



**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON  
ON 6 JUNE 2022 at 7.03PM**

PRESENT	<p>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</p>
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	<p>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. Shweta Babbar, Director Customer Innovation and Arts          Ms. Brianna Alcock, Manager Governance and Information          Mr. Sam Clements, Manager Development Services          Mr. Bruce Howden, Manager Waste and Recycling          Mr. Johann Rajaratnam, Manager City Futures          Ms. Tammy Ryan, Manager Arts &amp; Culture          Ms. Simone Wickes, Manager Financial &amp; Corporate Planning          Mr. Stuart Caldwell, Coordinator Statutory Planning          Ms. Tenille Craig, Team Leader Governance          Ms. Rebecca Swann, Councillor Support Officer          Mr. Connor Rose, Business Analyst          Mr. Glenn Parry, Application Administrator          Mr. Jeremy O'Rourke, Technician</p>
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.*

*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.

Chairperson’s initials .....

<b>1. PRESENTATION TO COMMUNITY GROUPS.....</b>	<b>3</b>
<b>2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....</b>	<b>3</b>
Council Meeting No. CM7 held on 30 May 2022.....	3
<b>3. APOLOGIES.....</b>	<b>3</b>
<b>4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST .....</b>	<b>3</b>
<b>5. PUBLIC QUESTION TIME.....</b>	<b>3</b>
<b>6. HEARING OF PUBLIC SUBMISSIONS .....</b>	<b>3</b>
<b>7. ITEMS BROUGHT FORWARD .....</b>	<b>3</b>
<b>8. PRESENTATIONS / AWARDS.....</b>	<b>3</b>
8.1 Recognition to the Frankston District Basketball Association, winner of the Association of the Year Award.....	3
<b>9. PRESENTATION OF PETITIONS AND JOINT LETTERS.....</b>	<b>4</b>
<b>10. DELEGATES' REPORTS .....</b>	<b>4</b>
<b>11. CONSIDERATION OF CITY PLANNING REPORTS .....</b>	<b>5</b>
11.1 Planning Permit Application 772/2021/P - To Allow For The Sale And Consumption of Liquor In Association With Use of Land for the Purpose of a Motel - 71 Hall Road, Carrum Downs.....	5
11.2 Elevating Environmentally Sustainable Development (ESD) Targets Planning Policy Project: Stage 2 Planning Scheme Amendment .....	9
11.3 Statutory Planning Progress Report - April 2022 .....	10
<b>12. CONSIDERATION OF REPORTS OF OFFICERS.....</b>	<b>11</b>
12.1 Council Resolution Status Update for 6 June 2022 .....	11
12.2 Frankston Arts Advisory Committee - Report .....	12
12.3 Draft Revenue Hardship Policy.....	13
12.4 Adoption of Data Exchange Policy .....	14
12.5 Adoption of Community Grants Policy, Terms of Reference and Program.....	15
12.6 Adoption of Asset Plan 2023-2032 .....	17
12.7 Adoption of 2022-2026 budget (including 2022-2023 Council Plan Initiatives) .....	18
12.8 Information Communication Technology Professional and Leasing Services.....	23
12.9 Award of Contract CN10691 - Kerbside Mixed Recyclables and Glass Processing Contract .....	24
Chairperson's initials.....	

**13. RESPONSE TO NOTICES OF MOTION .....25**

**14. NOTICES OF MOTION .....25**

**15. LATE REPORTS .....26**

15.1 Planning Application 18/2022/P - 473 Nepean Highway, Frankston -  
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.....26

**16. URGENT BUSINESS.....27**

**17. CONFIDENTIAL ITEMS .....28**

**QUESTION TIME .....29**

**1. PRESENTATION TO COMMUNITY GROUPS**

Nil

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

Council Meeting No. CM7 held on 30 May 2022.

**Council Decision**

**Moved: Councillor Tayler**

**Seconded: Councillor Asker**

That the minutes of the Council Meeting No. CM7 held on 30 May 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**

Councillor Asker declared that Susan Smith, Chair of the Community Support Frankston, is his personal Accountant and that he will stay present in the chamber for the discussion and voting on the matter.

**5. PUBLIC QUESTION TIME**

There were no questions submitted to Council.

