies and departments, there is an opportunity for much greater consistency. For councils, this means leveraging and refining existing templates, forms, ICT systems and processes for widespread use across all municipalities and avoiding the risks of 'reinventing the wheel'. Already, the councils are investing in a single emergency management platform for the future, but the Victorian Government needs to commit to properly fund councils, helping them to maintain a consistent and robust approach and ultimately allow for more cross-border collaboration and sharing.

### **5.4 Operational Challenges**

#### Capacity constraints

With limited full time equivalent emergency management staff, many councils are severely limited in their capacity to plan and prepare for, respond to and recover from emergencies. The inadequate funding provided by the Victorian Government is a direct threat to community safety and risks forcing councils to prioritise delivery of some services over others.

In larger emergencies, councils are challenged with resources and have resorted to moving some staff members offline from core business to respond to the emergency. This approach is unsustainable.

Resource sharing through the MAV resource sharing protocol helps address short-term gaps, however it is not a long-term solution. The protocol works best when an emergency is concentrated to a few municipalities, but sector resources are quickly stretched in broadscale events.

#### Increasing complexity and confusion

Victorian councils have noted increasing complexity and confusion in emergency management sector arrangements. For example, Bushfire Recovery Victoria (BRV) has recently been playing a more direct community recovery coordination and service delivery role. In some cases, this has led to parallel recovery arrangements



with councils and BRV delivering simultaneous services to the same communities, leading to unnecessary inefficiencies, complexity, and confusion. This includes a lack of clarity in triggers for BRV involvement.

Additionally, recent revisions to the State Emergency Management Plan (SEMP) and other sector doctrine have led to the creation of new roles, altered terminology and greater confusion in responsibilities. While the MAV and council representatives raised these issues with departments and agencies, little improvement is noted.

It is critical that further reforms leverage existing arrangements, mechanisms, roles and responsibilities where they are working effectively. This includes better utilisation of the Regional and Municipal Emergency Management Planning Committee structures. The creation of additional layers of complexity that are at odds with existing arrangements is a significant risk. Local approaches must be prioritised.

#### Lack of training

For many years, councils have been calling on the Victorian Government to better support them with dedicated training for statutory emergency management roles. If councils are expected to fill Municipal Recovery Manager, Emergency Management Officer and Fire Prevention Officer roles, training must be developed and delivered.

## **6 Roles and Responsibilities**

While the Victorian Government's 'Councils and Emergencies Project' aimed to identify a list of roles and responsibilities of councils in emergency management, arguably the list articulated the position of the state, not councils.

It also assessed the sector was unable to fully deliver on many of those roles but has so far failed to improve capacity and capability despite promising to do so.

The roles and responsibilities listed below are reflective of the local government sector's existing capacity and capability and are informed by the high level and operational opportunities and challenges identified above. The lists aim to provide a broad summary rather than articulating every specific role and responsibility.

### **6.1 Core roles and responsibilities**

Victorian councils have identified the following roles and responsibilities as important and appropriate for councils to deliver moving forward – assuming appropriate funding and support from the Victorian Government is provided.

- 1) Chair the Municipal Emergency Management Planning Committee (MEMPC) and facilitate strategic planning at the municipal tier in partnership with other agencies.
- 2) Delivery of local hazard agnostic resilience-building programs, including community engagement.
- 3) Implement risk mitigation measures across council owned or managed land, infrastructure, assets and services.
- 4) Foster local partnerships and networks.
- 5) Lead local land-use planning and building activities.



- 6) Provide information and advice to Incident Controllers and Incident Management Teams on community needs.
- 7) Coordinate provision of local relief (not provision of specific relief services) and coordinate local recovery.
- 8) Manage and restore community infrastructure for which council is already responsible for managing.

## **6.2 Limited supporting roles and responsibilities**

Victorian councils have identified the following roles and responsibilities that are appropriate for councils to have only a limited role in moving forward – assuming appropriate funding and support from the Victorian Government is provided.

- 1) Coordination of spontaneous volunteers for recovery only (coordination of offers only – does not extend to oversight or management of volunteers, or response / initial relief volunteers).
- 2) Support local risk identification processes.
- 3) Support hazard specific planning (control agencies must lead hazard-specific planning in line with their subject matter expertise).
- 4) Support distribution of emergency information and warnings.
- 5) Support and inform regional emergency management planning.
- 6) Support emergency responses by providing council-owned equipment where available on a cost recovery basis (assuming core council services will not be unnecessarily impacted).
- 7) Support and participation on Regional Emergency Management Planning Committees (does not automatically include provision of secretariat support or chairing of committees).
- 8) Support other councils via the MAV's peer to peer resource sharing protocol.

## **6.3 Unaligned roles and responsibilities**

Victorian councils have identified the following roles and responsibilities that are out of alignment with the principles identified and are no longer appropriate to deliver.

- 1) Non-council owned infrastructure maintenance and/ or funding (e.g.: fire plugs, hydrants etc.).
- 2) Essential water replacement
- 3) Default secretariat support for MEMPCs.
- 4) Direct provision of relief services (coordination is acceptable).
- 5) Hazard specific responsibilities or tasks that requires expertise (e.g.: issuing of Permits to Burn and Fire Prevention Notices). These activities should be the responsibility of state-based control agencies such as the Country Fire Authority and Fire Rescue Victoria. Some individual councils may choose to continue to support these tasks if relevant council capacity and capability improvements are implemented by the Victorian Government.
- 6) Non-major emergency response and relief provision.
- 7) Vulnerable persons register administration.
- 8) Severe weather response or clean-up for non-council owned assets and land.
- 9) Neighbourhood Safer Place administration, approval and management. This should be the responsibility of the fire agencies, in conjunction with councils.





- 10) Sourcing or provision of services, resources or equipment for which council is not ordinarily responsible (e.g.: water tanks for relief purposes, plant and equipment for emergency response).
- 11) Other roles and responsibilities that are more appropriate for a state-based department, agency or emergency services organisation to deliver, or where appropriate funding and resourcing has not been provided.

## **7 Summary and Next Steps**

Despite the ongoing challenges identified in this position paper, councils remain a committed partner in the emergency management sector. Councils understand their communities and work tirelessly to improve resilience, prepare for emergencies, and coordinate relief and recovery post-impact.

The potential for significant community consequences associated with a stymied local government sector is unacceptable. Emergencies will continue to impact Victorians and councils must be properly empowered to perform their critical role.

Enhanced and more sustainable support to councils in emergency management is essential to ensure a community first approach that prioritises local voices, needs and approaches.

The MAV will continue to advocate on behalf of the sector, and work with the Victorian Government to improve outcomes for local communities.



# Your role in Emergency Management



Under Victorian law, councils are required to assist with local planning and preparation for emergency events.

The result of the emergency planning process should be a coherent and easily understood Municipal Emergency Management Plan (MEMP). The multi-agency Municipal Emergency Management Planning Committee (MEMPC) is responsible for preparing the MEMP.

**The MEMP is a multi-agency plan for the municipal district. It is not only a council plan. All agencies, MEMPC members, the Mayor and councillors, senior council officers and all staff who have emergency management responsibilities should be familiar with the contents of the MEMP.**

The pressure of an emergency event can strain relationships, so building solid and strategic local connections can prove to be invaluable before, during and after an emergency event.

It also is important to remember that every person reacts differently to the stress of an emergency situation.

## KEY AREAS OF GOVERNANCE

As a council, key areas of governance that relate to emergency management include:

- awareness of the Municipal Emergency Management Plan (MEMP) produced by the multi-agency Municipal Emergency Management Planning Committee (MEMPC)
- ensuring council emergency management planning and business continuity planning are complementary and support good governance and operations
- ensuring health, safety and wellbeing policies within council provide support and pastoral care for senior officers and council staff, including the CEO and councillors, during and after an emergency, and
- other policies that relate to community support during emergencies.

## KEY REPORTS

Councillors can expect to see reports to council on:

- proposed legislative and policy changes
- mitigation works that relate to emergency management, including capital works and maintenance
- planning and building issues, some of which may have emergency management and community safety implications
- designations of bushfire Neighbourhood Safer Places (places of last resort)
- provision of emergency management facilities and decisions about critical infrastructure
- detailed planning for recovery following an emergency event
- media protocols relating to emergency response and recovery (including social media).





### DURING AN EMERGENCY EVENT

The Mayor and councillors do not have an operational or response role during an emergency. The council's municipal emergency management officers have operational responsibilities and legislative obligations they need to carry out.

Councillors should assist them by steering clear of operational areas such as operational centres, emergency relief centres and recovery centres, while staying informed of the situation.

The role of the Mayor and councillors in emergency management is quite different. Councillors do not usually play a prominent role in an emergency event.

### HANDY HINTS FOR MAYORS

Here are a few tips for mayors to remember during an emergency:

- ✓ **Do:** work in close partnership with the CEO and their key emergency management officers. Mayors and councillors can be a conduit between the community and council.
- ✓ **Do:** seek information from internal council briefings, seek daily briefings if possible.
- ✓ **Do:** provide approved comments to the media if requested. Always check in with the CEO first for the latest information.
- ✓ **Do:** ensure that your media comments relate to representing the views of the community or council services for the community, not operational matters.
- ✓ **Do:** help boost community morale where it may be lagging.
- ✓ **Do:** be consistent and follow-up, refer impacted residents to EM staff.
- ✓ **Do:** be patient. Information on what is happening and the impact of an emergency takes time to assess and verify.
- ✓ **Do:** explain to residents that the council isn't "running" the emergency; it plays a support and facilitation role.
- ✓ **Do:** look after yourself. Recovery from emergencies can be a taxing and traumatic period for community leaders.

- X **Don't:** enter operational areas. The best place for the mayor and councillors during an emergency is among the community, not in council operational spaces.
- X **Don't:** attend Incident or Regional Control Centres unless invited by the Incident Controller - this is the role of the Council EMLO.
- X **Don't:** try to take command of the situation. Emergency management officers have statutory responsibilities they must carry out in an emergency event.
- X **Don't:** bypass existing communication and incident command structures.
- X **Don't:** give answers other than current facts, especially when speaking to the media or residents.

### COUNCILLORS' ROLE IN AN EMERGENCY EVENT

Councillors should:

1. Assist the Mayor as requested.
2. "Fly the flag", boost morale and provide comfort to residents affected by an emergency event.
3. Advocate to council, and more broadly as required, on behalf of their constituents.
4. Facilitate communication between council and the community.



## MEDIA AND COMMUNICATIONS

If the Mayor is the council's nominated spokesperson, they can play a helpful and prominent role before, during and after an emergency event by providing approved comments and information to the community and media. This should be done in close consultation with the CEO or their delegated communications/emergency management officer.

It is vital that the Mayor always ensures s/he is fully briefed before making media comments. Comments to the media should focus on representing the community's needs and views, not operational matters relating to the emergency.

If the Mayor is the council's nominated spokesperson, other types of information they might deliver could include:

- preparation of advice ahead of a period of high risk
- notification of community meetings and relief and recovery services
- details of any disruptions to council services
- advice regarding the availability of support, counselling or insurance services, including locations of relief and recovery centres
- general public announcements
- details of any public appeal for financial assistance for affected residents.

Any media comments should be drafted in consultation with the council's communications/emergency management staff with the necessary approvals.

Importantly, in a multi-agency event, specific crisis management information should only be issued by the spokesperson nominated by the control agency.

Agency (designated lead response agency under the SEMP) as it is likely to relate to technicalities of the emergency and may have legal ramifications.

Communication is a two-way street. The Mayor may also receive vital information from local residents that should be passed on to the emergency management team via the CEO. This ensures that information coming from the community is collated to enable the best possible decision making.

Accurate information about the emergency and the impact on the community will also be necessary if the Mayor is advocating to other levels of government or other agencies for assistance for the community. Advocacy should be done in consultation with the CEO, who will be gathering information and receiving advice from a range of internal and external sources.

Establishing good working relationships with local media during non-emergency times can prove very helpful during an emergency event.

### Relationships with State and Federal Ministers

The Mayor can also play a linking role to other levels of executive government, working with the CEO on this action. However, it is important not to take pre-emptive action (and thereby disturb existing procedures).

## FOLLOWING THE EMERGENCY

At the local level, councils have a long-established role in coordinating the provision of relief and recovery services to their communities, and the expectation of this important function is increasing. The recovery period that follows an event can last from months to years.

In the aftermath of an emergency event, the Mayor and councillors should monitor recovery activities and maintain their strong engagement with and advocacy for the community.

### Moral support and pastoral care

There may be an opportunity for the Mayor and councillors to boost morale or provide comfort to residents affected by an emergency event. This should be done in consultation with the CEO, who will liaise with the emergency management team to determine what would be most helpful.

### Public appeal for financial assistance

In consultation with the CEO or their delegate, the Mayor can be the public face of an appeal for financial assistance from the wider public.

The Mayor can act as the focal point for queries from service clubs and community groups that may wish to support an appeal or start their own. This focal point for queries is important because during past emergency events, these organisations have sometimes expended significant amounts of well-intentioned energy gathering goods that are not actually required by the community in crisis.

It is usually far more useful that willing residents/organisations donate financial assistance or time rather than goods.



## ABBREVIATIONS

### CFA

Country Fire Authority

### DRFA

Disaster Recovery Funding  
Arrangements (Federal program)

### EHO

Environmental Health Officer

### EM

Emergency Management

### EMLO

Emergency Management Liaison Officer

### EMV

Emergency Management Victoria

### ERC

Emergency Relief Centre

### FRV

Fire Rescue Victoria

### IMT

Incident Management Team

### MEMP

Municipal Emergency Management  
Plan

### MEMPC

Municipal Emergency Management  
Planning Committee

### MEMO

Municipal Emergency Management  
Officer

### MFPO

Municipal Fire Prevention Officer

### MRM

Municipal Recovery Manager

### NDFA

Natural Disaster Finance Assistance  
(State program administered by EMV)

### SEMP

State Emergency Management Plan

© Copyright Municipal Association of Victoria, 2021.  
The Municipal Association of Victoria is the owner of the  
copyright in the publication *Guide for Mayors and  
Councillors – Your role in Emergency Management*. No  
part of this publication may be reproduced, stored or  
transmitted in any form or by any means without the  
prior permission in writing from the Municipal  
Association of Victoria. All requests to reproduce, store  
or transmit material contained in the publication should  
be addressed to [inquiries@mav.asn.au](mailto:inquiries@mav.asn.au).

## BACKGROUND INFORMATION

### What is an emergency? What is emergency management?

An emergency is an event or situation that poses an immediate risk to health, life, property and/or the environment. Emergency management means the organisation and management of resources for dealing with all aspects of emergencies.

All emergencies are different but the same management principles apply, whether the emergency event is relatively minor or very complex.

The Emergency Management Act 2013 establishes Victoria's governance arrangements for managing emergencies. This Act is being amended in stages as the Emergency Management Act 1986 is repealed.

### What is local government's role in emergency management?

Local government plays an important role in emergency management, both in partnership with other levels of government and emergency services, and through its own responsibilities. The State Emergency Management Plan (SEMP) gives guidance to councils, emergency services and other emergency management agencies about how to implement their obligations under Victorian legislation.

From 1 December 2020, key emergency management responsibilities of councils stem primarily from section 59 of the Emergency Management Act 2013, which requires:

- Establishment of the MEMPC through a resolution of Council

- The CEO or a senior officer of council to chair the MEMPC
- The council to participate in the preparation and maintenance of a Municipal Emergency Management Plan (MEMPC) through the MEMPC
- Appoint at least one Municipal Emergency Management Officer (MEMO) as outlined in the SEMPC (page 64) s59G of the EM Act 2013
- Appoint at least Municipal Recovery Manager (MRM) role as outlined in the SEMPC (page 67) and s59H into the EM Act 2013.

The broad role of local government in emergency management is described in [SEMP's role statement for municipal councils](#), however, councils vary in their approach to emergency management planning depending on their risk profile and available resources.

Councils play an important support role in the response to an emergency, but they are not emergency response agencies.

Councils have the authority and governance structures, networks and strategic partnerships necessary to support community recovery. The MRM and a range of support staff will activate relief and recovery measures as quickly as possible.

Planning is crucial to effective recovery in a community affected by an emergency or disaster.

