



**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 16 MAY 2022 at 7.01PM**

PRESENT	Cr. Nathan Conroy (Mayor) Cr. Suzette Tayler (Deputy Mayor) Cr. Kris Bolam Cr. David Asker Cr. Sue Baker Cr. Claire Harvey Cr. Brad Hill Cr. Liam Hughes Cr. Steven Hughes
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Ms. Kim Jaensch, Director Corporate and Commercial Services Ms. Angela Hughes, Director Communities Mr. Cam Arullanantham, Director Infrastructure and Operations Ms. Fiona McQueen, Acting Director Customer Innovation and Arts Ms. Brianna Alcock, Manager Governance and Information Ms Simone Wickes, Manager Financial & Corporate Planning (via zoom) Mr. Tim Bearup, Manager Community Strengthening (via zoom) Mr. Johann Rajaratnam, Manager City Futures (via zoom) Ms. Tenille Craig, Team Leader Governance Ms. Rebecca Swann, Councillor Support Officer Mr. Connor Rose, Business Analyst Mr. Josh Lacey, Supervising Technician Mr. Jeremy O'Rourke, Technician
EXTERNAL REPRESENTATIVES:	Nil.

COUNCILLOR STATEMENT

The Deputy Mayor, Councillor Tayler made the following statement:

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

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

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

PRAYER

At the request of the Mayor, the Deputy Mayor, Councillor Tayler read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Deputy Mayor, Councillor Tayler acknowledged the Bunurong People of the Kulin Nation – the Traditional Custodians of the land on which we stand, and paid respect to Elders past, present and future. Respect was also extended to Elders of other communities who may have been present.

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1. PRESENTATION TO COMMUNITY GROUPS

Councillor Sue Baker presented a Councillor Appreciation Award to Meredith MacKenzie for her commitment over the last 7 years to the success and growth of programs for the Seaford community through the Belvedere Community Centre, ensuring on-going support to staff and the community throughout the pandemic and collaborating with various stakeholders to realise a new, fit-for-purpose home for the Belvedere Community Centre from 2023. Frankston City Council thanks you for your contribution to this Community.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Council Meeting No. CM5 held on 26 April 2022.

Council Decision

Moved: Councillor Asker

Seconded: Councillor Tayler

That the minutes of the Council Meeting No. CM5 held on 26 April 2022 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Nil

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil

5. PUBLIC QUESTION TIME

There were no questions submitted to Council.

6. HEARING OF PUBLIC SUBMISSIONS

Mr Robert Thurley made a submission to Council regarding Item 12.4 – Capital Works Quarterly Report – Q3 January to March 2022; and

Mr Stuart Allen made a submission to Council regarding Item 12.4 – Capital Works Quarterly Report – Q3 January to March 2022

7. ITEMS BROUGHT FORWARD

Items Brought Forward

Council Decision

Moved: Councillor Harvey

Seconded: Councillor Asker

That Item 12.4 Capital Works Quarterly Report - Q3 - January to March 2022 be brought forward.

Carried Unanimously

Block Motion**Council Decision****Moved: Councillor Harvey****Seconded: Councillor Baker**

That the below Items be block resolved:

- 12.1 - Council Resolution Status Update for 16 May 2022
- 12.2 - Update on Coronavirus (COVID-19) and Recovery Grants Program report - 16 May 2022
- 12.3 - Financial and Council Plan Quarterly Report - March 2022
- 12.5 - Peninsula Leisure Pty Ltd - Q3 2021-2022 Performance Report
- 12.6 - MAV State Council Motions for 24 June 2022 State Council Meeting
- 12.7 - Records Management Policy 2022-2024
- 12.8 - S18 Instrument of Sub-Delegation under Environment Protection Act 2017
- 12.9 - Instrument of Appointment and Authorisation
- 12.10 - Local Heritage Preservation Grant Program 2021/2022

Carried Unanimously**8. PRESENTATIONS / AWARDS**

Ms Kim Jaensch, Director Corporate and Commercial Services, advised that our 2021-2025 Council Plan & Budget was announced as the winner of the LGPro Corporate Planners Network Awards 2022 as the Delegates Choice Award - Best Practice and Innovation in Council Plan Development. Some of the key strengths that helped developed the plan was an integrated planning and reporting framework, service planning foundational work and a level of community consultation. Congratulations to everyone involved from the Financial & Corporate Planning team.