**6. HEARING OF PUBLIC SUBMISSIONS**

Nil

**7. ITEMS BROUGHT FORWARD****8. PRESENTATIONS / AWARDS****8.1 Recognition to the Frankston District Basketball Association, winner of the Association of the Year Award****Block Motion****Council Decision**

**Moved: Councillor Hill**

**Seconded: Councillor Harvey**

That the following Items be blocked resolved:

- 11.3 - Statutory Planning Progress Report - April 2022
- 12.1 - Council Resolution Status Update for 6 June 2022
- 12.3 - Draft Revenue Hardship Policy
- 12.4 - Adoption of Data Exchange Policy
- 12.5 - Adoption of Community Grants Policy, Terms of Reference and Program
- 12.8 - Information Communication Technology Professional and Leasing Services

**Carried Unanimously**

Chairperson's initials .....

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

Nil

**10. DELEGATES' REPORTS**

Nil

Chairperson's initials .....

## 11. CONSIDERATION OF CITY PLANNING REPORTS

### 11.1 Planning Permit Application 772/2021/P - To Allow For The Sale And Consumption of Liquor In Association With Use of Land for the Purpose of a Motel - 71 Hall Road, Carrum Downs

(SC Communities)

#### Recommendation (Director Communities)

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 772/2021/P for *'The sale and consumption of liquor in association with use of land for the purpose of a motel'*, at 71 Hall Road, Carrum Downs, 3201 subject to the following conditions:

#### Plans

1. Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be substantially in accordance with the plans submitted with the application (or some other specified plan) but modified to show:
  - (a) A Venue/Patron Management Plan provided in accordance with Condition 8.

#### No Alterations

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

#### Amenity

3. The licensee/permit holder shall not cause or permit unreasonable detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the license/permit relates during or immediately after trading hours authorised by the license/permit.

#### Liquor Licence Requirements

4. Unless with the prior written consent of the Responsible Authority, the selling and/or consumption of alcohol must only take place during the following hours:
  - a. Motel premises – Sale and consumption on the licensed premises:  
All days: 24 hours, 7 days a week
  - b. Motel premises – Sale and consumption on the licensed premises within the Outdoor Lounge, Foyer and Courtyards:  
Anzac Day: Between 12 noon and 10pm.  
On any other day: Between 7am and 10pm.

#### Patron/Venue Management Plan

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

Chairperson's initials .....

- b) Signage to be used to encourage responsible off-site patron behaviour;
- c) Details of staffing arrangements including numbers and working hours of all staff, including but not limited to security staff, bar staff and on-premises manager.
- d) The training of staff and the management of patron behaviour;
- e) Measures to prevent vandalism and antisocial behaviour;
- f) Details to address waste including bottles, rubbish and reduce generated by the use; and,
- g) Identification of all noise sources associated with the premise, including, but not limited to music noise, entries and exists to the premise and courtyards likely to impact on adjoining residents and measures to be undertaken to address all noise sources identified.

All to the satisfaction of a Responsible Authority.

### **Permit Expiry**

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

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

### **Notes**

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed timeframes:
- a. Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
  - b. Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

If a request is made out of time, the Responsible Authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.

- C. The continued use of Alcohol on this site must remain in accordance with Planning Permit 241/1997 and where relevant, Liquor Licence 31950135, except where permitted through this Planning Permit.

### **Council Decision**

**Moved: Councillor Hill**

**Seconded: Councillor Baker**

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 772/2021/P for *'The sale and consumption of liquor in association with use of land for the purpose of a motel'*, at 71 Hall Road, Carrum Downs, 3201 subject to the following conditions:

Chairperson's initials .....



**Plans**

1. Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be substantially in accordance with the plans submitted with the application (or some other specified plan) but modified to show:
  - (a) A Venue/Patron Management Plan provided in accordance with Condition 5.

**No Alterations**

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

**Amenity**

3. The licensee/permit holder shall not cause or permit unreasonable detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the license/permit relates during or immediately after trading hours authorised by the license/permit.

**Liquor Licence Requirements**

4. Unless with the prior written consent of the Responsible Authority, the selling and/or consumption of alcohol must only take place during the following hours:
  - a. Motel premises – Sale and consumption on the licensed premises:  
All days: 24 hours, 7 days a week
  - b. Motel premises – Sale and consumption on the licensed premises within the Terrace, Foyer and Courtyards:  
Anzac Day: Between 12 noon and 10pm.  
On any other day: Between 7am and 10pm.