**Executive Summary****12.5 Request to transfer remaining bathing-box project funds to the Rotary Club of Frankston Sunrise**

*Enquiries: (Tim Bearup: Communities)*

Council Plan

- |          |   |
|----------|---|
| Level 1: | 2. Community Strength   |
| Level 2: | 2.4 Targeting community needs through development programs and grants |

**Purpose**

To inform Council of a request from the Rotary Club of Frankston Sunrise to have the remaining funds of \$298,735.40 from the previous bathing box sales (a partnership project dating back to 2014) transferred into the Sunrise Charitable Foundation to support future allocation of these funds to community projects in Frankston.

**Recommendation (Director Communities)**

That Council:

1. Endorses the CEO to consider and approve future proposals by the Rotary Club of Frankston Sunrise regarding the use of the bathing box monies; and
2. Authorises the CEO to execute the transfer of \$298,735.40 from the bathing box project to the Sunrise Charitable Foundation as requested by the Rotary Club of Frankston Sunrise subject to:
  - a. Signed acceptance of a Funding Agreement that ensures the monies are used for the betterment of Frankston City as intended and that there is an appropriate reporting process established;
  - b. The constitution of the Sunrise Charitable Foundation having been assessed by Council's Principle Legal Advisor as being adequate to ensure the interests of Council are protected;
  - c. The Rotary Club of Frankston Sunrise and the Sunrise Charitable Foundation are up-to-date and fully compliant with their reporting obligations (as relevant) under the Australian Charities and Not-for-profits Commission.

**Key Points / Issues**

- Between 2012 and 2016, the Rotary Club of Frankston Sunrise with the assistance of Frankston City Council carried out the construction of 3 Bathing Boxes on the Frankston foreshore and sold each of the Bathing Boxes to raise funds for community projects.

In each instance the Council had reclaimed land from a derelict or destroyed bathing box and the Rotary Club paid for and constructed new bathing boxes on these sites which were then sold.

The first bathing box was sold in 2014 for \$115,000 and part of the proceeds (\$20,000) was applied to upgrades to the Frankston South Community Centre and part (\$35,000) was used to purchase and install exercise equipment at Frankston Special Developmental School. The balance was retained by the Council pending further projects.

The second Bathing Box was sold in 2014 for \$114,500 with all net proceeds added to the existing fund. The third Bathing Box was sold in 2016 for \$157,000 with all net proceeds added to the existing fund.

**12.5 Request to transfer remaining bathing-box project funds to the Rotary Club of Frankston Sunrise****Executive Summary**

- The retained funds totalling \$298,735.40 have been held by Council in a special account nominated to the Rotary Club of Frankston Sunrise as per the agreement at the time. There have been a range of discussions and considerations by the Sunrise Rotary Club in conjunction with Council pertaining to how these monies could best be used. However, no further allocation has been pursued to date, and Council has continued to carry this fund forward for 8 years now.
- In conjunction with the Rotary Club, Sunrise Rotary Club has established the Sunrise Charitable Foundation. It is a registered charity with deductible gift recipient status. The Trust Deed for the Foundation requires that the Foundation funds be applied for the “betterment of Frankston”. Frankston Sunrise Rotary advise that this is in keeping with the original plan for the bathing box funds and have submitted a proposal for the beach box funds that are being carried forward by Council to now be transferred into this Fund.
- Frankston Sunrise Rotary contend that by utilising Rotary grants and other grants (eg. government, philanthropic) and by drawing on the contacts of their Rotary members they are better able to manage and leverage the bathing box funds through the Foundation to achieve increased outcomes for the betterment of Frankston. Sunrise Rotary provide an example (see Attachment A) of how they can leverage the funds, other grant monies and the contacts through the club to achieve a positive community outcome (ie. discounted purchase of a refrigerated truck for Community Support Frankston {CSF}).
- Sunrise Rotary propose that having direct control over the bathing box monies put them in a better position to be agile and pursue further projects like the CSF truck and to leverage the Beach Box monies to provide greater outcomes for the Frankston Community over and above the actual balance of the bathing box fund.
- In subsequent discussions, Sunrise Rotary representatives have affirmed support for an amended proposal whereby the funds are transferred to their Sunrise Charitable Foundation on the basis of a Funding Agreement, but that any expenditure would remain subject to approval by the Frankston City Council CEO. It is assessed that this approach would provide the agility being sought, but also ensure Council can retain influence and protect its interests regarding the use of the funds.

**Financial Impact**

There are financial costs, however, these costs can be accommodated within existing budgets.

**Consultation****1. External Stakeholders**

- Jason Willerby, Board Member, Sunrise Rotary
- Jason Coppard, President Sunrise Rotary

**2. Other Stakeholders**

Officers have considered the advice of Council's Manager Procurement, Property and Risk, Principal Legal Advisor and Coordinator Management Accountant in assessing the proposal and making this recommendation.



**12.5 Request to transfer remaining bathing-box project funds to the Rotary Club of Frankston Sunrise****Executive Summary****Analysis (Environmental / Economic / Social Implications)**

The proposed measures will enable a more flexible and agile use of the bathing box monies and subsequently enable Sunrise Rotary and Council to better respond to the needs of the community.

**Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

It is recommended that a Funding Agreement be established with the oversight of Council's Principal Legal Officer to govern the allocation and use of the bathing box monies.

Policy Impacts

There are no relevant policy impacts.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

**Risk Mitigation**

- To grant the request of the Sunrise Rotary Club in its original form, Council would in effect be relinquishing control of the funds, and giving Rotary Sunrise via the Foundation full control of the funds and over the decision making pertaining to those funds. In order to ensure Council retains influence and can ensure its interests are protected, the recommended approach is for the Funding Agreement to stipulate that approval from the CEO is still required for all future allocation of the funds by Sunrise Rotary.
- The constitution of the established Charitable Foundation contributes to mitigating risks that funds are not used to benefit Frankston. Furthermore, Sunrise Rotary has had a long track record and well regarded history within Frankston. Therefore, any risk of the funds not being spent well within the Frankston community would be considered low.
- The established Funding Agreement will also contain provisions in relation to the public reporting of all funding allocations to ensure full transparency.

**Conclusion**

The Rotary Club of Frankston Sunrise have submitted a proposal for the partnership bathing box monies of \$298,735.40 that has been long-held by Council (dating back to 2014), be transferred to their Charitable Foundation to enable more flexible and agile use of the monies for the benefit of the community.

It is recommended that this request be supported by Council, but is subject to a Funding Agreement along with the CEO of Frankston City Council being given authority to consider and approve future proposals for its use.

**12.5 Request to transfer remaining bathing-box project funds to the Rotary Club of Frankston Sunrise**

**Executive Summary**

---

**ATTACHMENTS**

Attachment A: [!\[\]\(a870788d6ed9b8fd294b7654a8c8526b\_img.jpg\)](#) Sunrise Rotary Proposal re. Transfer of Boat Shed Monies



Rotary Club of Frankston Sunrise  
Proposal Regarding Transfer of "Bathing Box Monies"  
from Frankston City Council to Sunrise Charitable Foundation

**BACKGROUND**

Between 2012 and 2016, the Rotary Club of Frankston Sunrise with the assistance of Frankston City Council carried out the construction of 3 Bathing Boxes on the Frankston foreshore and sold each of the Bathing Boxes to raise funds for community projects.

The arrangements for these projects were first discussed with Mayor Christine Richards in 2009 and it took a few years before the projects took place.

In each instance the Council had reclaimed land from a derelict or destroyed Bathing Box and the Rotary Club paid for and constructed new Bathing Boxes on these sites which were then sold.

The first Bathing Box was sold in 2014 for \$115,000 and part of the proceeds (\$20,000) was applied to upgrades to the Frankston South Community Centre and part (\$35,000) was applied to purchase and install exercise equipment at Frankston Special Developmental School. The balance was retained by the Council pending further projects.

The second Bathing Box was sold in 2014 for \$114,500 with all net proceeds added to the existing fund.

The third Bathing Box was sold in 2016 for \$157,000 with all net proceeds added to the existing fund.

Since then the retained funds totalling \$298,735.40 have been held by Council in a special account nominated to the Rotary Club of Frankston Sunrise. Council has been carrying this fund forward for many years now and it is assumed that Council would prefer to close off this account.

**APPLICATION OF FUNDS**

It had been hoped originally that a substantial fund could be built which could be applied towards a substantial community project to be arranged by the Rotary Club.

It had also been hoped that the Rotary Club could carry out further Bathing Box projects to build the fund to the higher level. We are now advised that no further Bathing Boxes can be built including those sites which had previously contained structures and accordingly there is no further scope to build on this fund.

Nearly \$300,000 is a lot of money but it is not enough money to fund a major project involving the acquisition of real estate etc.

Over the past 2 years, members of our Rotary Club have had countless meetings and discussions with Councillors and Council officers (principally Gillian Kaye and past Mayor Kris Bolam) to try to find suitable projects to utilise the funds. So far no suitable projects have been found.

**SUNRISE CHARITABLE FOUNDATION**

In conjunction with the Rotary Club, our club has established the Sunrise Charitable Foundation. It is a registered charity with deductible gift recipient status.

The Trust Deed for the Foundation requires that the Foundation funds be applied for the betterment of Frankston. This is in line with the original plan for the Bathing Box funds.

Utilising Rotary grants and other grants (government, philanthropic) and utilising the contacts of our Rotary members we believe that we can manage and leverage the Bathing Box funds through the Foundation to achieve increased outcomes for the betterment of Frankston.

As an example, the Foundation is very close to finalising the purchase and construction of a new refrigerated food delivery truck which will be donated to Community Service Frankston. CSF are currently renting a food delivery truck. The original estimated cost to CSF to purchase a truck was \$47,000.

The Rotary Club of Frankston Sunrise applied for and received a federal government community grant of \$20,000 to be applied towards the truck. Then utilising connections through our Rotary Club we were able to procure the purchase of a basic truck at cost price, free from government charges. We were also able to procure the construction of the refrigerated cabin free of charge by donation from a friend of our Rotary Club. The only additional cost is for the actual refrigeration equipment. Through our contacts and networking we have been able to reduce the price to around \$32,000 of which \$20,000 has been obtained through the government grant.

We have therefore been able to transform an initial cost of \$47,000 into a net cost of around \$12,000.

Whilst this particular project has been a great outcome and we don't necessarily expect all future projects will work out to this extent, we feel that if the Bathing Box monies are transferred to the Foundation and we know we have control of those funds, we will be able to pursue further projects like the CSF truck and leverage the Bathing Box monies to provide greater outcomes for the Frankston Community over and above the actual balance of the Bathing Box fund.

As there does not appear to be any opportunity to build on the existing Bathing Box fund, we suggest that the time has come for Council to clear its ledgers and for the funds to be transferred to the Sunrise Charitable Foundation so our Rotary Club can apply and leverage the funds for future projects for the Frankston Community.

Jason Coppard

President – Rotary Club of Frankston Sunrise

**Executive Summary****12.6 Proposed Replacement of Public Open Space for approved Council land disposals (Part of 331R Cranbourne Road Frankston and Lathams Road Carrum Downs)**

*Enquiries: (Danielle Watts: Corporate and Commercial Services)*

Council Plan

Level 1:

Level 2:

6. Progressive and Engaged City

6.1 Ensure sustainable financial management and the strategic allocation of resources to deliver planned infrastructure and services

**Purpose**

To brief Council on the proposed steps to address legal requirements associated with the previously approved sale of Council land at 331R Cranbourne Road Frankston and Latham's Road Carrum Downs (Replacement of Public Open space).

**Recommendation (Director Corporate and Commercial Services)**

That Council:

1. Supports the inclusion of the land at 5R Overport Road Frankston in the next Tidy Up Planning Scheme Amendment process pursuant to s.20 Part 2 of the *Planning and Environment Act 1987*;
2. Acknowledges the inclusion of 5R Overport Road Frankston is to address the requirement to replace the public open space at 331R Cranbourne Road Frankston and Latham's Road Carrum Downs pursuant to s.20(4) of the *Subdivision Act 1988*, which has been sold to the Department of Transport in association with projects to redevelop Karingal Hub and duplicate Latham's Road; and
3. Receives a future report on the outcome of the Tidy Up Planning Scheme Amendment process, in so far as it relates to 5R Overport Road Frankston, on completion of the statutory procedures.

**Key Points / Issues**

- At its meeting on 21 September 2020, Council resolved in part that:
  1. *In consideration that the associated Karingal Hub redevelopment being undertaken by ISPT Pty Ltd will provide both private and public benefits on its completion, agrees to sell 85m<sup>2</sup> of Council land at 331R Cranbourne Road Frankston, known locally as Ferndale Link Reserve, and described as Volume 9628 Folio 303 Reserve Number 1 on Lodged Plan Number 119219, to ISPT Pty Ltd for the sum of \$30,000 plus GST;*
  2. *Acknowledges the associated Karingal Hub redevelopment requires the land to be set aside as Road, with the result that the end title to the sold land will vest in the Department of Transport.*
- At its meeting on 25 July 2022, Council also resolved in part that:
  1. *In consideration that the associated road duplication project being undertaken by Major Road Projects Victoria will provide public benefit on completion, agrees to sell a total of 135m<sup>2</sup> of Council land located at Latham's Road Carrum Downs, to the Department of Transport, for the sum of \$35,500 plus costs.*

**12.6 Proposed Replacement of Public Open Space for approved Council land disposals (Part of 331R Cranbourne Road Frankston and Latham's Road Carrum Downs)****Executive Summary**

3. *Confirms the land parcels to be sold are described as:*
  - *Volume 9945 Folio 723 (43R Latham's Road Carrum Downs);*
  - *Volume 9945 Folio 722 (45R Latham's Road Carrum Downs);*
  - *Volume 9945 Folio 721 (57R Latham's Road Carrum Downs); and part of,*
  - *Volume 10342 Folio 249 and Volume 10342 Folio 248 (part of 75R Latham's Road Carrum Downs).*
- As part of the requirements associated with the sale of Council land, Council is obligated to replace the public open space that has been sold to the Department of Transport (DoT). Previous reports submitted to Council confirmed officers were assessing land which may be considered suitable for rezoning to address this requirement.
- 5R Overport Road Frankston, known as Mall Road Reserve, has been identified as appropriate for rezoning and support for the proposal is requested.

**Financial Impact**

There are no financial implications associated with this report.

The proposed rezoning will form part of a Tidy Up Planning Scheme Amendment and can be accommodated within existing budget provisions.

**Consultation****1. External Stakeholders**

Nil

**2. Other Stakeholders**

Council's Strategic Planning was consulted to identify land suitable for rezoning.

**Analysis (Environmental / Economic / Social Implications)**

5R Overport Road Frankston is currently in a Commercial 1 Zone (C1Z) under the Frankston Planning Scheme. The "R" suffix currently denotes a Council owned property. The land is approximately 246m<sup>2</sup> in area, is vacant with some vegetation, and the pattern of usage is passive recreation. The land previously sold at 331R Cranbourne Road Frankston and Latham's Road Carrum Downs had a combined area of approximately 220m<sup>2</sup>. The land to be rezoned is slightly more at approximately 245m<sup>2</sup>.

A locality map and photographs of the land are contained in **Attachments A and B**.

There are no environmental, economic or social implications in respect of rezoning of the land.

**Legal / Policy / Council Plan Impact****Charter of Human Rights and Responsibilities**

All matters relevant to the Charter of Human Rights and Responsibilities have been considered in the preparation of this report and are consistent with the standards set by the Charter.

**12.6 Proposed Replacement of Public Open Space for approved Council land disposals (Part of 331R Cranbourne Road Frankston and Lathams Road Carrum Downs)****Executive Summary**Legal

s.20(4) of the *Subdivision Act 1988* provides that public open space can be sold if Council provides for replacement public open space. This requires the proceeds from any sale to be set aside or reinvested in public open space, and the replacement open space of an equivalent area to be provided within a reasonable time frame.

In this context, public open space means land which is zoned as a Public Park and Recreation Zone (PPRZ) under the Frankston Planning Scheme.

Funds from the sales at 331R Cranbourne Road and Latham's Road have been used for open space projects, being landscaping and recreational activity improvements respectively, satisfying the first criteria.

Officers have assessed the land at 5R Overport Road Frankston as suitable for rezoning to PPRZ, to address the second requirement.

Strategic Planning has advised the land can be included in a Tidy Up Planning Scheme Amendment, as it is considered a PPRZ is a more appropriate zoning than the current C1Z.

The next Tidy Up Amendment, which is commenced pursuant to s.20 Part 2 of the *Planning and Environment Act 1987*, is currently scheduled to begin in late 2022.