Fiona McQueen advised that, for the second year running, Frankston City Council was named a finalist for the Victorian Top Tourism Town Award. The submission included a feature article, 4-day itinerary and promotional video targeting people aged 25-35 years. It is a fast-paced, vibrant and catchy submission that showcases the most exciting and "Instagrammable" moments of Frankston City.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

10. DELEGATES' REPORTS

Nil

ITEMS BROUGHT FORWARD**12.4 Capital Works Quarterly Report - Q3 - January to March 2022***(CP Infrastructure and Operations)***Recommendation**

That Council:

1. Receives and notes the quarterly progress report for the third quarter (January to March 2022) of the 2021/22 Capital Works Program;
2. Notes there are no projects to report for the second quarter where variations have exceeded the pre-approved variation amount in accordance with S7 Instrument of Sub-Delegation by CEO;
3. Notes that there is an impact on program delivery as a result of COVID-19 pandemic and the resulting construction industry disruptions and labour/skills shortage, which are resulting in cost escalations and timing delays. These impacts are currently being closely monitored and will be managed in accordance with Council's Long Term Infrastructure Plan (LTIP) governance framework;
4. Notes there is a forecast carry forward of \$6.042 million at the end of March, which can be largely attributed to several projects experiencing delays and cost escalations due to COVID related impacts; and
5. Endorses the revised Schedule of Major Projects for 2021/22 detailed in Attachment E.

*Meeting adjourned at 7.54 pm**Meeting resumed at 8.02 pm***Council Decision****Moved: Councillor Steven Hughes****Seconded: Councillor Liam Hughes**

That Council:

1. Receives and notes the quarterly progress report for the third quarter (January to March 2022) of the 2021/22 Capital Works Program;
2. Notes there are no projects to report for the second quarter where variations have exceeded the pre-approved variation amount in accordance with S7 Instrument of Sub-Delegation by CEO;
3. Notes that there is an impact on program delivery as a result of COVID-19 pandemic and the resulting construction industry disruptions and labour/skills shortage, which are resulting in cost escalations and timing delays. These impacts are currently being closely monitored and will be managed in accordance with Council's Long Term Infrastructure Plan (LTIP) governance framework;
4. Notes there is a forecast carry forward of \$6.042 million at the end of March, which can be largely attributed to several projects experiencing delays and cost escalations due to COVID related impacts; and
5. Endorses the revised Schedule of Major Projects for 2021/22 detailed in Attachment E.
6. That the CEO is to ensure that the implementation scope for the Kananook Creek Arboretum is to be fully provided to the KCA and other relevant

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stakeholders in a timely manner;

7. That a detailed breakdown of costings for the \$673,000.00 Kananook Creek Arboretum implementation works are to be provided in the CEO's Report at the June 2022 Council Meeting; and
8. That Officers, in this same breakdown, are to provide a preliminary cost estimate for future staged works relating to the Kananook Creek Arboretum

Carried Unanimously

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11. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Council Resolution Status Update for 16 May 2022***(BA Corporate and Commercial Services)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Receives the Notice of Motion Report for 16 May 2022;
2. Notes there are no open Urgent Business items, as such this report has not been included;
3. Notes there is one Notice of Motion action that has been reported as being complete:
 - 2022/NOM6 - Frankston Toy Library - Providing Financial Security
4. Notes there is one report that will not be presented to Council:
 - Council Resolution Status Update for 30 May 2022, due to this being called as an additional Council Meeting within the month of May;
5. Notes, since the Council Meeting held on 26 April 2022, 6 resolutions have been completed, as listed in the body of the report; and
6. Resolves for Attachment C 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.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