**Patron/Venue Management Plan**

5. Prior to the commencement of the use permitted, a Management plan must be submitted, for approval to the satisfaction of the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must be generally in accordance with the Patron/Venue Management Plan including details as follows:
  - a) Hours of Operation;
  - b) Signage to be used to encourage responsible off-site patron behaviour;
  - c) Details of staffing arrangements including numbers and working hours of all staff, including but not limited to security staff, bar staff and on-premises manager.
  - d) The training of staff and the management of patron behaviour;
  - e) Measures to prevent vandalism and antisocial behaviour;
  - f) Details to address waste including bottles, rubbish and reduce generated by the use; and,
  - g) Identification of all noise sources associated with the premise, including, but not limited to music noise, entries and exists to the premise and courtyards likely to impact on adjoining residents and measures to be undertaken to address all noise sources identified.All to the satisfaction of a Responsible Authority.

Chairperson's initials .....

**Permit Expiry**

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

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

**Notes**

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed timeframes:
- a. Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
  - b. Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

If a request is made out of time, the Responsible Authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.

- C. The continued use of Alcohol on this site must remain in accordance with Planning Permit 241/1997 and where relevant, Liquor Licence 31950135, except where permitted through this Planning Permit.

**Carried Unanimously**

**11.2 Elevating Environmentally Sustainable Development (ESD) Targets Planning Policy Project: Stage 2 Planning Scheme Amendment**

*(JR Communities)*

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

That Council:

1. Seeks authorisation from the Minister for Planning to prepare a Planning Scheme Amendment to the Frankston Planning Scheme (Attachment A);
2. Requests that the Minister for Planning establish an advisory committee to advise on the ESD project in accordance with section 151 of the *Planning and Environment Act 1987*;
3. Endorses the reports, as listed below (Attachments C, D & E), as supporting documents to this Amendment;
  - a. Part A - Hip vs Hype - Technical ESD and Development Feasibility Report (Final)
  - b. Part B - Hansen Partnership - Elevating ESD Targets Planning report (Final)
  - c. Part C - Frontier Economics - Elevating ESD Targets CBA Report (Final)
4. Authorises the Director Communities to make changes to the Amendment or provide guidance to any advisory committee established by the Minister for Planning;
5. Supports Frankston City Council entering into the *Elevating ESD Targets Planning Policy Amendment Memorandum of Understanding Stage 2 – Planning Scheme Amendment Process* (Attachment F);
6. Supports the *Ministers Advocacy Letter provided within the Advocacy Plan* (Attachment G) that encourages the Mayor and Deputy Mayor to write to the Minister for Planning and Housing, Minister for Energy, Environment and Climate Change, and Minister for Local Government and Suburban Development outlining:
  - a. the benefits to the community of introducing zero carbon focused and elevated ESD planning policy into the Planning Scheme; and,
  - b. how this Amendment should be adopted as a part of the State Government's environmentally sustainable development planning reforms; and
7. Supports Frankston City Council's participation in an informal community awareness raising communications activity process, centrally led by CASBE on behalf of the partner councils.

**Carried Unanimously**

**11.3 Statutory Planning Progress Report - April 2022**

*(SC Communities)*

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

That Council:

1. Receives the Statutory Planning Progress Reports for the month of April 2022; and
2. Resolves for Attachment B - Applications of Councillor Interest to 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.

**Carried Unanimously**

**Note:** Refer to page 3 of these Minutes where this item was Block Resolved

**12. CONSIDERATION OF REPORTS OF OFFICERS****12.1 Council Resolution Status Update for 6 June 2022**

*(BA Corporate and Commercial Services)*

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

That Council:

1. Receives the Notice of Motion Report for 6 June 2022;
2. Receives the Urgent Business Status Update for 6 June 2022;
3. Notes there is no Notice of Motion action that have been reported as being complete.
4. Notes there are three reports that will not be presented to Council:
  - Naming of Locations
  - Chief Executive Officer's Quarterly Report – April to June 2022 period (noting that the update to be provided on the Kananook Creek Arboretum Project, due in June 2022, will not be provided until 25 July 2022 at the next presentation of the CEO's Quarterly Report)
  - Response to 2019/NOM50 Climate Emergency Council Action
5. Notes, since the Council Meeting held on 16 May 2022, 22 resolutions have been completed, as listed in the body of the report; and
6. 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.