Policy Impacts

The proposal demonstrates adherence to the Legal and Statutory Compliance (Guiding Values) under the Property Strategy and Plan adopted by Council in May 2021.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

**Risk Mitigation**

There is minimal risk in supporting the inclusion of 5R Overport Road Frankston in a proposed Tidy Up Amendment for rezoning, which if successful, allows the replacement of public open space requirement to be met.

**Conclusion**

Support for the inclusion of the land at 5R Overport Road Frankston in the next Strategic Planning Tidy Up Amendment, allows the legal requirements associated with the sale of Council land at 331R Cranbourne Road Frankston and Latham's Road Carrum Downs to the Department of Transport to be met.

---

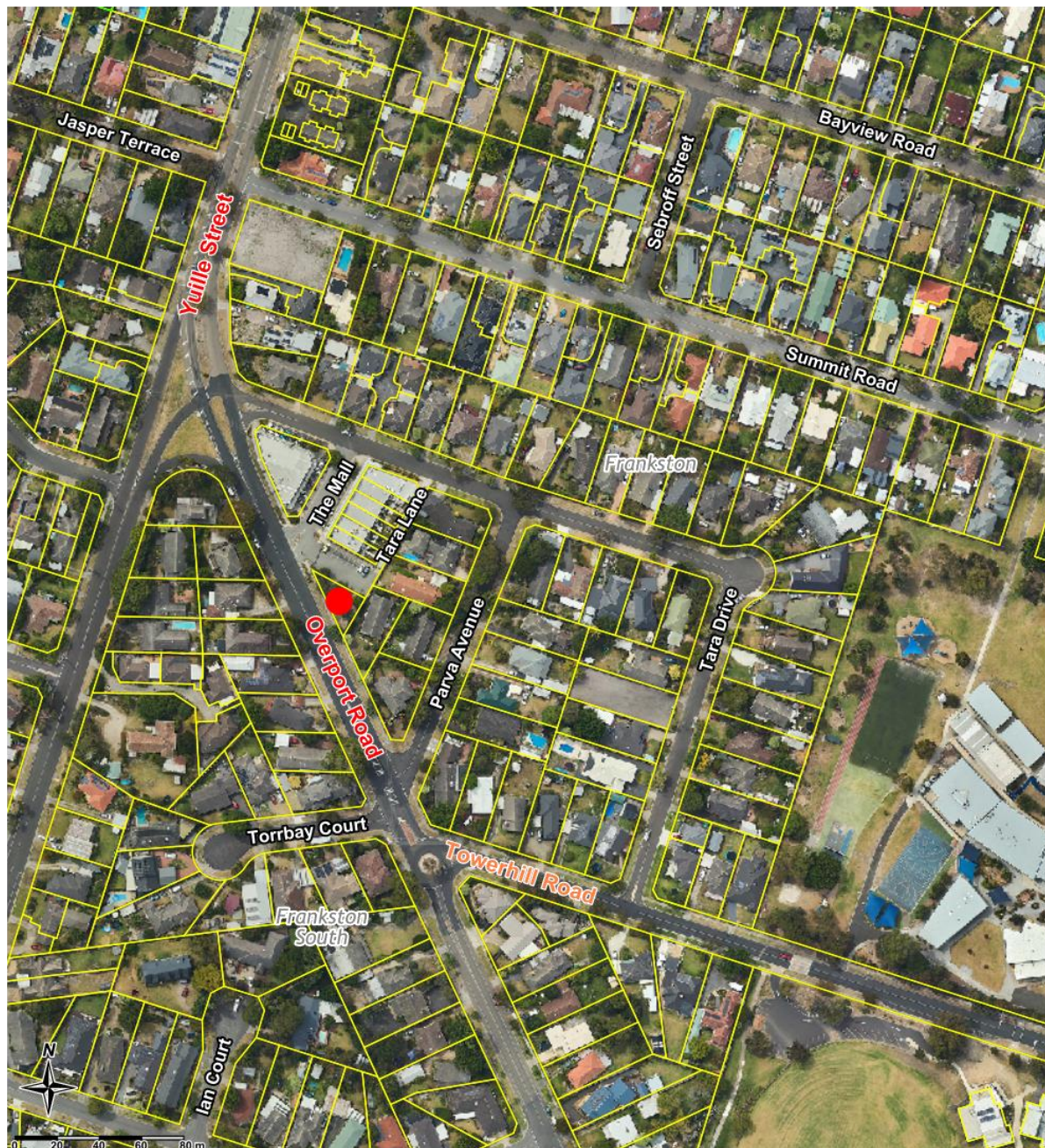
**ATTACHMENTS**

Attachment A: [!\[\]\(e119fc79c8f448683d20ba4c873025a2\_img.jpg\)](#) Locality Map - 5R Overport Road Frankston (Mall Road Reserve)

Attachment B: [!\[\]\(2088942ccfedc84a0a076c3fee3541aa\_img.jpg\)](#) Photographs - 5R Overport Road Frankston



Locality Map - 5R Overport Road (Mall Road Reserve)



**Disclaimer**

Contains Council information © Frankston City Council, 2022. Reproduced by permission of the Information Services Department, Frankston City Council.

Contains Vicmap information © State of Victoria, Department of Environment and Primary Industry, 2022

Reproduced by permission of the Department of Environment and Primary Industry.

This material may be of assistance to you but Frankston City Council, the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or consequences which may arise from your relying on any information contained in this material. You are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited and must be used for personal use only.

The information contained herein must not be used in any manner that could breach any criminal, federal, state or local law.

Projection: GDA2020 / MGA zone 55

Scale: 1:2242

Date Printed: 25/07/2022

Time Printed: 11:38 AM

Issued by: Glenys Wood





## PHOTOGRAPHS OF 5R OVERPORT ROAD FRANKSTON





**Executive Summary****12.7 Conclusion of statutory leasing procedure - Proposed Lease of Council Land - Existing Telecommunications Facility - 45R Wedge Road Carrum Downs (Carrum Downs Recreation Reserve)**

*Enquiries: (Danielle Watts: Corporate and Commercial Services)*

Council Plan

Level 1:

Level 2:

6. Progressive and Engaged City

6.2 Enhance strategy, policy and plan development and identify alignment to allow for prioritisation of services that are efficient, well planned, accessible and meet community needs

**Purpose**

To present for Council's consideration the outcomes of the formal statutory consultation process, to enable Council to determine whether to enter into the proposed lease of Council land at 45R Wedge Road, Carrum Downs, for the purposes of an existing telecommunications facility.

**Recommendation (Director Corporate and Commercial Services)**

That Council :

1. Having complied with the requirements of section 115 of the *Local Government Act 2020*, notes that no submissions were received in response to public notice of the proposed lease;
2. Resolves to enter into a lease with Amplitel Pty Ltd for Council land at 45R Wedge Road Carrum Downs, being part of Lot 2 Plan of Subdivision Number 737596, for a term of 10 years, with one further term of five (5) years, for the sum of \$25,000 plus GST per annum, for the purposes of a telecommunications facility (existing);
3. Authorises the Chief Executive Officer to finalise arrangements for the lease; and
4. Authorises the lease documents to be signed.

**Key Points / Issues**

- At its meeting on 6 December 2022, Council resolved as follows:

*That Council:*

1. *Acting in its capacity as registered proprietor, agrees in principle to the leasing of Council land at 45R Wedge Road Carrum Downs, being part of Lot 2 Plan of Subdivision Number 737596, for a term of 10 years, with one further term of five (5) years, for the sum of \$25,000 plus GST per annum, for the purposes of a Telecommunications facility (existing), subject to the satisfactory completion of community engagement procedures pursuant to s.115 of the Local Government Act 2020; and*
  2. *Authorises the Chief Executive Officer to commence the community engagement process for the leasing of Council land, including public notification, pursuant to s.115 (4) of the Local Government Act 2020.*
- In accordance with Council's resolution, public notice of Council's intention to lease was given in the Herald Sun on Monday, 11 April 2022 and published on Council's website.
  - At the conclusion of the statutory consultation period, no submissions have been received.

**12.7 Conclusion of statutory leasing procedure - Proposed Lease of Council Land - Existing Telecommunications Facility - 45R Wedge Road Carrum Downs (Carrum Downs Recreation Reserve)****Executive Summary**

- It is recommended that Council now resolves to enter into the lease, noting the following context:
  - Telstra Corporation Limited (Telstra) has an existing telecommunications facility (equipment shelter and monopole) located on Council land at 45R Wedge Road Carrum Downs, known locally as the Carrum Downs Recreation Reserve.
  - The telecommunications facility was established in 2000, with Telstra constructing the equipment shelter to incorporate a coach/scorer's box, which is still used by local clubs today (seasonal cricket and football clubs).
  - The current lease has expired, and further tenure has been sought from Council. Council has the power pursuant to s.115 (1) of the *Local Government Act 2020* (LGA 2020), to lease land to any person for a term not exceeding 50 years.
  - A copy of the proposed lease plan is contained in Attachment A.
  - Telstra has recently transferred its towers operations to a new subsidiary entity. The result is that any new lease agreement will be entered into with the subsidiary company, Amplitel Pty Ltd (Amplitel).

**Financial Impact**

There are financial costs, however, these costs can be accommodated within existing budgets.

Subject to Council approval, the rental under the proposed lease is \$25,000 plus GST per annum, exclusive of outgoings, and subject to a 3% fixed annual increase. A review to market is applicable at the commencement of the further option term.

Legal fees to seek advice on any site specific lease terms if required, are anticipated to be in the range of \$2,000 to \$2,500 exclusive of GST. A portion of this cost can be claimed back from Telstra.

**Consultation****1. External Stakeholders**

Officers have been in ongoing discussions with Telstra/Amplitel representatives.

Council's Community Engagement Policy 2021, adopted on 1 March 2021, states that limited consultation will occur in respect of the leasing of Council land.

The issuing of public notice of the proposed lease provided an opportunity for formal public submissions to be made, consistent with s.115 (4) of the LGA 2020. No formal submissions were received in response to the public notice.

**2. Other Stakeholders**

Nil.

**Analysis (Environmental / Economic / Social Implications)**

The telecommunications facility (equipment shelter and monopole) is existing and has been located on the land adjacent to Oval Number One since 2000.

The facility has a minimal on ground footprint of approximately 24m<sup>2</sup>, compared to the entire area of the Carrum Downs Recreation Reserve (which is approximately 105,000m<sup>2</sup> or 10.5 hectares). The facility does not preclude use of the balance of the land, which is well utilised by numerous recreational and community groups.

**12.7 Conclusion of statutory leasing procedure - Proposed Lease of Council Land - Existing Telecommunications Facility - 45R Wedge Road Carrum Downs (Carrum Downs Recreation Reserve)****Executive Summary**

The compound structure is regularly inspected to ensure it is secure, with any issues directly notified to the carrier under the terms of the existing lease agreement.

The COVID-19 pandemic has impacted the community in many ways. More people now rely on having sufficient network coverage to assist with working from home; remote learning; streaming entertainment; providing a way to virtually connect socially, as well as making telephone calls. Appropriate infrastructure is needed to support these increasing demands. The Radio Frequency National Site Archive confirms that Telstra broadcasts 3G; 4GX and 5G from the current location.

If Council approves the proposed lease, the carrier will receive the benefit of ongoing security of tenure in respect of the facility, which is desirable to enable the carrier to better plan required upgrades, and provide continuity of telecommunications coverage within the locality.

**Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities

All matters relevant to the Charter of Human Rights and Responsibilities have been considered in the preparation of this report and are consistent with the standards set by the Charter.

Legal

Pursuant to s.115 of the LGA 2020, Council's power to lease land to any person is limited to a term not exceeding 50 years. Pursuant to s.115(3)(b) of the LGA 2020, if Council intends to enter into a lease exceeding ten (10) years (which includes any option terms), that has not been included as a proposal in the budget, Council must undertake community engagement in accordance with its Community Engagement Policy.

Telecommunications Facilities are primarily managed under Commonwealth legislation, being the *Telecommunications Act 1997*.

In 2020 several Councils including Frankston, contributed to the development of a standard lease template by Maddocks, negotiated with Telstra representatives, intended to be used for future leasing matters on Council freehold land. The standard lease provides for any site specific matters to be addressed, though there are no such considerations in respect of the subject land. If Council supports further tenure for the telecommunications facility, it is intended that the standard lease will be utilised.

Telstra recently announced the sale of a non-controlling stake in its mobile and non-mobile towers business. Telstra has retained a 51 per cent ownership and continues to own the active parts of its network.

To facilitate the sale, the assets and operations of the tower business have been transferred to a new Telstra subsidiary called Amplitel. Any new lease will therefore be entered into with the subsidiary carrier.

A number of existing agreements with Council have already been assigned from Telstra to Amplitel, as per the provisions of the relevant lease agreements.

Importantly, entering into a lease with Amplitel rather than Telstra is not considered to be a material change from the proposal published for community consideration. All other elements including the purpose of the lease, the rent, term length and standard lease used will remain the same, the only difference is that the lease will be with a subsidiary entity as a result of Telstra's corporate restructuring.

**12.7 Conclusion of statutory leasing procedure - Proposed Lease of Council Land - Existing Telecommunications Facility - 45R Wedge Road Carrum Downs (Carrum Downs Recreation Reserve)****Executive Summary**Policy Impacts

The Property Strategy applies to this leasing proposal, with the following stated objectives for the leasing of Council land:

- *To ensure that all proposed leasing and licensing is for a demonstrated, approved current or future service delivery, in cases where the service is provided by or on behalf of Council.*
- *To ensure that the leasing or licensing of Council owned or managed land is the most appropriate option to deliver an indirect service or use.*
- *To ensure an appropriate Financial Value is returned to Council, in cases where the use is primarily for the commercial benefit of a private operator.*
- *To ensure that any leasing or licensing demonstrates a satisfactory Service and/or Financial Value where the primary use is not commercial.*

The leasing proposal whilst commercial in nature, delivers an essential service to the community. The agreed rental income has been determined through Council's market valuation, and provides an appropriate financial value to the organisation, consistent with rentals received for similar existing facilities on Council land.

It is noted that a Telecommunications Policy is currently being prepared by officers, as part of the implementation of the Property Strategy.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no conflict of interest in this matter.

**Risk Mitigation**

As the telecommunications facility is existing, it is considered there are minimal risks associated with the granting of further tenure and updated lease terms and conditions. The final lease agreement will be subject to further negotiation and agreement between Council and Amplitel.

If the lease is not supported, notice would need to be provided to Amplitel to remove all infrastructure, resulting in a coverage gap for the community.