12.2 Update on Coronavirus (COVID-19) and Recovery Grants Program report - 16 May 2022*(PC Chief Executive Office)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Notes this report which outlines an update of its response to the impacts of the Coronavirus (COVID-19) and Recovery Grants Program;
 2. Notes the status of the 2021-2022 Relief and Recovery package;
 3. Commits the transfer of activities to the value of **\$217,492** within the 2021-2022 Relief and Recovery Package for their delivery in the 2022-2023 financial year and **\$3,135** to the strategic asset reserve. The total 2021-2022 package value reduces to \$2,711,036 by approving the financial adjustment in this report:
 - a) Business Grant Programs (\$170,000 original allocation) – Grants totalling \$30,000 are expected to be spent in 2021-2022. It is recommended to transfer **\$140,000** into 2022-23 financial year, made up of \$90,000 awarded to Invest Frankston Business grants and \$50,000 funding of a strategic review and audit of all adopted over the last ten years to be reported back to Council no later than November 2022.
 - b) Long Term Vacant Shop Grants Program (\$100,000 original allocation) – Grants totalling \$19,373 are expected to be spent in 2021-2022. It is recommended to transfer **\$77,492** to 2022-23 financial year and **\$3,135** to be transferred to the strategic asset reserve.
- Noting that final year expenditures and allocations to cross financial years will be confirmed and endorsed in the final July COVID-19 Report; and
4. Notes the ongoing communication of all activities included in the adopted 2021-2022 Relief and Recovery package; including the recovery grants program and ratepayer reward voucher scheme on relevant Council channels.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

12.3 Financial and Council Plan Quarterly Report - March 2022*(SW Corporate and Commercial Services)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council receives and notes the 2021-2025 Council Plan Quarterly Performance Report and the Council Financial Report for the quarter ended 31 March 2022.

Carried Unanimously

Note: Refer to page 4 of these Minutes where this item was Block Resolved

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12.5 Peninsula Leisure Pty Ltd - Q3 2021-2022 Performance Report*(KJ Corporate and Commercial Services)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council receives and notes the Peninsula Leisure P/L Quarterly Performance Report for period ending 31 March 2022.

Carried Unanimously

Note: Refer to page 4 of these Minutes where this item was Block Resolved

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12.6 MAV State Council Motions for 24 June 2022 State Council Meeting*(BA Corporate and Commercial Services)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Notes that the Municipal Association of Victoria (MAV) State Council Meeting was not held in May 2022, despite previous MAV advice, and the next MAV State Council Meeting has been confirmed for 24 June 2022;
2. Notes the five (5) motions for the MAV State Council Meeting that were previously endorsed by Council at its meeting held on 20 September 2021:
 - i. Removal of Redundant Hybrid Fibre Coaxial (HFC) Cabling;
 - ii. Hoarding and Squalor Taskforce;
 - iii. Mandatory Dementia Training;
 - iv. State Government Levies;
 - v. Practical Mental Health Support;
3. Endorses the following proposed Motion for the MAV State Council Meeting:
 - i. Ban on Motorised Bikes (Monkey Bikes); and
4. Approves for the motions to be submitted to MAV prior to the 27 May 2022 deadline.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

12.7 Records Management Policy 2022-2024*(BA Corporate and Commercial Services)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Notes the revised Records Management Policy 2022-2024 was advertised for a period of four (4) weeks and one written submission was received;
2. Adopts the Records Management Policy 2022-2024; and
3. Notes that officers will notify the submitter of its decision accordingly.

Carried Unanimously**Note:** *Refer to page 4 of these Minutes where this item was Block Resolved*

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12.8 S18 Instrument of Sub-Delegation under Environment Protection Act 2017*(BA Corporate and Commercial Services)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

In the exercise of power conferred by s 437(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021;

1. Resolves there be delegated, to the members of Council staff holding, acting in or performing the duties of the office or positions referred to in the attached Instrument of Sub-Delegation to members of Council staff, the powers, duties and functions set out in that instrument subject to the conditions and limitations specified in that instrument;
2. Notes the Instrument of Sub-Delegation referred to above:
 - (i) Be signed and sealed;
 - (ii) Come into force immediately that the Common Seal of Council is affixed to the Instrument and will remain in force until Council determines to vary or revoke the instrument;
 - (iii) When the instrument comes into force, the previous instrument, which was adopted by Council on 4 April 2022, will be revoked; and
3. Notes the duties and functions set out in the Instrument of Sub-Delegation are performed and the powers, duties and functions be executed in accordance with any guidelines or policies that Council may from time to time adopt.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

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12.9 Instrument of Appointment and Authorisation

(BA Corporate and Commercial Services)

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

That Council:

1. Appoints the officers listed in the Instrument of Appointment and Authorisation, pursuant to the provisions of Section 147 (4) of the *Planning and Environment Act 1987* and the *Local Government Act 2020*;
2. Authorises for the Instruments of Appointment and Authorisation to be signed and Sealed; and
3. Resolves that the Attachments be retained as confidential indefinitely on the grounds that they include personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (*Local Government Act 2020, s.3(1)(f)*). These grounds apply because the Instruments includes personal information of the officers which, if released would breach privacy obligations.