**Carried Unanimously**

**Note:** Refer to page 3 of these Minutes where this item was Block Resolved

Chairperson's initials .....

**12.2 Frankston Arts Advisory Committee - Report***(TR Customer Innovation and Arts)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Baker**

That Council:

1. Receives the Minutes of the Frankston Arts Advisory Committee meeting of 3 May 2022; and
2. Endorses the recommended locations for the five sculptures from Sculptures by the Sea:
  - i. Pines Forest Swimming Centre
  - ii. Cranbourne Rd/Baxter Rd
  - iii. Frankston Library Forecourt
  - iv. Mornington Peninsula Freeway & Frankston-Dandenong Rd
  - v. Peninsula Aquatic Recreation Centre

**Carried**

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

Against the Motion: Crs Liam Hughes and Steven Hughes

**12.3 Draft Revenue Hardship Policy**

*(SW Corporate and Commercial Services)*

**Council Decision**

**Moved: Councillor Hill**

**Seconded: Councillor Harvey**

That Council:

1. Notes the Draft Revenue Hardship Policy (the Policy);
2. Endorses the Policy to be publicly exhibited for a period of 4 weeks; and
3. Seeks a report back to Council no later than its 25 July 2022 Meeting to enable Council to consider any feedback received and adopt the policy.

**Carried Unanimously**

**Note:** Refer to page 3 of these Minutes where this item was Block Resolved

**12.4 Adoption of Data Exchange Policy**  
*(SM Customer Innovation and Arts)*

**Council Decision**

**Moved: Councillor Hill**

**Seconded: Councillor Harvey**

That Council:

1. Notes the draft Data Exchange Policy 2022 – 2026 was publically exhibited for a period of four weeks from 5 April to 2 May 2022 with no written submissions received; and
2. Adopts the Data Exchange Policy 2022 – 2026.

**Carried Unanimously**

**Note:** Refer to page 3 of these Minutes where this item was Block Resolved



**12.5 Adoption of Community Grants Policy, Terms of Reference and Program**

*(TB Communities)*

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

That Council:

**Community Grants Policy 2022-2026 (Policy)**

1. Notes the draft Community Grants Policy was publicly exhibited for the period of four weeks and one (1) written submission was received;
2. Adopts the Community Grants Policy 2022-2026;

**Community Grants Panel Terms of Reference (TOR)**

3. Adopts the Terms of Reference for the new Community Grants Panel, noting that the Panel will be comprised of community members and the Director Communities (noting that Councillors are excluded from assessing and making recommendations on Grant applications in response to recommendations from the Victorian Auditor General's Office (VAGO) report "Fraud control over local government grants" released on 11 May 2022);

**Community Partnership Grants**

4. Notes the revised Guidelines for the Community Partnership Grants that includes improved accountability requirements;

**Annual Community Grants**

5. Notes the revised Guidelines for the Annual Community Grants which includes the following information:
  - Funding round opens 1 August 2022 and closes 29 August 2022 (up to \$7,500)
  - Grants are assessed by the Community Grants Panel and submitted for Council consideration and approval at the 4 September 2022 Council Meeting

**Other Grants under the Community Grants Program**

6. Notes the funding round for the following grants in FY2022-23:
  - a. Urgent Grant
    - Funding round opens 1 September 2022 until funds are fully expended for FY22/23 or by 31 May 2023 whichever comes sooner (Up to \$1,000)
  - b. Environmental Sustainability Grant
    - Funding round opens 1 September 2022 and closes 31 October 2022 (up to \$1,000 for 5 recipients and up to \$5,000 for 1 recipient). A secondary round may open 9 January and close 28 February (up to \$1,000) if \$2,000 or more remains in the allocated funding pool
  - c. Child & Youth Inclusion Grant
    - Funding round opens 1 August 2022 until funds are fully expended for FY22/23 or by 31 May 2023 whichever comes sooner with two funding streams (Education & Pathway: Up to \$600 and Recreation: 75% of fees or up to \$200)
  - d. Artists Project Grant
    - Funding round opens 1 August 2022 (Up to \$5,000);