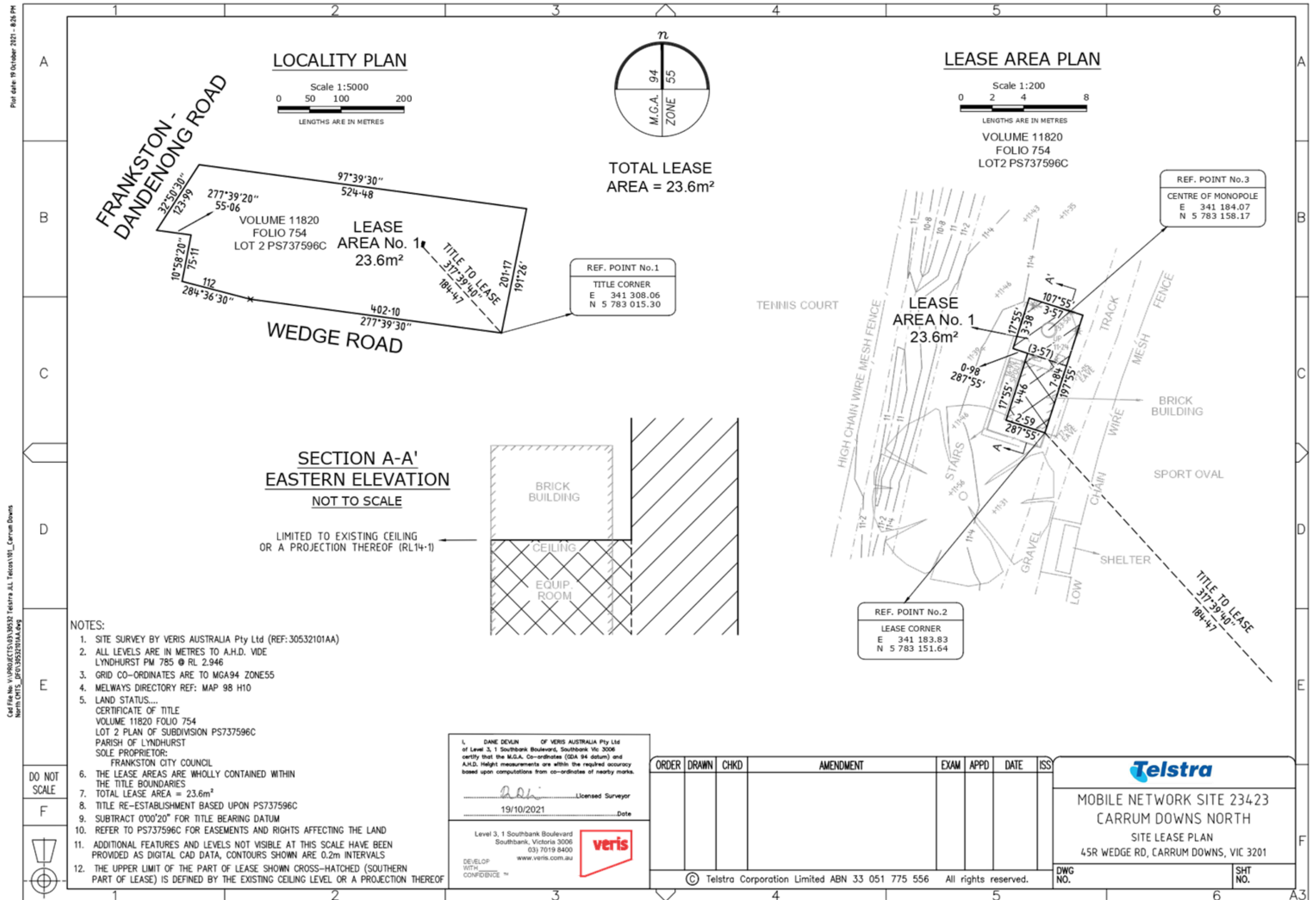
**Conclusion**

Telstra has requested future tenure be granted in respect of an existing telecommunications facility (equipment shelter and monopole) at the Carrum Downs Recreation Reserve. Public notice has been given of Council's intention to lease, as required by the *Local Government Act 2020*. No submissions were received in response to the public notice. It is recommended that now Council resolves to enter into a lease with Amplitel Pty Ltd, a new subsidiary of Telstra now responsible for the management of the tower business.

---

**ATTACHMENTS**

Attachment A: [↓](#) Lease Plan - Telstra Telecommunications Facility - 45R Wedge Road Carrum Downs





**Executive Summary****12.8 Award of Contract - CN10851 - Seaford Wetlands Project - Construction of Pedestrian Bridge over Eel Race Canal**

*Enquiries: (Rob Savoia: Infrastructure and Operations)*

Council Plan

Level 1: 4. Well Planned and Liveable City

Level 2: 4.2 Improve connectivity and movement and provide transport choices to the community, including walking trails and bike paths

**Purpose**

To obtain Council approval to award Contract CN10851 to Elite Crossings Pty Ltd (ACN 156 122 477) to undertake the Detailed Design and Construction of Seaford Wetlands Bridge.

**Recommendation (Director Infrastructure and Operations)**

That Council:

1. Awards Contract CN10851 for the Design & Construct Seaford Wetlands Bridge to Elite Crossings (Vic) Pty Ltd (ACN 156 122 477) for a total lump sum of \$1,290,535.48 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 attachments A and B to this report be retained confidential on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage, pursuant to the *Local Government Act 2020 s3(1)(g)*.

**Key Points / Issues**

- Council (FCC) has received funding from the State Government through the Department of Environment, Land, Water and Planning (DELWP) to undertake improvements to the Seaford Wetlands and surrounding areas.
- One of the projects for implementation from this funding is the construction of a new combined pedestrian and cyclist bridge across the Eel Race Canal drain located on the boundary between the Cities of Frankston and Kingston. The bridge is proposed to be located on west of existing Melbourne Water pumping station at Palm Beach Drive, Patterson Lakes.
- It is proposed that the bridge is named as Seaford Wetlands Bridge.
- The project works includes development of detailed design, fabrication and construction of the proposed bridge, approaching ramps and all other associated works.
- Upon completion of works positive social impacts will be achieved by the improved safe passage for pedestrian, cyclists and persons with restricted mobility.

**Tender Process**

A public request for tender process was conducted in accordance with Council's procurement policy and guidelines.

**12.8 Award of Contract - CN10851 - Seaford Wetlands Project - Construction of Pedestrian Bridge over Eel Race Canal****Executive Summary**Key dates

- Release date and time: 4 June 2022 at 5.00pm
- Close date and time: 20 July 2022 at 3.00pm

Tenders received

Four (4) tenders were received by the close date and time.

No late tenders were received.

**Tender Evaluation**Mandatory criteria

All submissions were assessed against the following mandatory criteria, as advertised in the RFT documents:

Mandatory Criteria Pass/Fail <ul style="list-style-type: none"> <li>• Valid Insurances;</li> <li>• Appropriate Licences/Qualifications;</li> <li>• Child Safe Standards;</li> <li>• Occupational Health and Safety;</li> <li>• Environment and Sustainability</li> </ul>	Pass/Fail
--	-----------

All submissions passed initial checks against the mandatory criteria.

Evaluation criteria

All four (4) submissions progressed to evaluation and were assessed against the following evaluation criteria, as advertised in the RFT documents:

<b>Evaluation Criteria</b>	<b>Weighting (%)</b>
Cost to Council	30%
Capacity - Current Commitments and ability to meet project timeframe	10%
Capability – Past Performance and ability to meet technical requirements	15%
Construction Methodology	20%
Addressing Design Intent	15%
Community Benefits	10%

Evaluation was guided by the approved Evaluation Plan, which is filed in Council's document management records system.

The final evaluation of submissions is documented in the Tender Evaluation Report, which is provided as Confidential Attachment A.

A scored tender evaluations matrix which indicates the resulting scoring for each submission against the above evaluation criteria as per appended Confidential Attachment B.



**12.8 Award of Contract - CN10851 - Seaford Wetlands Project - Construction of Pedestrian Bridge over Eel Race Canal****Executive Summary**Negotiations

All tender negotiations are complete.

Post award of the contract

If award is approved by Council at this Ordinary Meeting, all respondents will be notified of the outcome and offered debriefs.

Details of the awarded contract will be published on the Council website.

**Probity**

All Council procurement processes are conducted in a fair, honest, open manner with the highest levels of integrity and in the public interest. All suppliers are treated fairly in an open and transparent manner.

Council must engage an external probity advisor when the value of goods or services exceeds \$5 million (GST inclusive)

An external probity advisor was not appointed.

**Disclosures of Conflicts of Interest in Relation to Advice Provided in this Report**

No person involved in the evaluation of tenders declared a general or material interest requiring disclosure.

No person involved in the preparation or approvals of this report declared a general or material interest requiring disclosure.

**Contract Value**

This is a fixed price lump sum contract.

The total contract price is \$1,290,535.48 GST exclusive.

**Term of the Contract**

The contract term will be approximately seven (7) months for construction and a further 12 months defects liability period commencing from the date of Practical Completion.

**Policy Considerations**

This procurement does not conflict with any Council policies.

**Collaboration**

Section 109(2) of the Local Government Act 2020 requires that any report to Council that recommends entering into a procurement agreement must include information in relation to any opportunities for collaboration with other Councils or public bodies.

Under this contract Council collaborated with Officers from Kingston City Council and also Melbourne Water Corporation on the basis of the new bridge linking both Municipalities from the entrance to the Seaford Wetlands Reservation northwest entrance across the Eel Race Canal to Palm Beach Drive, Patterson Lakes adjacent the Melbourne Water Pumping Station. Acknowledgement is also made of the total funding allocation made through the State Government Department of Environment, Land, Water & Planning (DELWP) to facilitate the delivery of the Seaford Wetlands Bridge.

**12.8 Award of Contract - CN10851 - Seaford Wetlands Project - Construction of Pedestrian Bridge over Eel Race Canal****Executive Summary****Financial Implications**

The 2022/23 Capital Works Delivery Program has allocated sufficient funding to undertake the proposed works and to enable Award of Contract CN10851.

The expected project expenditure and budget implications is indicated in the table below:

<b>Seaford Wetlands Bridge Project Financial Summary</b>	
<b><u>2021/22 and 2022/23 Capital Works Program Funding Sources &amp; Expenditure</u></b>	<b>Financial Amounts Excluding GST</b>
<b>Total DELWP Funding Allocation towards CWP14603 – Seaford Wetlands Improvements:</b>	<b>(\$3,222,727.27)</b>
FCC Expenditure for Bridge Design – CWP 14603 (Acquitted FY2021/22)	\$146,726.20
FY2022/23 Commitments & Expenditure to be incurred for ancillary expenses to deliver the project.	\$268,259.63
<b>Recommended Tender Award of Contract CN 10851</b>	<b>\$1,290,535.48</b>
<b>Total Forecast Program Expenditure in FY2022/23</b>	<b>\$1,670,521.31</b>
<b>Less State Government Contribution via DELWP Grant for Bridge component</b>	<b>(\$1,672,272.73)</b>
<b>FY22/23 Capital Budget impact for Bridge Project of Surplus</b>	<b>\$1,751.42</b>

**Legal/Statutory Implications**

The tender process complies with Council's Procurement Policy 2021-2025.

The Seaford Wetlands Bridge is proposed to be constructed over Eel Race Canal which is nominated as Crown Land. The Land Owner Consent application has been lodged with (DELWP) and it is expected that Land Owner Consent will be issued prior to the commencement of works on site.

The proposed works site is in vicinity of Seaford Wetlands which is highly cultural heritage sensitive. The proposed bridge location has been significantly disturbed during the construction of embankments of Eel Race Canal and Melbourne Water Pump Station, which has been validated from the Construction Plans supplied by the Melbourne Water. However, Council decided to undertake a volunteer Cultural Heritage Assessment via independent Cultural Heritage Consultant. Based on the desktop assessment of the historic data Bunurong Land Council Aboriginal Corporation (BLCAC) has advised that there is no need of further assessment. The Cultural Heritage Management Plan (CHMP) was developed and submitted to BLCAC for their review and endorsement. The CHMP endorsement from BLCAC has been received.

**Environmental/Sustainability Impacts**

The proposed works are adjacent to Eel Race Canal. The works will be managed in accordance with an approved management plan to minimise the impact on water body.

**12.8 Award of Contract - CN10851 - Seaford Wetlands Project - Construction of Pedestrian Bridge over Eel Race Canal****Executive Summary**

Furthermore, proposed works will have an impact on existing trees and vegetation. Arborist Assessment has been completed for the existing trees and vegetation. The Arbor Impact Assessment identifies that various number of trees will be impacted and requires removal however these trees has low landscape significance and arboricultural value and should not be retained.

**Buy Local Impacts**

As part of the tender submissions, Contractors were required to indicate their commitment to support the local economy. The tender responses received demonstrated the ability to source materials from Suppliers within the Municipality where possible.

**Risk Mitigation**

The delivery of this contract will apply project management risk management principles to prevent & mitigate issues including OH&S, environmental and financial which could arise during the delivery of the contract in accordance with the developed Risk Management Plan.

**Conclusion**

Based on the evaluation scores, financial and reference checks undertaken, the Tender Evaluation Panel Members recommend that:

**Elite Crossings Pty Ltd (Vic) Pty Ltd** (ACN: 156 122 477) be awarded Contract CN10851 – Seaford Wetlands Project – Design & Construction of Pedestrian Bridge over Eel Race Canal for the amount of **\$1,290,535.48 exclusive of GST**.

---

**ATTACHMENTS**

- Attachment A: Tender Evaluation Report - CN10851 D&C - Seaford Wetlands Bridge - **CONFIDENTIAL**
- Attachment B: Final Consensus Tender Evaluation Score - CN10851 D&C Seaford Wetlands Bridge - **CONFIDENTIAL**
- Attachment C: [↓](#) Bridge 3D Visuals - CN10851 D&C Seaford Wetlands Bridge





PROJECT  
SEAFORD WETLANDS

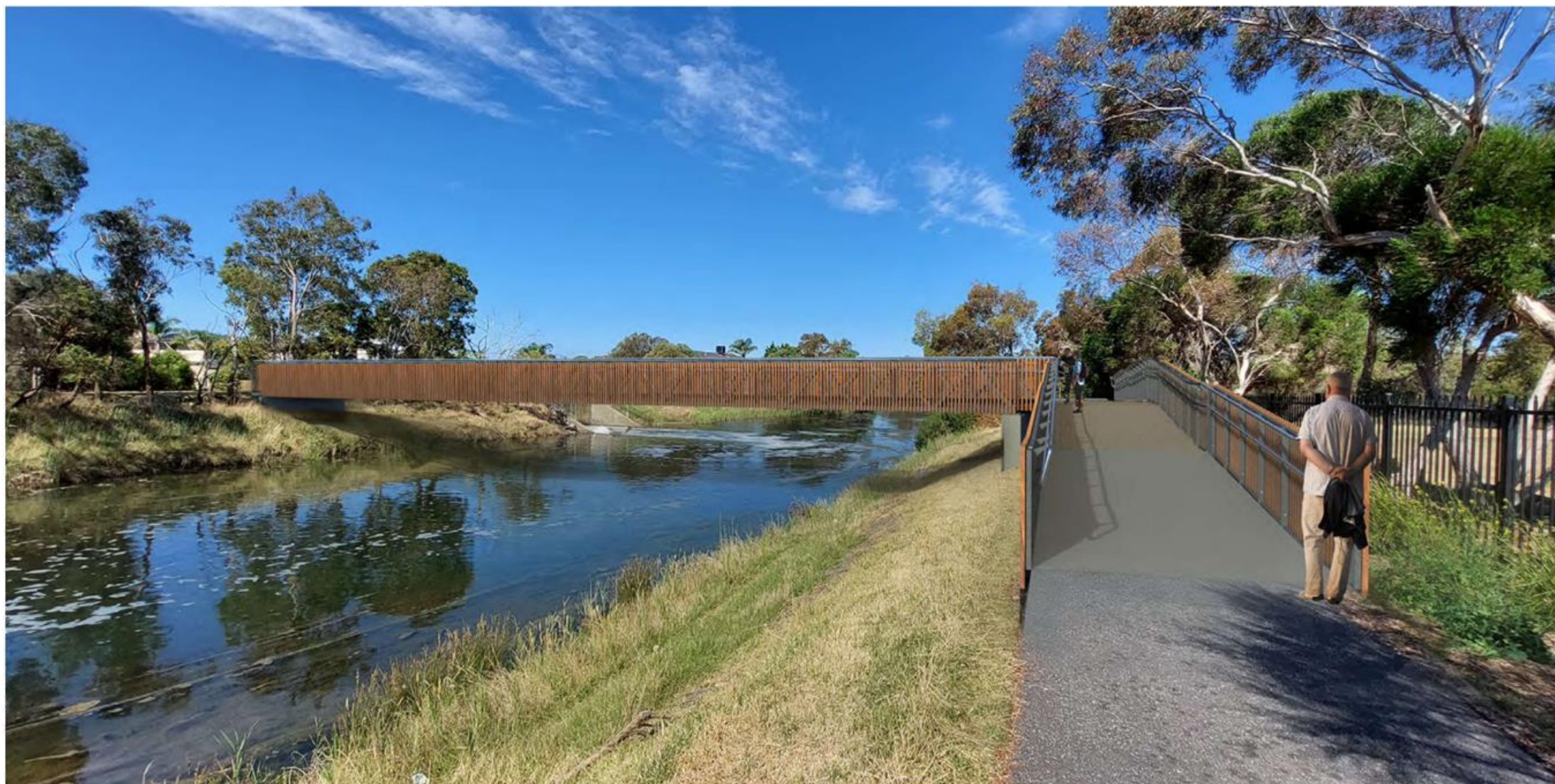
PRODUCT  
LONGREACH™  
TRUSS BRIDGE AND  
WATERSIDE™  
APPROACHES