Carried Unanimously

Note: Refer to page 4 of these Minutes where this item was Block Resolved

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12.10 Local Heritage Preservation Grant Program 2021/2022*(JR Communities)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Adopts the 2021/2022 Local Heritage Preservation Grant Program recommendations as contained in the confidential attachment;
2. Approves and advises the successful applicants in the 2021/2022 Local Heritage Preservation Grant Program;
3. Requires successful applicants to sign the grant funding agreement with Council prior to receiving any grant funding, noting that this is a criteria within the guidelines; and
4. Resolves attachment A to be retained as confidential indefinitely on the grounds that it includes personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (*Local Government Act 2020, s.3(1)(f)*). These grounds apply because the information concerns information about the nominees, who have not consented to their information being disclosed. Release of this information might undermine public confidence and make people reluctant to submit nominations in the future, which would compromise Council's ability to run similar grants programs in the future..

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

12. RESPONSE TO NOTICES OF MOTION**13.1 Response to 2022/NOM22 Kananook Station Precinct Advocacy***(JR Communities)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Baker**

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.

Carried Unanimously

13. CONSIDERATION OF CITY PLANNING REPORTS**11.1 City Futures Progress Report - Quarter 3 January - March 2022***(JR Communities)***Council Decision****Moved: Councillor Hill****Seconded: Councillor Harvey**

That Council receives the City Futures Progress Report for Quarter 3 from January to March 2021.

Carried Unanimously

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14. NOTICES OF MOTION**14.1 2022/NOM7 - Reporting Obligations for Charitable Group Grant Recipients**

(TC Corporate and Commercial Services)

Recommendation

That Council adopt the requirement, from 2022/2023 onwards, that all charitable groups receiving in excess of \$5000 in funding (per annum) via Council's Community Service Partnership Grants (triennial agreements), must demonstrate that they:

- Have an active registration with the Australian Charities and Not-for-profit Commission
- Have met all of their reporting requirements, including the provision of financial statements as required (i.e. nothing outstanding/overdue)

Grants will not be confirmed/provided until these requirements are met.

For those groups operating under the auspices of a broader consortium (e.g. State-based organisation), the requirement will apply to the organisation that would be in receipt of the Council funds.

Leave of Council

Moved: Councillor Harvey

Seconded: Councillor Baker

That Cr Harvey be granted leave of Council to amend 2022/NOM7 - Reporting Obligations for Charitable Group Grant Recipients

Carried Unanimously

Council Decision

Moved: Councillor Harvey

Seconded: Councillor Baker

That Council:

- a) Adopt the requirement that each year from 22/23 onwards, all organisations receiving in excess of \$5500 in funding (per annum) via Council's Community Partnerships Grants (triennial grants) must demonstrate to the satisfaction of Council that they:

- Have an active registration with the Australian Charities and Not-for-profit Commission (ACNC) if eligible;
- Have met all of their ACNC reporting requirements (if eligible), including the provision of financial statements as required (i.e. nothing outstanding/overdue)

Grants will not be awarded until these requirements (along with any other requirements outlined in the Community Grants Policy) are met each year.

For those groups operating under the auspices of a broader consortium (e.g. State-based organisation), the requirement will apply to the organisation that would be in receipt of the Council funds.

- b) Notes that all other grant recipients not required to be ACNC registered remain subject to the requirements and accountabilities outlined in the Community Grants Policy which includes: evidence of Incorporation, provision of financial statements (ie. Income Statement, Balance Sheet, Cash Flow Statement) and

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acquittal reports. If there are individual circumstances whereby it is felt that additional information is required from a particular group, this can be pursued as appropriate.

Extension of Time

Moved: Councillor Hill

Seconded: Councillor Bolam

That Cr Steven Hughes be granted an extension of time.

Carried Unanimously

The motion was put and

Carried

For the Motion:	Crs Asker, Baker, Bolam, Conroy, Harvey, Hill and Tayler
Against the Motion:	Nil
Abstained:	Crs S Hughes and L Hughes

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15. LATE REPORTS

Nil.

16. URGENT BUSINESS

Nil.

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17. CONFIDENTIAL ITEMS

Nil Reports

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Signed by the CEO

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The meeting was closed to the public at 8.39 pm

DRAFT MINUTES
CONFIRMED THIS

DAY OF

2022

.....
CHAIRPERSON

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