**Funding Allocation**

7. Commits an additional allocation of \$4,500 per annum to each Community Centre

Chairperson's initials.....

that is a recipient of the Community Service Partnership Grant 2023-2026. This would be net annual increase of \$22,500 (plus CPI) to the Community Service Partnership Grants commencing from 2022/23 financial year; and

- 8. Notes the updated 2022-23 Community Grants Program total funding allocation of \$781,536 available for eligible applicant individuals, community groups, small businesses and not-for-profit organisations, allocated as follows:
  - a) \$10K for Urgent Grant
  - b) \$10K for Environmental Sustainability Grant
  - c) \$17,510 (plus CPI) for Properties Management Commitments
  - d) \$30K for Art Project Grant
  - e) \$40K for Heritage Grant
  - f) \$60K for Child & Youth Inclusion Grant
  - g) \$125K for Annual Community Grant
  - h) \$489,026 for Community Service Partnership Grants

**Carried Unanimously**

**Note:** Refer to page 3 of these Minutes where this item was Block Resolved

**12.6 Adoption of Asset Plan 2023-2032***(LU Infrastructure and Operations)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Bolam**

That Council:

1. Notes the deliberative engagement undertaken with the Community Panel in March 2022 to inform the development of the Asset Plan 2023-2032;
2. Notes the Asset Plan 2023-2032 was then publicly exhibited for a period of four (4) weeks with 13 responses received;
3. Notes the feedback was considered and minor amendments were incorporated into the Asset Plan 2023-2032;
4. Adopts the Asset Plan 2023-2032 in accordance with the Local Government Act (2020); and
5. Publishes the Asset Plan 2023-2032 on Council's website.

**Carried**

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

Against the Motion: Nil

Abstained: S Hughes and L Hughes

**12.7 Adoption of 2022-2026 budget (including 2022-2023 Council Plan Initiatives)***(SW Corporate and Commercial Services)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Hill**

That Council:

1. Adopts the 2022-2026 budget (including 2022-2023 Council Plan Initiatives) as publicly displayed.

Directs that submitters be advised in writing of its decision in relation to their submissions on the proposed 2022-2026 budget (including 2022-2023 Council Plan Initiatives).

2. **Declaration of Rates and Charges**

Declares the following rates and charges:

- An amount of \$140,718,857 (or such other amount as is lawfully raised as a consequence of this Resolution) be declared as the amount which Council intends to raise by general rates and the annual service charge (described later in this Resolution), which amount is calculated as follows:

a) General Rates (excludes supplementary rates)	\$96,116,297
b) Annual Service Charges	\$44,602,560

- 2.1 **General Rates**

- 2.1.1 A general rate be declared in respect of the 2022-2023 Financial Year.

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

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

- 2.1.3.1 Derelict Land (Attachment A)

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

- 2.1.3.2 Retirement Village Land (Attachment B)

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

- 2.1.3.3 Acacia Heath Land (Attachment C)

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

- 2.1.3.4 Commercial Land (Attachment D)

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

- 2.1.3.5 Farm Land (Attachment E)

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

- 2.1.3.6 Industrial Land (Attachment F)

Chairperson's initials .....

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

2.1.3.7 Vacant Residential Land (Attachment G)

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

2.1.3.8 Other Land (Attachment H)

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

## 2.2 Differential Rates

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

- A general rate of 0.187066% for all rateable Other Land;
- A general rate of 0.140300% for all rateable Retirement Village Land;
- A general rate of 0.233833% for all rateable Commercial Land;
- A general rate of 0.233833% for all rateable Industrial Land;
- A general rate of 0.187066% for all rateable Acacia Heath Properties <sup>(1)</sup>;
- A general rate of 0.233833% for all rateable Vacant Residential Land;
- A general rate of 0.149653% for all rateable Farm Land; and
- A general rate of 0.561198% for all rateable Derelict Land.

<sup>(1)</sup> Council supports the application of the general rate of Other Land to the Acacia Heath Properties for the 2022-2023 financial year.

2.3 Resolves to record that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:

2.3.1 The respective objectives of each differential rate be those specified in the attachments;

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

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

2.3.4 The relevant:

(a) uses of;

(b) geographical locations of;

(c) planning scheme zonings of; and

(d) types of buildings on the respective types or classes of land be those identified in the attachments.