3D PRODUCT DRAWING

11583 **01** A





PROJECT  
SEAFORD WETLANDS

PRODUCT  
LONGREACH™  
TRUSS BRIDGE AND  
WATERSIDE™  
APPROACHES

3D PRODUCT DRAWING



11583 02 A





PROJECT  
SEAFORD WETLANDS

PRODUCT  
LONGREACH™  
TRUSS BRIDGE AND  
WATERSIDE™  
APPROACHES



3D PRODUCT DRAWING

11583 03<sub>A</sub>





PROJECT  
SEAFORD WETLANDS

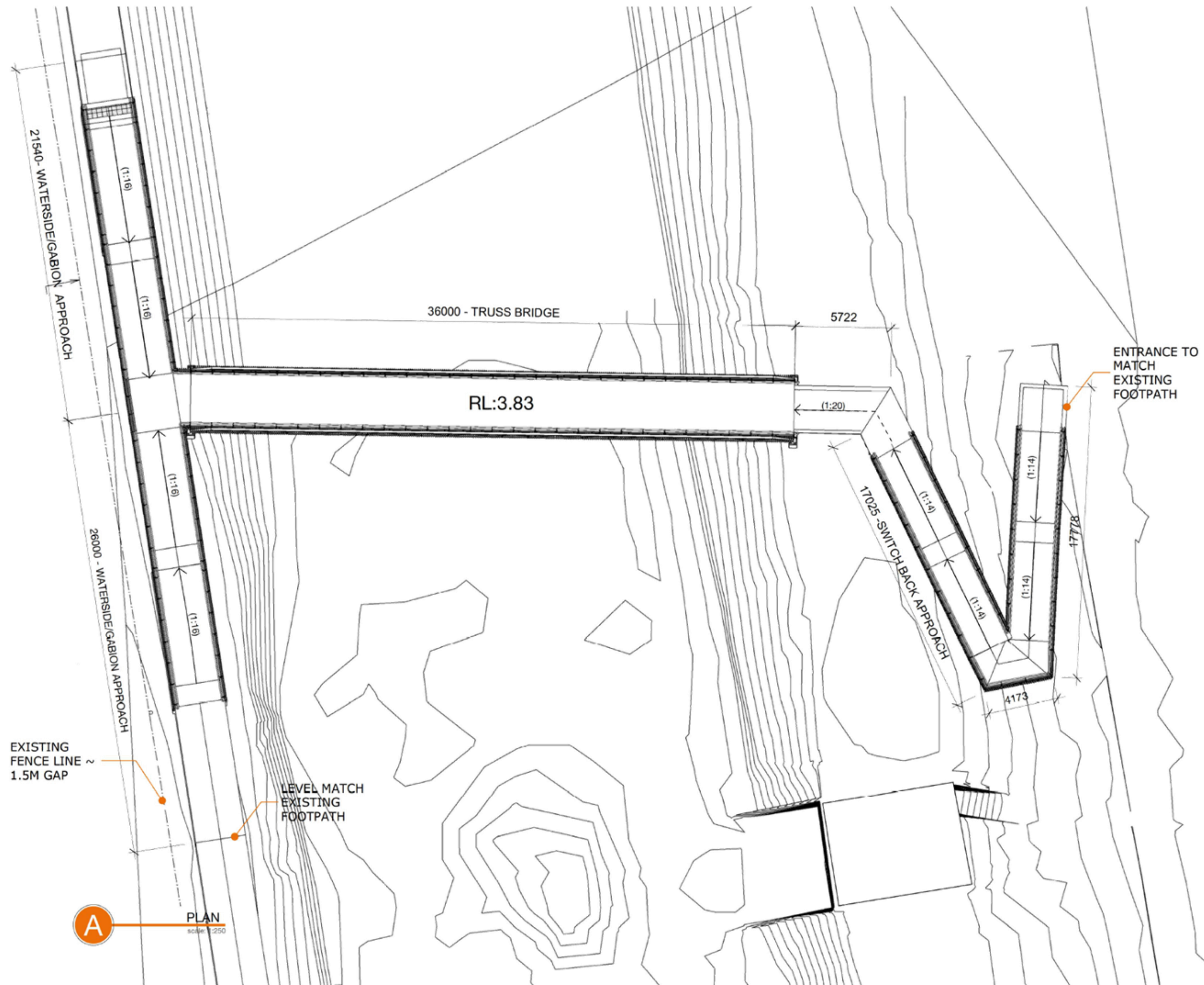
PRODUCT  
LONGREACH™  
TRUSS BRIDGE AND  
WATERSIDE™  
APPROACHES



3D PRODUCT DRAWING

11583 04<sub>A</sub>



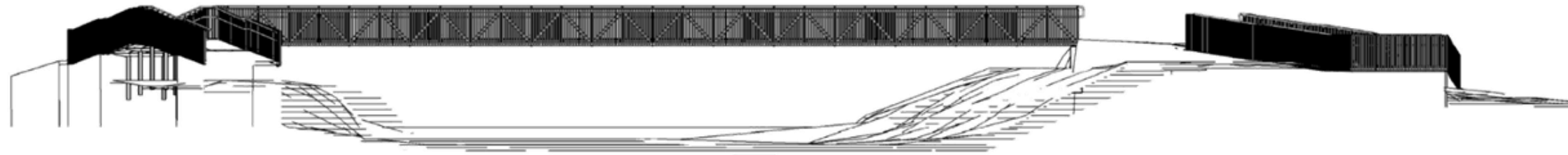


PROJECT  
SEAFORD WETLANDS

PRODUCT  
LONGREACH™  
TRUSS BRIDGE AND  
WATERSIDE™  
APPROACHES

3D PRODUCT DRAWING

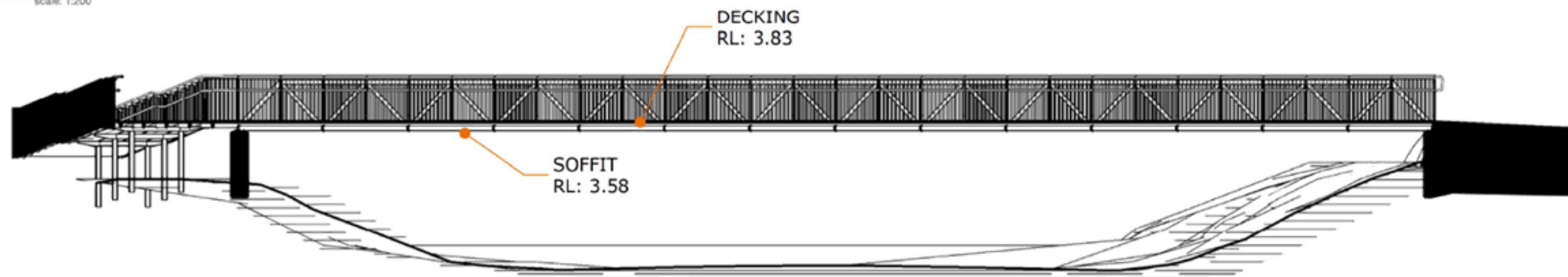
11583 08 A



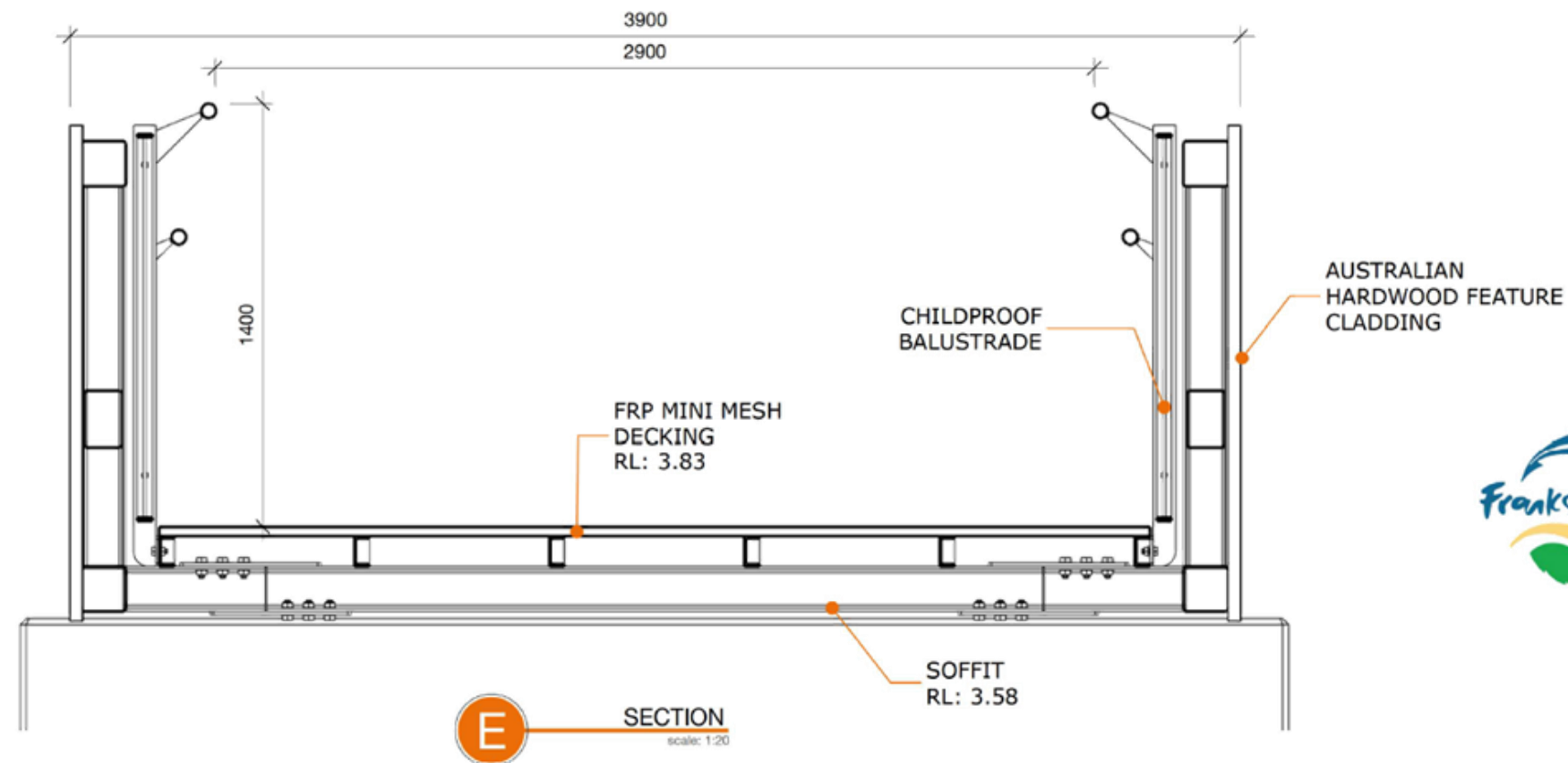
**B** FRONT VIEW  
scale: 1:200



**C** SIDE VIEW  
scale: 1:200



**D** LONG SECTION  
scale: 1:150



**E** SECTION  
scale: 1:20

PROJECT  
SEAFORD WETLANDS



PRODUCT  
LONGREACH™  
TRUSS BRIDGE AND  
WATERSIDE™  
APPROACHES

3D PRODUCT DRAWING

11583 09 A

**Executive Summary****12.9 Award of Contract - CN10826 - Eric Bell Reserve Pavilion Redevelopment**

*Enquiries: (Vishal Gupta: Infrastructure and Operations)*

Council Plan

Level 1:

4. Well Planned and Liveable City

Level 2:

4.3 Provide well designed, fit for purpose, multi-use open spaces and infrastructure for the community to connect, engage and participate

**Purpose**

To obtain Council approval to Award of Contract CN10826 to Lloyd Group Pty Ltd (ACN: 069 674 479) for Eric Bell Reserve Pavilion Redevelopment.

**Recommendation (Director Infrastructure and Operations)**

That Council:

1. Awards Contract CN10826 for Eric Bell Reserve Pavilion Redevelopment to Lloyd Group Pty Ltd (ACN: 069 674 479) for a total lump sum of \$7,544,600.00 excl. GST;
2. Notes that the project has received \$6.25M through the Community Infrastructure Loans Scheme (CILS) along with \$500K from the State Government;
3. Notes the impacts of current construction market volatility and rapidly growing cost of construction materials and labour on the overall project costs;
4. Notes that there is an anticipated overall budget shortfall of \$2,069,600.00 to deliver the project and endorses the reprioritisation of the Long Term Infrastructure Plan (LTIP) as required to fund the anticipated project budget shortfall in 2023/24 financial year;
5. Notes current ongoing annual maintenance costs for existing facility is around \$8,000. Upon completion of the new pavilion the maintenance costs will likely increase to an estimated cost of around \$30,000, and as such will require necessary adjustment in 23/24 operating budget for Facilities Management;
6. Authorises the Chief Executive Officer to sign the Contract;
7. Delegates approval of contract variations to the Chief Executive Officer; and
8. Resolves the attachment A, B and C to this report be retained confidential 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 the *Local Government Act 2020 s3(1)(a)*.

**Key Points / Issues**

- The existing sporting pavilion does not meet current building code standards or Frankston City Council sports development plan minimum requirements. In particular the site currently lacks change facilities for Netball players.
- Redevelopment of the existing pavilion has been identified as a priority project in Council's Capital works programme to be completed during the 2021/22, 2022/23 & 2023/24 financial years as it meets key criteria relating to community expectation, organisational alignment and project readiness.
- The project has received \$6.25M through CILS along with \$500K from the State Government.

**12.9 Award of Contract - CN10826 - Eric Bell Reserve Pavilion Redevelopment****Executive Summary**

- Council is experiencing significant cost escalation on a number of building, civil and open space projects with project costs varying from 30% to 40% subject to overall scope of works and materials involved.
- Response to the Eric Bell tender has been impacted by this volatility in the market conditions, in particular:
  - Rapidly increasing costs of construction materials such as steel, timber, pipes etc. resulting in contractors inability to hold prices for longer period and commit to lump sum tender prices;
  - Growing concerns with collapse of builders such as Probuild, Condev Construction, Pivotal Homes, Solido Builders and its impact on the construction market;
  - Long lead time on materials especially those sourced from overseas;
  - Ongoing increases in fuel prices impacting transport and construction costs; and
  - High levels of absenteeism and labour shortage, resulting in contractors not being able to deliver works in line with the agreed construction works program, or a reluctance in the market to commence new works.
- A tender process has been conducted to procure a Principal Contractor for the construction phase in accordance with Frankston City Council procurement policy. Details of the tender are provided within attachment A to this report.
- Works are programmed to commence on site in September 2022 and be completed in 12 months.

**Background**

- Eric Bell Reserve is located at 28 Forest Drive, Frankston North 3200. The site is the home ground of Frankston Pines Football Netball Club and Frankston Pines Cricket Club.
- The Project will provide further participation opportunities for the Frankston Pines Football Netball Club and Frankston Pines Cricket Club.
- The agreed scope of works for this redevelopment includes:
  - Demolition of existing pavilion and other structures as necessary to complete the redevelopment;
  - Liaising with all authorities, obtaining necessary approvals and coordinating the abolishment, upgrade and connection of services for the precinct;
  - Construction of a new moderns two storey sporting pavilion with fully enclosed covered area of 1100 square meters and including the following building elements:
    - Multi-purpose room
    - Meeting rooms
    - Male, female and accessible toilets
    - Commercial kitchen and servery (to both ground floor and level one)
    - Airlock, circulation and services areas



**12.9 Award of Contract - CN10826 - Eric Bell Reserve Pavilion Redevelopment****Executive Summary**

- Office space / timekeepers room
  - Lift and stairs
  - Four change rooms with attached unisex amenities
  - Umpires rooms
  - First aid room
  - Netball umpire duty room
  - Internal and external accessed storage areas
  - Cleaners room
  - Public toilets that will be available during daylight hours for the general public
  - External paving, entry and covered spectator area
  - Bin store
- Modifications to carpark, surrounds, car park lighting, ramps, associated civil works, fencing and landscaping.

**Tender Process**

Tenders were sought from nine (9) builders on 24 May 2022 utilising the State Government's Construction Supplier Register (CSR) list of prequalified contractors.

A site briefing was conducted on 01 June 2022.

Tenders were scheduled to close on 15 June 2022 at 3pm. A number of extension requests were received during the tender open period. Consequently the evaluation panel elected to extend the tender period by a further two weeks.

Tenders closed through Council's eTender portal at 3pm on Wednesday, 29 June 2022 and two tender submission was received prior to tender close date and time.

No late tenders were received.

**Probity**

All Council procurement processes are conducted in a fair, honest and open manner with the highest levels of integrity and in the public interest. All suppliers are treated fairly in an open and transparent manner.