2.4 Declares a municipal charge of \$171.86 in respect of the 2022-2023 financial year.

2.5 Declares an annual service charge in respect of the 2022-2023 financial year for

Chairperson's initials.....

the collection and disposal of refuse.

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

- \$479.80 for rateable and non-rateable land where a waste collection service with a 120 litre mobile garbage bin is applicable;
- \$382.10 for rateable and non-rateable land where a waste collection service with an 80 litre mobile garbage bin is applicable;
- \$449.30 for rateable and non-rateable land where a fortnightly waste collection service with a 120 litre mobile garbage bin is applicable;
- \$351.70 for rateable and non-rateable land where a fortnightly waste collection service with an 80 litre mobile garbage bin is applicable;
- \$479.80 for rateable and non-rateable commercial land where a waste collection service with a 120 litre mobile garbage bin is applicable;
- \$382.10 for rateable and non-rateable commercial land where a waste collection service with an 80 litre mobile garbage bin is applicable;
- \$256.50 for rateable and non-rateable commercial land where a recycling collection service mobile garbage bin is applicable;
- Where additional bins are supplied, an additional \$479.80 for each 120 litre mobile garbage bin and \$382.10 for each 80 litre mobile garbage bin is applicable;
- \$156.30 for rateable and non-rateable land where a weekly green waste collection service is provided; and
- \$722.20 for rateable and non-rateable land where a waste collection service with a 240 litre mobile garbage bin is applicable.

## 2.7 **Rebates & Concessions**

Notes that:

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

## 2.8 **Fees and charges**

Adopts the fees and charges that are included in the budget which may be subject to change as fees and charges are based on information available at the time of publishing and may vary during the financial year as a result of changes in Council's policy or legislation.

## 2.9 **Incentives**

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

## 2.10 **Other matters not included in the budget**

Notes that the following items not included in the budget, will be subsequently adjusted and in the event that there are minor cost pressures, the CEO will find savings from the Budget 2022-2023 to fund these items to re-establish the

Chairperson's initials.....

accounting result to \$22.16 million surplus and an accumulated cash result of \$500,000.

- \$610,000 of the management fee budgeted to be paid in 2021-22 to Peninsula Leisure, be carried over to 2022-23 and drawn down to financially support the subsidiary if required;
- Funding for the restructure of the Statutory Planning team, estimated to cost in the order of \$78K, which has been committed to strengthen planning turnaround times and manage increased development activity;
- Increase of community grant funding of \$111,000; and
- Funding of a Band 7 position over a minimum of 12 months to investigate affordable housing options.

2.11 Acknowledges the valuable work of Community Support Frankston (CSF) in assisting the community during difficult times, and notes the following contributions totalling \$875,000 in 2021-2022 that were made by Council in support of this organisation:

- a) Two permanent Council employees who work exclusively at CSF, at a total cost of \$205k plus on-costs in the 2021-2022 financial year;
- b) In-kind support of the two permanent employees;
- c) In-kind use of a Council owned building;
- d) An additional \$350k allocated to CSF in the 2021-2022 financial year; and
- e) Advocacy and promotion of CSF

2.12 In addition to the two permanent employees, notes the allocation in the Budget of \$175k to CSF to be used by it to employ staff directly in the 2022-2023 financial year, on the condition that CSF receive additional in-kind support from Council officers to strengthen their capacity as follows:

- a) Closely work with CSF to establish appropriate arrangements to strengthen the governance, oversight and operational arrangements in place between Council and CSF;
- b) Implement human resources and payroll software to enable CSF to employ their staff directly. The cost of software to be borne by Council; and
- c) Work together to advocate to the State and Federal Governments for increased funding, including funding which may be used by CSF to employ staff.

2.13 Defers any consideration of supplementary budgets to CSF to the 2022-2023 mid-year review pending urgent representations to the incoming Federal Government, noting Councils past joint advocacy efforts alongside its local member Peta Murphy MP, whereby increased financial support to this valuable community service had been sought.

#### 2.14 **Consequential**

2.14.1 Resolves to record that any person is required to pay interest on any amount of rates and charges which:

2.14.1.1 that person is liable to pay; and

2.14.1.2 has not been paid by the date specified for their payment.

2.14.2 Authorises the Chief Executive Officer to levy and recover the general rates and annual service charge in accordance with the Local Government Act (1989).

**Extension of Time**

**Moved: Councillor Steven Hughes                      Seconded: Councillor Liam Hughes**

That Cr Steven Hughes be granted an extension of time.

**Carried Unanimously**

**Extension of Time**

**Moved: Councillor Tayler                                      Seconded: Councillor Bolam**

That Cr Hill be granted an extension of time.

**Carried Unanimously**

**Extension of Time**

**Moved: Councillor Hill    Seconded: Councillor Harvey**

That Cr Bolam be granted an extension of time.

**Carried Unanimously**

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

Against the Motion:                      Crs Liam Hughes and Steven Hughes

**The Motion was put and  
Carried**



**12.8 Information Communication Technology Professional and Leasing Services**

*(DW Corporate and Commercial Services)*

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

That Council:

1. Endorses the MAV Procurement tender recommendation for Information Communication Technology Professional and Leasing Services (Contract #CN10842), including recommendations by MAV Procurement to exercise any extension options; and
2. Resolves the attachment A to this report be retained confidential, on the grounds that it contains:
  - a. Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (Local Government Act 2020, section 3(1)(a); and
  - b. 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 (Local Government Act 2020, s.3(1)(g))

These grounds apply because the information is commercial information and would, if released, result in a loss of confidence by other businesses who may be reluctant to deal with Council in the future.

**Carried Unanimously**

**Note:** Refer to page 3 of these Minutes where this item was Block Resolved

**12.9 Award of Contract CN10691 - Kerbside Mixed Recyclables and Glass Processing Contract**

*(BH Corporate and Commercial Services)*

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

That Council:

1. Awards contract CN10691 – Kerbside Mixed Recyclables and Glass Processing Contract to Polytrade Pty Ltd (MRA) option ACN 068 669 349 for the processing of mixed recyclables and glass products received from the kerbside collection services throughout the municipality, for the sum of \$10,147,168 GST exclusive for a five (5) year fixed term;
2. Authorises the Chief Executive Officer to sign the contract;
3. Delegates approval of contract variations to the Chief Executive Officer; and
4. Resolves the attachments A and B to this report be retained confidential, on the grounds that they contain:
  - a. Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (Local Government Act 2020, section 3(1)(a); and
  - b. 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 (Local Government Act 2020, s.3(1)(g))

These grounds apply because the information is commercial information and would, if released, result in a loss of confidence by other businesses who may be reluctant to deal with Council in the future.

**Carried Unanimously**

**13. RESPONSE TO NOTICES OF MOTION**

Nil

**14. NOTICES OF MOTION**

Nil

**15. LATE REPORTS**

- 15.1 Planning Application 18/2022/P - 473 Nepean Highway, Frankston - 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**  
*(SC Communities)*

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

That Council:

1. Approves:
  - a) The proposed sale and consumption of liquor associated with the Food and Drink premises proposed under Planning Application 18/2022/P for up to 400 patrons operating from 12pm to 3am, seven days a week;
  - b) The waiver of the requirement for up to nineteen (19) car spaces associated with the Food and Drink premises proposed under Planning Application 18/2022/P;
2. Delegates power to the Director Communities to:
  - a) Negotiate with the Applicant on detailed design matters for the application including (a) bicycle parking, (b) the location of outdoor dining and (c) any other minor matters;
  - b) Resolve upon permit approval conditions; and
  - c) Formally decide Planning Application 18/2022/P once the above matters are resolved, by issuing a Planning Permit under delegation.

**Carried Unanimously**

**16. URGENT BUSINESS****Urgent Business****Council Decision****Moved: Councillor Baker****Seconded: Councillor Harvey**

That the matter of seeking to bring an application for an internal arbitration process, in relation to multiple acts of misconduct by Councillor Steven Hughes, be accepted as urgent business.