Council's procurement policy requires an external probity advisor for procurement activities where the value of goods or services are estimated to exceed \$5 million (excl. GST).

O'Connor Marsden & Associates (OCM) was engaged to provide probity advice and had provided a general attestation statement on the conduct of the tender evaluation process. Refer to attached report – Attachment C.

**Tender Evaluation****Conformance and Mandatory Criteria**

All submissions passed initial checks against the conformance and mandatory criteria.

**12.9 Award of Contract - CN10826 - Eric Bell Reserve Pavilion Redevelopment****Executive Summary**Evaluation criteria

Criteria	Weighting (%)
Financial Cost to Council	50%
Demonstrated past experience on similar projects and ability to meet the technical requirements of the contract	15%
Methodology, works programme and ability to meet project timeframes	15%
Current Commitments, capacity and nominated staff and subcontractors	10%
Quality Assurance, Occupational Health & Safety and Environmental Management Systems	5%
Community Benefit	5%
Required Builder Registration and Insurances	Pass/Fail
Financial Check – Corporate Scorecard Standard Financial Assessment (Conducted for preferred tenderer only)	Pass/Fail

Evaluation was guided by the approved Evaluation Plan, which is filed in Council's Document Management System, reference A4676482.

The evaluation of submissions is documented in the Tender Evaluation Report, which is provided as Attachment A.

Negotiations

All tender negotiations have been completed.

Post Award of the Contract

If award is approved by Council at this Ordinary Meeting, all respondents will be notified of the outcome and offered an opportunity to debrief.

Details of the awarded contract will be published on the Council website.

**Disclosures of Conflicts of Interest in Relation to Advice Provided in this Report**

No person involved in the evaluation of tenders declared a direct or indirect interest requiring disclosure.

No person involved in the preparation or approvals of this report declared a direct or indirect interest requiring disclosure.

**Contract Value**

This is a fixed price contract.

The total contract price is \$7,544,600.00 GST exclusive.

**Term of the Contract**

The contract term will be 12 months from the date of commencement with a 12 month defects liability period commencing from the date of practical completion.

**Policy Considerations**

This procurement does not conflict with any of Council's policies.



**12.9 Award of Contract - CN10826 - Eric Bell Reserve Pavilion Redevelopment****Executive Summary****Collaboration**

Section 109(2) of the Local Government Act 2020 requires that any report to Council that recommends entering into a procurement agreement must include information in relation to any opportunities for collaboration with other Councils or public bodies.

Under this contract there were no opportunities to collaborate with other Councils or public bodies.

**Financial Implications**

The total project budget including multi-year allocations against 2021/22, 2022/23 and 2023/24 financial years is \$6,750,000 (excl. GST) as per table below.

<b>Funding Source</b>	<b>FY21/22</b>	<b>FY22/23</b>	<b>FY23/24</b>	<b>Total</b>
Community Infrastructure Loans Scheme		\$2,250,000	\$4,000,000	\$6,250,000
State Government Funding	\$100,000	\$400,000		\$500,000
<b>Total Available Budget (A)</b>				<b>\$6,750,000</b>

<b>Item</b>	<b>Amount</b>
Design, Project Management, Authorities, relocation costs, contingencies etc.	\$1,275,000
Construction Tender Award	\$7,544,600
<b>Anticipated Total Project Expenditure (B)</b>	<b>\$8,819,600</b>
<b>*Expected Budget Shortfall (B-A)</b>	<b>\$2,069,600</b>

The anticipated total project expenditure inclusive of the tender award figure is \$8,819,600.00 excl. GST leaving an anticipated budget shortfall of \$2,069,600.00 excl. GST.

An independent pre-tender cost estimate was prepared for this project by RBB Quantity Surveyors, with a construction cost estimate of \$6,407,059.00 ex GST.

The increased cost as received through tender submission process can be attributed to market volatility and the current cost escalation experienced across the construction industry as discussed in the key points/issue section of this report.

\*It is recommended that Council endorses the reprioritisation of the Long Term Infrastructure Plan (LTIP) as required to fund the anticipated project budget shortfall of \$2,069,600.00 in 2023/24 financial year.

Notes current ongoing annual maintenance costs for existing facility is around \$8,000. Upon completion of the new pavilion the maintenance costs will likely increase to an estimated cost of around \$30,000, and as such will require necessary adjustment in 23/24 operating budget for Facilities Management.

**Analysis (Environmental / Economic / Social Implications)**

The environmental benefits of this project include:

- Reduction in power usage due to installation of solar photovoltaic system and energy efficient fittings and equipment.

**12.9 Award of Contract - CN10826 - Eric Bell Reserve Pavilion Redevelopment****Executive Summary**

- Reduction in water usage due to installation of new rainwater tank to reuse harvested water for WC flushing.
- Increased lifespan of facility due to replacement and updating of existing infrastructure.

The Project will provide further participation opportunities for the Frankston North Community and surrounds.

**Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

The tender process complies with Council's Procurement Policy 2021-2025.

**Buy Local Impacts**

Community Benefit is part of the evaluation criteria. All tenders were assessed against this criteria.

Lloyd Group have proposed to engage local apprentices, sub-contractors and source materials from within the Frankston municipality.

---

**ATTACHMENTS**

- Attachment A: CN 10826 - Eric Bell Reserve Pavilion Redevelopment - Tender Evaluation Report - **CONFIDENTIAL**
- Attachment B: CN10826 - Eric Bell Reserve Pavilion - Tender Evaluation Matrix - **CONFIDENTIAL**
- Attachment C: Probity Advisor Report - **CONFIDENTIAL**

**Executive Summary****12.10 Award of Contract - CN10849 - Carrum Downs Tennis Courts Reconstruction and Sports Light Upgrade**

*Enquiries: (Rob Savoia: Infrastructure and Operations)*

Council Plan

Level 1: 4. Well Planned and Liveable City

Level 2: 4.3 Provide well designed, fit for purpose, multi-use open spaces and infrastructure for the community to connect, engage and participate

**Purpose**

To obtain Council approval to award Contract CN10849 to AS Lodge (Vic) Pty Ltd (ACN 007 278 757) for the Carrum Downs Tennis Courts Reconstruction and Sports Light Upgrade, and to make the necessary 2022/23 Capital Works Program Budget adjustments to address the projected budget shortfall.

**Recommendation (Director Infrastructure and Operations)**

That Council:

1. Awards Contract CN10849 for the Carrum Downs Tennis Courts Reconstruction and Sports Light Upgrade Project to AS Lodge (Vic) Pty Ltd (ACN 007 278 757) for a total lump sum of \$1,213,525.00 exclusive of GST;
2. Notes there is an overall anticipated budget shortfall of \$1,125,000.00 to deliver the project and approves the required budget adjustments to the Capital Works Program for 2022/23 to fund the project shortfall;
3. Notes whilst Council has been successful in securing State Government grant of \$250,000 for this project, the total cost of project has significantly grown due to current construction market volatility and rapidly growing cost of construction materials and labour resulting in the significant shortfall in the available budget;
4. Authorises the Chief Executive Officer to sign the contract;
5. Delegates approval of contract variations to the Chief Executive Officer; and
6. Resolves attachments A and B to this report be retained confidential on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage, pursuant to the *Local Government Act 2020 s3(1)(g)*.

**Key Points/Issues**

- Frankston City Council adopted in 2021 the Tennis Action Plan which provides individual facility recommendations to ensure a sustainable balance of tennis facilities within the municipality.
- The key directions from the Frankston City Council Tennis Action Plan are:
  - Adopt a facility hierarchy and realign the tennis facility mix.
  - Develop tennis facilities as flexible use facilities.
  - Digitise promotion of club tennis participation options to the community.
  - Support shared approach to promotion and resourcing of governance / management.

**12.10 Award of Contract - CN10849 - Carrum Downs Tennis Courts Reconstruction and Sports Light Upgrade****Executive Summary**

- Implement a club strength assessment matrix to determine where support is needed.
- Review facility leases and club governance models.
- Plan for and support facility renewal and upgrades and decommissioning existing facilities as required.
- The State Government's Sport & Recreation Victoria (SRV) through the Department of Jobs, Precincts and Regions has contributed a grant for \$250,000 towards the Carrum Downs Tennis Courts Reconstruction and Sports Light Upgrade project as part of Council's delivery of the adopted 2021 Tennis Action Plan.
- The planned works to be delivered includes:
  - Netball/Tennis and Tennis/Hot Shots court pavement construction works;
  - Construction of LED Sports Lighting to suit both Tennis & Netball standards;
  - Installation of the sports equipment and ancillary equipment to support both Tennis & Netball.
- A plan indicating the extent of works is appended to the Council Report as Attachment D.

**Tender Process**

A public request for tender process was conducted in accordance with Council's procurement policy and guidelines.

Key dates

- Release date and time: 17 June 2022 at 5.00pm
- Close date and time: 20 July 2022 at 3.00pm

Tenders received

Six (6) tenders were received by the close date and time.

No late tenders were received.

**Tender Evaluation**Mandatory criteria

All submissions were assessed against the following mandatory criteria, as advertised in the RFT documents:

Mandatory Criteria Pass/Fail <ul style="list-style-type: none"> <li>• Valid Insurances;</li> <li>• Appropriate Licences/Qualifications;</li> <li>• Child Safe Standards;</li> <li>• Occupational Health and Safety;</li> <li>• Environment and Sustainability</li> </ul>	Pass/Fail
--	-----------

**12.10 Award of Contract - CN10849 - Carrum Downs Tennis Courts Reconstruction and Sports Light Upgrade**  
**Executive Summary**

All submissions passed initial checks against the mandatory criteria.

Evaluation criteria

All six (6) submissions progressed to evaluation and were assessed against the following evaluation criteria, as advertised in the RFT documents:

Criteria	Weighting (%)
1. Cost to Council	30%
2. Ability to Meet Technical Requirements	20%
3. Current Commitments and Ability to Meet Project Timeframe	15%
4. Methodology	15%
5. Performance on Most Similar Projects	10%
6. Community Benefit	10%

Evaluation was guided by the approved Evaluation Plan, which is filed in Council's document management records system.

The final evaluation of submissions is documented in the Tender Evaluation Report, which is provided as Confidential Attachment A.

A scored tender evaluations matrix which indicates the resulting scoring for each submission against the above evaluation criteria as per appended Confidential Attachment B.

Negotiations

All tender negotiations are complete.

Post award of the contract

If award is approved by Council at this Ordinary Meeting, all respondents will be notified of the outcome and offered debriefs.

Details of the awarded contract will be published on the Council website.

**Probity**

All Council procurement processes are conducted in a fair, honest, open manner with the highest levels of integrity and in the public interest. All suppliers are treated fairly in an open and transparent manner.

Council must engage an external probity advisor when the value of goods or services exceeds \$5 million (GST inclusive)

An external probity advisor was not appointed.

**Disclosures of Conflicts of Interest in Relation to Advice Provided in this Report**

No person involved in the evaluation of tenders declared a general or material interest requiring disclosure.

No person involved in the preparation or approvals of this report declared a general or material interest requiring disclosure.

## 12.10 Award of Contract - CN10849 - Carrum Downs Tennis Courts Reconstruction and Sports Light Upgrade

### Executive Summary

#### Contract Value

This is a fixed lump sum price contract.

The total contract price is \$1,213,525.00 exclusive of GST.

#### Term of the Contract

The contract term will be approximately seven (7) months for construction and a further 12 months defects liability period commencing from the date of Practical Completion.

#### Policy Considerations

This procurement does not conflict with any Council policies.

#### Collaboration

Section 109(2) of the Local Government Act 2020 requires that any report to Council that recommends entering into a procurement agreement must include information in relation to any opportunities for collaboration with other Councils or public bodies.

Under this contract there were no opportunities to collaborate with other Councils or public bodies.

#### Financial Implications

Evaluation of the recommended tender submission indicates a total lump sum contract price of \$ 1,213,525.00 exclusive of GST.

There is a budget requirement of \$1,375,000.00 exclusive of GST for Carrum Downs Tennis Courts Reconstruction and Sports Light Upgrade in the 2022/23 Capital Works adopted budget.

The State Government through the Sport & Recreation Victoria (SRV) through the Department of Jobs, Precincts and Regions has contributed a grant for \$250,000 towards the Carrum Downs Tennis Courts Reconstruction and Sports Light Upgrade project as part of Council's delivery of the adopted 2021 Tennis Action Plan.

The expected project expenditure and budget implications is indicated in the table below:

<b>Carrum Downs Tennis Courts Reconstruction and Sports Light Upgrade Project Financial Summary</b>	
	<b>Exclusive of GST</b>
<b>Projected Expenditure and Commitments FY2022/23</b>	
FCC Expenditure for Design – CWP 14575 (Acquitted FY2021/22)	\$23,379.00
FY2022/23 Commitments & Expenditure to be incurred for ancillary expenses to deliver the project	\$161,475.00
<b>Recommended Tender Award of Contract CN 10849</b>	<b>\$1,213,525.00</b>
<b>Total Forecast Program Expenditure in FY2022/23</b>	<b>\$1,375,000.00</b>
less State Government Contribution via SRV Grant	(\$250,000.00)
<b>Capital Budget Allocation Required in FY2022/23</b>	<b>\$1,125,000.00</b>

At the time of Council considering the annual FY2022/23 Capital Works Program Budget the Carrum Downs Tennis Courts Reconstruction and Sports Light Upgrade



**12.10 Award of Contract - CN10849 - Carrum Downs Tennis Courts Reconstruction and Sports Light Upgrade**  
**Executive Summary**

project was noted as a potential project subject to the income being generated via a bid for funding from the State Government through Sport & Recreation Victoria (SRV).

With the announcement of the award of the \$250,000 grant and now with the project having been tendered to the market there is a known construction cost of \$1,213,525.00 exclusive of GST, with an overall projected project cost of \$1,375,000.00 exclusive of GST, resulting forecasted budget shortfall of \$1,125,000.00 exclusive of GST.

On the basis of this identified budget shortfall, Council Officers have formulated a funding model which relies on re-profiling the existing adopted 2022/23 Capital Works Program with adjustments through deferral and/or reductions in allocated budget of identified projects as outlined in Attachment C.

It is recommended that as part of progressing the award of this contract that the resulting shortfall be resolved by Council via a budget adjustment to the 2022/23 Capital Works Program and authorises the Chief Executive Officer to make the necessary adjustments.

**Legal/Statutory Implications**

The tender process complies with Council's Procurement Policy 2021-2025.

**Environmental/Sustainability Impacts**

There are limited environmental benefits that will be achieved through the implementation of this project including installation of energy efficient LED sports field lighting.

Construction issues including noise, dust, and other minor inconveniences will be managed through the environmental controls Council requires the Contractor to have in place prior to works commencing.

Construction works which will include demolishing the existing Court infrastructure such that the utilisation of the Courts will remain out of use until the works are completed to the specified standards, receiving sporting body accreditation and hand back to the Sporting Clubs.

There are significant social benefits that will be achieved with the development of the new Tennis and Netball courts, creating overall long term health and wellbeing benefits for the community.

**Buy Local Impacts**

As part of the tender submissions, Contractors were required to indicate their commitment to support the local economy. The tender responses received demonstrated the ability to source materials from Suppliers within the Municipality where possible.

**Conclusion**

Based on the evaluation scores, financial and reference checks undertaken, the Tender Evaluation Panel Members recommend to Council that:

**AS Lodge (Vic) Pty Ltd (Vic) Pty Ltd** (ACN: 007 278 757) be awarded Contract CN10849 - Carrum Downs Tennis Courts Reconstruction and Sports Light Upgrade for the amount of **\$1,213,525.00 exclusive of GST**.

**12.10 Award of Contract - CN10849 - Carrum Downs Tennis Courts Reconstruction and Sports Light Upgrade****Executive Summary**

---

**ATTACHMENTS**

- Attachment A: Tender Evaluation Report - Contract CN10849 - Carrum Downs Tennis Courts Reconstruction and Sports Light Upgrade - **CONFIDENTIAL**
- Attachment B: Tender Evaluation Matrix - CN10849-Carrum Downs Tennis Courts & Light Upgrade - **CONFIDENTIAL**
- Attachment C: [↓](#) Carrum Downs Tennis Project - Nominated 2022/23 Capital Budget Adjustments
- Attachment D: [↓](#) Carrum Downs Tennis and Netball Courts Site Plan



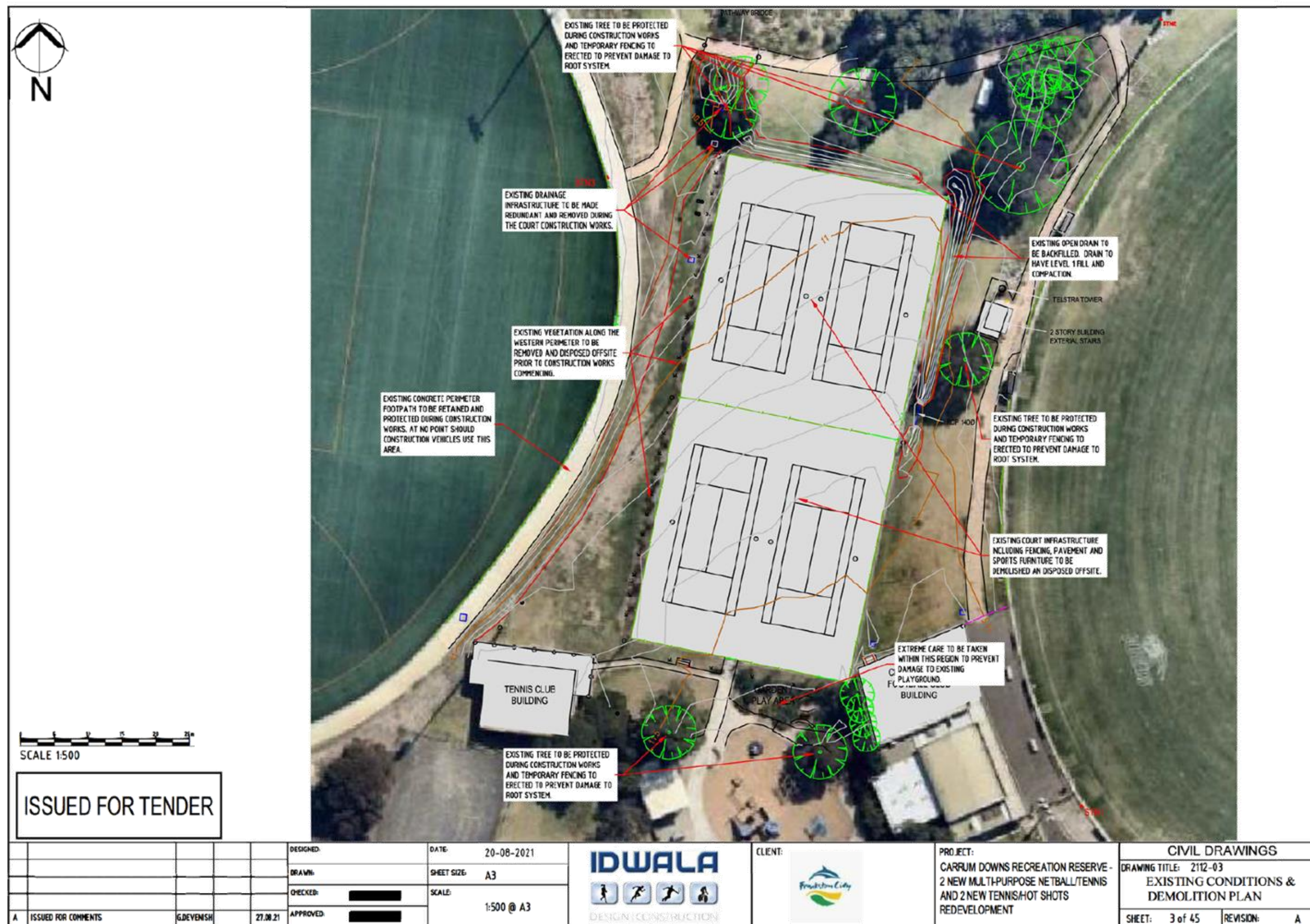
## Major Project Budget Shortfall - Carrum Downs Multi-Purpose Courts

FRANKSTON CITY COUNCIL

18-Aug-22

LTIP No.	CW Project No.	Total	Total	Rates	Income	Officer Comments	2022/23 Adopted Budget	2022/23 Adjusted Budget
3342	14761	Carrum Downs Multi-Purpose Courts	1,375,000	1,125,000	250,000			
2588	11304	Heavy Plant & Equipment Replacement Program	300,000	300,000		- Adopted budget of \$1.273M, \$300K is available to be reallocated due to manufacturing and supply issues. Current carry forward of \$284K forecast from 21/22 to 22/23; plant has been reprioritised.	1,273,000	973,000
3342	14761	Carrum Downs Multi-Purpose Courts - Adopted	100,000	-	100,000	Adopted budget of \$100K in advocacy income, this budget has been realised via the SRV grant (see comment below).	100,000	100,000
3342	14761	Carrum Downs Multi-Purpose Courts - SRV Additional Grant Income	150,000	-	150,000	Recognition of successful advocacy efforts with SRV grant (\$250K), additional \$150K is available from the State Government from the adopted income of \$100K.	-	150,000
1733	14611	Ballam Park Athletics Pavilion Refurbishment	690,000	690,000		- Adopted budget of \$750K, proposed deferral of \$690K to 23/24 to complete detailed design in 22/23 and further advocacy efforts. A carry forward of ~\$90K is expected from 21/22 FY, resulting in \$150K budget in 22/23.	750,000	60,000
2766	14705	Renewal of Frankston Skatepark	75,000	75,000		- Deferral of planning and design funding for the renewal of the Frankston Skate Park. This project will be started in 23/24 following the completion of the skate, bmx and bike track review.	75,000	-
2765	14447	Public Lighting in Reserves	30,000	30,000		- Deferral of funding for lighting improvements in Council reserves. Projects will be undertaken 23/24.	30,000	-
3350	14767	Rehabilitation of Natural Reserves	30,000	30,000		- Adopted budget of \$150K, a minor budget reduction of \$30K is proposed, leaving \$120K in 22/23 to undertake works.	150,000	120,000
			<b>1,375,000</b>	<b>1,125,000</b>	<b>250,000</b>			







**Executive Summary****13.1 Further response to 2022/NOM2 Kananook Station Precinct: Advocacy Update**

*Enquiries: (Fiona McQueen: Customer Innovation and Arts)*

Council Plan

Level 1: 6. Progressive and Engaged City

Level 2: 6.3 Lead advocacy engagement and enhance relationships with all tiers of government and key stakeholders

**Purpose**

To brief Council on the advocacy to Victorian Government in relation to accessibility improvements required at Kananook Railway Station.

**Recommendation (Director Customer Innovation and Arts)**

That Council:

1. Notes the advocacy actions undertaken to date, including correspondence from Council to Victorian Government and local representatives and local media coverage;
2. Notes the engagement with the Frankston Disability Access and Inclusion Committee, encouraging members who have lived experience at Kananook Station to share their feedback with local representatives alongside Council;
3. Notes there has been no response received to date from State Member for Frankston or the State Member for Carrum; and
4. Commits to ongoing advocacy in relation to seeking investment towards accessibility improvements at Kananook Railway Station and receives a report to Council in the future when appropriate.

**Key Points / Issues**

- At its meeting on 16 May 2022 in response to 2022/NOM2 Kananook Station Precinct Advocacy it was resolved that Council:
  1. *Receives the response to 2022/NOM22\* - Kananook Station Precinct Advocacy;*
  2. *Endorse the Quinn Link concept plan;*
  3. *Notes the community consultation undertaken in relation to the proposed Quinn Link concept plan;*
  4. *Notes that implementation of the Quinn Link concept plan is subject to Vic Roads approval;*
  5. *Seeks funding from the State Government in 2022 - 2023 via the Office for Suburban Development (OSD) to deliver the Quinn Link concept;*
  6. *Acknowledges that this initiative may not meet the OSD program or guidelines and may not be funded, in which case, requires this initiative to be referred to Council's 2022/2023 Mid-Year Budget Review for further consideration; and*
  7. *Notes it had advocated to both Paul Edbrooke MP and Sonya Kilkenny MP on 21 February 2022 in relation to accessibility improvements at the Kananook Railway Station, as a part of 2022/NOM2 – Kananook Station Precinct Advocacy, and will follow up on the outstanding responses with urgency, following the increased Victorian Government funding of \$157.8 million allocated for improving transport accessibility across the state. A report will be provided back to Council no later than 5 September 2022."*

**13.1 Further response to 2022/NOM2 Kananook Station Precinct: Advocacy Update**  
**Executive Summary**

*\*NOTE: This is in reference to NOM2 which was incorrectly referred to as NOM22 in the 16 May 2022 Council Meeting.*

- Council advocated to the Victorian Government in 2020 for improvements to Kananook Railway Station, with Head of Road Safety Victoria Ms Robyn Seymour indicating a range of works underway in 2020 at Kananook Railway Station.
- On 7 October 2021, Council wrote to former Minister for Transport Infrastructure the Hon Jacinta Allan MP, noting the proposed works had not included improvements to accessibility for commuters (*Attachment One*).
- On 11 November 2021, Council received a response from Minister for Public Transport the Hon Ben Carroll MP, highlighting Victorian Government investment towards improving public transport accessibility across the state (*Attachment Two*).
- On 21 February 2022, Council wrote to Mr Paul Edbrooke MP (Frankston) and the Hon Sonya Kilkeny MP (Carrum) seeking clarification on the Victorian Government investment towards improving transport accessibility, particularly for Kananook Station (*Attachment Three*). Council followed up by email on 2 May 2022; however, Council is still awaiting a response.
- On 6 June 2022, Council wrote to Mr Paul Edbrooke MP (Frankston) and the Hon Sonya Kilkeny MP (Carrum) reiterating the accessibility request and highlighting a new opportunity to deliver precinct improvements for the Quinn Link overpass (*Attachment Four*). Council is still awaiting a response.
- At its meeting on 25 July 2022, Councillors further discussed the matter, tabling the following motion as part of the *Chief Executive Officer's Quarterly report - April to June 2022 period* item:
  - *5. In relation to the Kananook Railway Station disability access resolution, the CEO is requested to authorise staff, as opposed to seeking outright funding for such an upgrade, to instead seek – in the current financial year – a commitment from the State Government for it to conduct an evaluation / planning for inclusive access at this railway station. A copy of this resolution, if successful, is to be provided to State MP Paul Edbrooke.*
- Officers have prepared further correspondence to local state representatives as per the abovementioned resolution, awaiting Mayoral signature.
- In the 9 August 2022 edition of Bayside Times Newspaper an article titled '*Push to improve station access*' was published including comments from Cr Bolam on the matter (*Attachment Five*). Mr Edbrooke is not quoted, however a summary of his conversation with the reporter highlights the following:
  - *'Frankston MP Paul Edbrooke has contacted public transport minister Ben Carroll about the issue. He confirmed that upgrades at Kananook are not included in the current budgeted works program, but that the matter had been forwarded to the Department of Transport for consideration.'*
- Council has engaged with the Frankston Disability Access Inclusion Committee seeking their support in advocating for accessibility improvements to Kananook Railway Station, particularly by sharing any lived experiences with local representatives



**13.1 Further response to 2022/NOM2 Kananook Station Precinct: Advocacy Update**  
**Executive Summary**

- Officers will continue advocating for investment towards accessibility improvements at Kananook Railway Station

**Financial Impact**

There are no financial implications associated with this report.

**Consultation****1. External Stakeholders**

Officers have liaised with the Disability Access and Inclusion Committee seeking personal experiences from those utilising the Kananook Railway Station to help inform conversations with politicians. This information has helped inform aspects of our correspondence with Members of Parliament.

**2. Other Stakeholders**

Internal discussions have occurred with areas across Council to identify areas of overlap.

**Analysis (Environmental / Economic / Social Implications)**

Under the single postcode (3198), the Seaford and Kananook area has seen steady growth over the past decade, boasting a population of 17,689 up 7 per cent from the previous 10 years. Karingal has a higher portion of persons aged 60 or older than Frankston City, with 36 per cent of residents aged over 50.

Commuter patronage sees an average of 19,260 passengers through Kananook Station each year with 6.3% of the Kananook population identified as needing assistance with their day-to-day lives due to disability, 23.4% aged 60 and over and 6.6% of the local population being young families with children aged 0-4 years.

Kananook Station is only accessible from Wells Road by a 45 metre long raised ramp or from Quinn Street by a longer ramp over the Frankston Freeway. This overpass has no safety tactile, weather protection or safe areas for those in need to stop and rest, which may create an uncomfortable situation for those with lesser physical abilities.

A comparison of similar train stations such as Chelsea, Edithvale and Aspendale that are unstaffed along the Frankston Line, shows that Kananook is lacking a raised platform allowing independent boarding. Kananook also has no escalators or lift to allow safe and accessible access to/from the pedestrian overpass.

As identified in Infrastructure Victoria's recently released 30-year strategy, a key recommendation is to plan for and fund public transport accessibility improvements to infrastructure and services in order to meet legislated 2032 accessibility targets.

Council is set to deliver extensive investment within the Kananook Station and Reserve Precinct, including construction of a new 312 space commuter car park adjacent to Kananook Station, planned \$45 million redevelopment of the nearby Frankston Basketball and Gymnastics Stadium and development of a Kananook Reserve Master Plan. These projects combined demonstrate the importance of the Kananook Railway Station and Recreation Reserve Precinct, and highlight the need for Kananook Station to be modernised to keep up with increasing usage expected in the near future as the area becomes a hub for intermodal transport connectivity and a destination for regional sport.

**13.1 Further response to 2022/NOM2 Kananook Station Precinct: Advocacy Update**  
**Executive Summary****Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

There are no legal implications arising from Council's advocacy on this matter.

Policy Impacts

Draft Integrated Transport Strategy.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

**Risk Mitigation**

The Kananook Railway Station overpass and ramp is lacking in safety tactile surfaces, weather protection or safe areas for those in need to stop and rest. There is also no disability access lifts, unlike many comparable elevated railway stations. In addition, with the Kananook Station not being staffed there is little opportunity for disadvantaged commuters to seek assistance should they run into difficulty on the inadequate access facilities.

Given these accessibility deficiencies, officers believe that Kananook Railway Station does not meet the requirements as a disability compliant public asset. This situation prevents many people living with disabilities and/or mobility limitations, including parents with prams and children, from utilising this public asset. Failure to mitigate accessibility and safety concerns at Kananook Railway Station could lead to mild and serious injuries occurring, particularly to those with accessibility barriers, the elderly and young families with children aged 0-4 years.

**Conclusion**

Council has advocated to the Victorian Government at various times throughout 2021 and 2022, including correspondence to and meetings with various Ministers and local representatives. With upcoming major developments set to occur over the coming years within the Kananook Station and Recreation Reserve Precinct, patronage through Kananook Railway Station is expected to increase even further, requiring necessary accessibility and comfort improvements to be made. Officers will continue advocating for improvements to Kananook Railway Station.

**13.1 Further response to 2022/NOM2 Kananook Station Precinct: Advocacy Update****Executive Summary**

---

**ATTACHMENTS**

- Attachment A: [↓](#) Signed letter from Mayor to Minister for Transport Infrastructure Hon Jacinta Allan MP - October 2021
- Attachment B: [↓](#) Incoming letter from Minister for Public Transport the Hon Ben Carroll MP - January 2022
- Attachment C: [↓](#) Signed letter from Mayor to Sonya Kilkenny and Paul Edbrooke - February 2022
- Attachment D: [↓](#) Signed letter from Mayor to Sonya Kilkenny and Paul Edbrooke - June 2022
- Attachment E: [↓](#) Media clipping from Bayside Times Newspaper - Push to improve station access

**Office of the Mayor**

Frankston City Council  
30 Davey Street, Frankston, Victoria, Australia  
Telephone: +613 9768 1632 Mobile: 0417 921 644  
PO Box 490, Frankston VIC 3199  
Website: frankston.vic.gov.au

Reference: A4404042  
Enquiries: Doug Dickins  
Telephone: (03) 9784 1779

7 October 2021

The Hon. Jacinta Allan MP  
Minister for Transport Infrastructure  
Level 20, 1 Spring Street  
MELBOURNE VIC 3000

Dear Minister

**ACCESSIBILITY IMPROVEMENTS REQUIRED AT KANANOOK RAILWAY STATION**

I am writing in relation to vital accessibility improvements required at Kananook Railway Station on the Frankston Rail Line.