**Carried**

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

Against the Motion: Cr Steven Hughes

**Urgent Business – Internal Arbitration Process****Council Decision****Moved: Councillor Baker****Seconded: Councillor Harvey**

That Council:

1. Notes that, in accordance with the Councillor Code of Conduct, a Written Dispute Statement signed by Councillors Conroy (Mayor), Tayler (Deputy Mayor), Bolam, Hill, Harvey, Baker and Asker was issued on 31 May 2022 alleging multiple acts of misconduct against Councillor Steven Hughes and asking him to attend a facilitated negotiation meeting;
2. Notes that Councillor Hughes has advised that he is unavailable to participate in a facilitated negotiation meeting until at least 11 August 2022;
3. Notes that two of the allegations relate to events which occurred on 21 and 31 March 2022 respectively, and that section 143(3) of the Local Government Act 2020 (Act) provides that an application for an internal arbitration process must be made within 3 months of the alleged misconduct occurring;
4. Resolves to bring an application for an internal arbitration process under section 143 of the Act, alleging multiple acts of misconduct on the part of Councillor Steven Hughes, in the form of the Written Dispute Statement issued on 31 May 2022 and referred to in paragraph 1 of this Resolution;
5. Appoints Councillor Conroy (Mayor) to be its representative in respect of the Application for Internal Arbitration;
6. Authorises Councillor Conroy (Mayor) to finalise the Application for Internal Arbitration; and
7. Notes that, if Councillor Hughes becomes available to participate in a facilitated negotiation meeting and the dispute is able to be resolved prior to 21 June 2022, the Councillors making the Application for Internal Arbitration may elect to withdraw it.

*Meeting adjourned at 8.28 pm*

*Meeting resumed at 8.35 pm*

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

Against the Motion: Crs Liam Hughes and Steven Hughes

**Carried**

Chairperson's initials .....

**17. CONFIDENTIAL ITEMS**

Nil Reports

.....  
Signed by the CEO

Chairperson's initials .....

**QUESTION TIME**

*The following questions were presented at the Council Meeting 2022/CM7 – 30 May 2022. The questions and answers were read out publicly. In accordance with the Public Submissions and Question Time Policy, the questions and response(s) are published at the next Council Meeting Minutes.*

**Peter Anscombe****Question 1**

At the South Ward meeting on 7 October 2021, I asked if the Council had made its own independent assessment of the impact on traffic flow and parking in the Davey Street/Plowman Place precinct and nearby commercial and residential areas if recently proposed/approved developments proceed?

The Council's response was that officers engaged a traffic consultant to review and assess the traffic impact of future development in the precinct to determine the service performance and capacity of the adjoining road network developments.

Whilst the response acknowledged that there will be an increase in traffic, it considered the network will operate satisfactorily.

However there was no reference as to the date and scoping of the assessment and the name of the consultant involved.

Will the council make a copy of this review and assessment publicly available?

**Response by Director Communities**

*Council officers engaged SMEC and O'Brien Traffic in May 2019 and June 2020 respectively to investigate how the land bounded by Davey Street, Young Street, Plowman Place and Nepean Highway in Frankston could accommodate traffic potentially generated by proposed developments in this area.*

*Council officers are considering these studies as part of their early work on the Frankston Metropolitan Activity Centre (or FMAC) Structure Plan. At this stage, it is not planned to release these reports.*

**Question 2**

The FMAC Structure Plan Refresh - Emerging Ideas Paper as published on the internet does not attribute authorship of the document yet it speaks with the voice of the Council.

1 Who authored the Paper, (consultant or officers), and takes responsibility for its content?

2. Has the Council formally approved the Paper by Council resolution prior to it being put out for public comment?

**Response by Director Communities**

*In response to the two questions raised:*

1. *Council officers engaged Tract Consultants to produce the Emergency Ideas Paper. Council's Strategic Planning Unit, which sits under the Communities Directorate, is responsible for its content.*

2. *No, Council has not formally approved the Emergency Ideas Paper. Councillors were briefed on the Paper in March 2022, prior to officers undertaking consultation with the community including land owners and key stakeholders on it. With consultation finishing*

*today (30 May 2022), officers will now collate and analyse the feedback in order to brief Councillors on it and consider next steps for this work.*



*The meeting was closed to the public at 8.48 pm*

**CONFIRMED THIS**

11<sup>th</sup>

**DAY OF**

July

**2022**

.....  
**CHAIRPERSON**

**AUTHORITY TO STAMP INITIALS ON MINUTES**

I, Cr. Nathan Conroy, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on 6<sup>th</sup> June 2022, confirmed on 11 July 2022.

.....  
(Cr. Nathan Conroy, Chairperson – Council Meeting)

Dated this

11<sup>th</sup>

day of

July

2022

Chairperson's initials.....