By way of background, in March 2020 Frankston City Council wrote to you requesting a Kananook Station Precinct Plan be developed to address a number of pedestrian and commuter concerns, particularly in relation to accessibility improvements required.

Council received a response on 29 May 2020 from Robyn Seymour, Head of Road Safety Victoria indicating a range of works underway in 2020 at Kananook Station. Unfortunately, these works did not include improvements to accessibility for commuters.

With these works now completed, Council would appreciate the opportunity to work with the Victorian Government and the Department of Transport on options to improve pedestrian accessibility within the Kananook Station precinct.

Residents have since continued to raise their concerns in relation to accessibility using the pedestrian overpass at Kananook Station from both Wells Road and Quinn Street across Frankston Freeway, particularly for those in a wheelchair, using a pram or with lesser physical abilities.

Under the single postcode (3198), the Seaford and Kananook area has seen steady growth over the past decade, boasting a population of 17,689 up 7 per cent from the previous 10 years. Karingal has a higher portion of persons aged 60 or older than Frankston City, with 36 per cent of residents aged over 50.

Commuter patronage sees an average of 19,260 passengers through Kananook Station each year with 6.3% of the Kananook population identified as needing assistance in their day-to-day lives due to disability, 23.4% aged 60 and over and 6.6% of the local population being young families with children aged 0-4 years.

Kananook Station is only accessible from Wells Road by a 45 metre long raised ramp or from Quinn Street by a longer ramp over the Frankston Freeway. This overpass has no safety tactile, weather protection or safe areas for those in need to stop and rest, which may create an uncomfortable situation for those with lesser physical abilities.

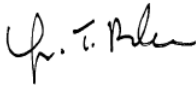
A comparison of similar train stations such as Chelsea, Edithvale and Aspendale that are unstaffed along the Frankston Line, shows that Kananook is lacking a raised platform allowing independent boarding. Kananook also has no escalators or lift to allow safe and accessible access to/from the pedestrian overpass.

As identified in Infrastructure Victoria's recently released 30-year strategy, a key recommendation is to plan for and fund public transport accessibility improvements to infrastructure and services in order to meet legislated 2032 accessibility targets.

I would appreciate your earliest advice in relation to urgent safety improvements at Kananook Station and the pedestrian overpass.

Should you have any questions, please contact Mr Doug Dickins, Manager Engineering Services on (03) 9784 1779 or email [doug.dickins@frankston.vic.gov.au](mailto:doug.dickins@frankston.vic.gov.au).

Yours faithfully



Cr Kris Bolam JP

**MAYOR – FRANKSTON CITY**

Cc: Ms Sonya Kilkenny MP, Member for Carrum  
Members for South-East Melbourne Region

Seaford » Frankston » Langwarrin » Karingal » Skye » Frankston South » Frankston North » Carrum Downs » Langwarrin South » Sandhurst

.....





The Hon Ben Carroll MP

Minister for Public Transport  
Minister for Roads and Road Safety

1 Spring Street  
Melbourne Victoria 3000  
Telephone: +61 3 9095 4301  
DX210292

Ref: CMIN-1-21-11224

Cr Kris Bolam  
Frankston City Council  
PO Box 490  
FRANKSTON VIC 3199  
crbolam@frankston.vic.gov.au

Dear Cr Bolam

I refer to your letter of 7 October 2021 to the Hon Jacinta Allan MP, Minister for Transport Infrastructure, regarding Kananook railway station. Your letter has been referred to me as the Minister for Public Transport.

I can assure you that improving accessibility is a priority for the Victorian Government. The issues you raise have been noted and I have shared your feedback with the Department of Transport (DoT).

While there are no immediate plans for upgrade works at this location, I can confirm the State Budget 2021-22 contained \$25.4 million to deliver accessibility and usability upgrades across the public transport network.

As part of this investment, DoT will also be developing a whole-of-transport accessibility strategy. The strategy will identify key areas of the public transport network that need to be fixed as a priority. You can find more information on the strategy at [transport.vic.gov.au/about/planning/transport-strategies-and-plans/transport-accessibility-strategy](https://transport.vic.gov.au/about/planning/transport-strategies-and-plans/transport-accessibility-strategy).

Given Council's strong interest in accessibility, I encourage Council to engage with the development of the strategy by joining in the workshops being facilitated by the Municipal Association of Victoria.

I trust this information is of use. Thank you for raising this matter.

Yours sincerely

**The Hon Ben Carroll MP**  
Minister for Public Transport  
Minister for Roads and Road Safety  
Date: 11/01/2022





## Office of the Mayor

Frankston City Council  
30 Davey Street, Frankston, Victoria, Australia  
Telephone: +613 9768 1632 Mobile: 0417 921 644  
PO Box 490, Frankston VIC 3199  
Website: frankston.vic.gov.au

Reference: A4624407  
Enquiries: Doug Dickins  
Telephone: (03) 9784 1779

21 February 2022

Mr Paul Edbrooke MP and Ms Sonya Kilkenny MP  
Member for Frankston and Member for Carrum  
[paul.edbrooke@parliament.vic.gov.au](mailto:paul.edbrooke@parliament.vic.gov.au)  
[sonya.kilkenny@parliament.vic.gov.au](mailto:sonya.kilkenny@parliament.vic.gov.au)

Dear Ms Kilkenny and Mr Edbrooke

### APPEAL FOR ACTION ON REQUIRED ACCESSIBILITY IMPROVEMENTS AT KANANOOK RAILWAY STATION

I am writing to you both as representatives for commuters accessing Kananook Railway Station to reiterate the urgent need to address ongoing accessibility issues faced by residents and visitors due to unsuitable infrastructure and amenities.

As you may be aware, Council has written to the Victorian Government on a number of occasions, with a recent response from the Hon Ben Carroll MP indicating a \$25.4 million funding allocation in the 2021-2022 Victorian Budget towards improved accessibility and usability access to railway stations across Victoria (copy attached for your information).

Unfortunately, this response doesn't provide any certainty to our community that Kananook Station is included within this funding allocation, nor the scope of works or timeframes for potential project delivery.

As a result, Councillors discussed the matter at the Monday 31 January 2022 Council Meeting, adopting the following motion:

*That Council is to formally write to Paul Ebrooke MP and Sonya Kilkenny MP to implore them to actively pursue the installation of disability access at Kananook Railway Station, as has been previously requested by Council due to public feedback.*

By way of background, the only access to Kananook Station is via a 45 metre long raised ramp from Wells Road or an even longer ramp from Quinn Street crossing over the Frankston Freeway. The overpass and ramp is lacking in safety tactile surfaces, weather protection or safe areas for those in need to stop and rest. There is also no disability access lifts, unlike many comparable elevated railway stations. In addition, with the Kananook Station not being staffed there is little opportunity for disadvantaged commuters to seek assistance should they run into difficulty on the inadequate access facilities.

Given these accessibility deficiencies, we believe that Kananook Railway Station does not meet the requirements as a disability compliant public asset. This situation prevents many people living with disabilities and/or mobility limitations, including parents with prams and children, from utilising this public asset.

The planned construction of a new multi-level commuter car park located adjacent to Kananook Station with over 300 additional commuter car spaces constructed and available within the next 24 months will likely further expose the accessibility limitations of the existing infrastructure.

The Victorian Andrews Government's commitment to improving accessibility is evident in the development of a Transport Accessibility Strategy to be completed later this year, the Accessible Public Transport Action Plan 2020-24 and Victoria's Infrastructure Strategy 2021-2051.

While we welcome these strategic vision's to improve and enhance our public transport and accessibility, Council is seeking your support to resolve the long-standing accessibility issues experienced at Kananook Station to ensure every Frankston City resident is afforded equal access to our essential public transport system.

Should you have any questions, please contact Mr Doug Dickins, Manager Engineering Services on (03) 9784 1779 or email [doug.dickins@frankston.vic.gov.au](mailto:doug.dickins@frankston.vic.gov.au).

Yours faithfully



Cr Nathan Conroy  
**MAYOR – FRANKSTON CITY**



## Office of the Mayor

Frankston City Council  
30 Davey Street, Frankston, Victoria, Australia  
Telephone: +613 9768 1632 Mobile: 0417 921 644  
PO Box 490, Frankston VIC 3199  
Website: frankston.vic.gov.au

Reference: A4695342  
Enquiries: Doug Dickins  
Telephone: (03) 9784 1779

6 June 2022

Mr Paul Edbrooke MP and Ms Sonya Kilkenny MP  
Member for Frankston and Member for Carrum  
Sent to: [paul.edbrooke@parliament.vic.gov.au](mailto:paul.edbrooke@parliament.vic.gov.au) and [sonya.kilkenny@parliament.vic.gov.au](mailto:sonya.kilkenny@parliament.vic.gov.au)

Dear Ms Kilkenny and Mr Edbrooke

### KANANOOK STATION ACCESSIBILITY AND AMENITY IMPROVEMENTS

Following previous correspondence sent to you both on 22 February 2022, I am following up on Council's request to address ongoing accessibility issues faced by commuters travelling through Kananook Railway Station due to unsuitable infrastructure and lack of public amenities. Accompanying this is a request for support for an upgrade to the Quinn Link overpass entrance to address safety and increase street presence.

This letter follows further discussion of these matters at the 16 May Council Meeting which saw the following motion adopted:

*That Council:*

*7. Notes it had advocated to both Paul Edbrooke MP and Sonya Kilkenny MP on 21 February 2022 in relation to accessibility improvements at the Kananook Railway Station, as a part of 2022/NOM2 – Kananook Station Precinct Advocacy, and will follow up on the outstanding responses with urgency, following the increased Victorian Government funding of \$157.8 million allocated for improving transport accessibility across the state. A report will be provided back to Council no later than 5 September 2022.*

With the release of the 2022-2023 Victorian Budget earlier this month, Council notes the \$157.8 million package of works to improve transport accessibility across the state. Council is keen to learn from yourselves as to whether there is any opportunity for this funding allocation to address the long-standing accessibility issues experienced at Kananook Station, including the access ramp to/from the station and over the Frankston Freeway, a lift from the overpass to the platform and public toilet amenities.

In addition to the improvements noted in our past letter, we as a Council have seen growing concern from many commuters within our community regarding the lack of public toilet amenities at Kananook Station. Many journeys to Kananook Station originate from Melbourne CBD, approximately a one-hour trip from departure to arrival, frequently resulting in many commuters having an urgent need for a bathroom stop before continuing the remainder of the journey. Convenient amenities at the station itself will provide confidence for commuters and ensure that the whole of the community can comfortably utilise the station.

Seaford » Frankston » Langwarrin » Karingal » Skye » Frankston South » Frankston North » Carrum Downs » Langwarrin South » Sandhurst  
.....

We believe that now is an opportune time to enhance Kananook Station, given the extensive investment Council is soon to deliver within the Kananook Station and Reserve Precinct, including construction of a new 312 space commuter car park adjacent to Kananook Station, planned \$45 million redevelopment of the nearby Frankston Basketball and Gymnastics Stadium and development of a Kananook Reserve Master Plan. These projects combined demonstrate the importance of the precinct, and highlight the need for Kananook Station to be modernised to keep up with increasing usage.

The 16 May Council Meeting also saw the endorsement of the Quinn Link concept plan which seeks to enhance the aesthetic and landscape character of this important pedestrian overpass connection to Kananook Railway Station. Following investigation and community consultation a concept has been developed that includes a new fence that is set back to allow landscape improvements with new tree planting and landscaping.

The following motion was adopted on the matter:

*That Council:*

- 1. Receives the response to 2022/NOM22 - Kananook Station Precinct Advocacy;*
- 2. Endorse the Quinn Link concept plan;*
- 3. Notes the community consultation undertaken in relation to the proposed Quinn Link concept plan;*
- 4. Notes that implementation of the Quinn Link concept plan is subject to Vic Roads approval;*
- 5. Seeks funding from the State Government in 2022 - 2023 via the Office for Suburban Development (OSD) to deliver the Quinn Link concept;*
- 6. Acknowledges that this initiative may not meet the OSD program or guidelines and may not be funded, in which case, requires this initiative to be referred to Council's 2022/2023 Mid-Year Budget Review for further consideration*

Council would welcome your support in seeking funding from the Office of Suburban Development to realise this concept, of course noting that the implementation of the concept plan is subject to Vic Roads approval.

I look forward to your response on these matters, and welcome any updates you can provide on how the Victorian Government can collaborate with Council to deliver much needed improvements at Kananook Station for the comfort and safety of all commuters now and into the future.

Yours faithfully



Cr Nathan Conroy  
**MAYOR – FRANKSTON CITY**



# Push to improve station access

**Brodie Cowburn**

[brodie@baysidenews.com.au](mailto:brodie@baysidenews.com.au)

THE state government has been asked to look into ways to improve disability access at Kananook Station.

At their last meeting, Frankston councillors agreed to ask the state government to commit to an evaluation of the site. They hope that planning will begin soon to introduce more inclusive access at the station.

Frankston MP Paul Edbrooke has contacted public transport minister Ben Carroll about the issue. He confirmed that upgrades at Kananook are not included in the current budgeted works program, but that the matter had been forwarded to the Department of Transport for consideration.

Frankston councillor Kris Bolam said that the station's current design affects a large number of railway users. "The access issues at Kananook Railway Station don't just affect people with disability. The lack of accessibility also affects those recovering from injury, senior citizens, students carrying heavy school bags and parents pushing bulky prams," he said. "The vast majority of public railway stations along the Frankston train line are disability compliant. Kananook Railway Station is only of the very few without disability compliant access and egress.

"Logistically and even from an engineering perspective, any solution is going to be a feat due to the layout of the railway station. But I remain confident that there is a solution to be found".

This is the second time this year that council has requested the state government to act on disability access at the station. In January councillors approved a motion to write to state MPs, saying that "Kananook Railway Station is

reliant upon the pedestrian overpass. Given this, Kananook Railway Station would not classify as a disability compliant public asset and requires improved accessibility and usability."

## New program for parking

FINDING convenient car parking can become a headache for anyone who spends enough time in Frankston.

A new "smart parking" trial designed to make the process of finding and paying for parking in Frankston easier begins next week.

Work is underway to install signage and in-ground sensors across Frankston for the three year trial. A new mobile app will point drivers towards the nearest available parking space. New cashless pay methods are also being implemented.

The free two-hour parking provision installed during the COVID-19 pandemic in some areas has also been reinstated.

Frankston mayor Nathan Conroy said "we hope drivers take advantage of this more efficient way of parking which contributes to fuel economy, reduces traffic and is more sustainable for the environment."

The new parking system will be in effect on Wells Street, Playne Street, Young Street, and Thompson Street.

The new app Guidance will be used to direct drivers towards parking. The app Strada will be used for cashless payments.

## Changes made at libraries

FRANKSTON Library has reopened after a renovation.

The library shut in June to accommodate works. The refurbished library features new carpets and shelving.

The doors to the library reopened on 30 July. The Library Community Lounge has closed.

At Carrum Downs Library, opening hours have been adjusted. The library will now be open 10am-6pm from Monday to Wednesday, 10am-10pm Thursday, 10am-6pm Friday, 10am-1pm Saturday, and 1pm-4pm Sunday.



**17. CONFIDENTIAL ITEMS**

Section 3(1) of the *Local Government Act 2020* enables the Council to close the meeting to the public if the meeting is discussing any of the following:

- (a) Council business information that would prejudice the Council's position in commercial negotiations if prematurely released;
- (b) Security information that is likely to endanger the security of Council property or the safety of any person;
- (c) Land use planning information;
- (d) Law enforcement information;
- (e) Legal privileged information;
- (f) Personal information;
- (g) Private commercial information;
- (h) Internal arbitration information;
- (i) Councillor conduct panel information
- (j) Information prescribed by the regulations to be confidential information for the purposes of this definition;
- (k) Information that was confidential information for the purposes of section 77 of the *Local Government Act 2020*
- (l) A resolution to close the meeting to members of the public pursuant to section 66(2)(a).

**Recommendation**

That the Council Meeting 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 3(1)) of the *Local Government Act 2020* on the following grounds

**C.1 Animal Pound Contract**

Agenda Item C.1 Animal Pound Contract is designated confidential (until such time as Council determines it to be released) on the grounds that it contains:

- information that is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and
- private commercial information, being information provided by a business, commercial or financial undertaking that— (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g)).

These ground apply because the information concerns matters that are likely to be the subject of future negotiations and would, if prematurely released, compromise the integrity and outcome of those negotiations.

.....  
Signed by the CEO