



**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 3 OCTOBER 2022 at 7.00PM**

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. Shweta Babbar, Director Customer Innovation and Arts Ms. Brianna Alcock, Manager Governance and Information Mr. Nathan Upson, Manager People and Culture Ms. Fiona McQueen, Manager Community Relations Ms. Tammy Ryan, Manager Arts and Culture (Via Zoom) Mr. Tim Bearup, Manager Community Strengthening (Via Zoom) Ms. Tracey Greenaway, Coordinator Economy, Investment and Activation Ms. Suzanne La Fontaine, Coordinator Content and Brand Ms. Tenille Craig, Team Leader Governance Ms. Rebecca Swann, Councillor Support Officer Mr. Connor Rose, Desktop Support Officer Mr. Glen Parry, Application Administrator Mr. Jeremy O'Rourke, Technician Mr. Angus Edwards, Technician
EXTERNAL REPRESENTATIVES:	Nil.

COUNCILLOR STATEMENT

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, Councillor Tayler read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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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 C.1 CEO Annual Review Recommendations of the CEO
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The CEO made the following Statement:

I would like to address the significant community disappointment around the announcements of the unsuccessful operators at the Oliver's Hill boat ramp.

I recognise there have been concerns with the general communications led by Council Officers, including the way the unsuccessful operators were notified.

Today, we have reached out to the owners of Little Olly's and Cripps Fish and Chips and organised urgent meetings. We have met with Cripps Fish and Chips today and will continue discussions with Little Olly's tomorrow, to discuss their concerns and understand how we can support them with the transition.

As way of background, in August the annual license renewal process which is part of our Outdoor Destination Program, invited small businesses to share their vision for what they could provide in some of our most sought-after locations.

There were 18 applications received for the 12 month licenses – the locations were: Oliver's Hill Boat Ramp (high demand), two sites in Ballam Park (high demand) and Sandfield Reserve Carrum Downs (medium demand).

We acknowledge there needs to be some improvements for the next annual expression of interest round.

I have no reason to believe that the applications were not assessed fairly and by a diverse panel of Council Officers to inform the decisions on each site. That panel included Council Officers from Local Laws, Economy, Investment and Activation, Property, Tourism and Parks and Vegetation.

I can now announce at Oliver's Hill we will soon see a new food truck operator from a local resident and business owner which will begin operating in early December. Mercetta's will be offering an extensive menu including coffee, milkshakes, smoothies, juices, wraps and paletto pops as well as extended trading hours (6am - 8pm weekdays, until 9pm Fri, Sat and holidays).

We greatly appreciate the services offered by Little Olly's and Cripps Fish and Chips and we are working with them to provide support, by way of offering to extend the current site arrangements until the end of November, with the support of Mercetta's.

I fully appreciate the community's deep concerns and Council will ensure general communications and engagement are improved in future rounds.

1. PRESENTATION TO COMMUNITY GROUPS

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Council Meeting No. CM13 held on 5 September 2022.

Council Decision

Moved: Councillor Harvey

Seconded: Councillor Tayler

That the minutes of the Council Meeting No. CM13 held on 5 September 2022 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Nil

Chairperson's initials

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

The CEO made a verbal declaration of a conflict of interest on C.1 - CEO Annual Review Recommendations of the CEO Remuneration and Employment Committee 2021-2022 and will leave the Chambers during debate and voting of the Item.

5. PUBLIC QUESTION TIME

Three (3) people submitted questions to Council. At the request of the Mayor, the Chief Executive Officer read the questions and answers to the gallery. The questions and answers will be provided in the Minutes of the next Council Meeting.

6. HEARING OF PUBLIC SUBMISSIONS

Nil

7. ITEMS BROUGHT FORWARD**Block Motion****Council Decision****Moved: Councillor Baker****Seconded: Councillor Harvey**

That the following Items be blocked resolved:

- 12.1 - Council Resolution Status Update for 3 October 2022;
- 12.2 - Capital Works Quarterly Report - Q4 - April to June 2022;
- 12.3 - Consolidated Financial Report and Performance Statement ended 30 June 2022;
- 12.6 - MP's Protocol and Election Signs and Events Policy; and
- 12.11 - Contract CN2436 (FCC - CN10303) - Minor Civil Contractors Panel - Removal of Threshold Value Cap on Individual Projects.

Carried Unanimously

8. PRESENTATIONS / AWARDS

Nil

9. PRESENTATION OF PETITIONS AND JOINT LETTERS**Petition for the renewal of Little Olly's Trading Permit****Council Decision****Moved: Councillor Liam Hughes****Seconded: Councillor Baker**

That the petition from Carl Ashdown concerning the renewal of Little Olly's trading permit at Frankston Olivers Hill boat ramp from 1 November 2022 onwards and to reconsider and overturn the current decision to have a new vendor start on 1 November 2022 with 132 signatures be referred to the Chief Executive Officer for consideration and response and the response to the petition be submitted to the 24 October 2022 Council Meeting.

Carried Unanimously

10. DELEGATES' REPORTS

Nil

11. CONSIDERATION OF CITY PLANNING REPORTS

Nil

Chairperson's initials

12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Council Resolution Status Update for 3 October 2022**

(BA Corporate and Commercial Services)

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

That Council:

1. Receives the Notice of Motion Report for 3 October 2022;
2. Receives the Urgent Business Status Update for 3 October 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:
 - E-Bike Trial Status Report
5. Notes, since the Council Meeting held on 5 September 2022, 20 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 4 of these Minutes where this item was Block Resolved

Chairperson's initials

12.2 Capital Works Quarterly Report - Q4 - April to June 2022*(LU Infrastructure and Operations)***Council Decision****Moved: Councillor Baker****Seconded: Councillor Harvey**

That Council:

1. Receives and notes the quarterly progress report for the fourth quarter (April to June 2022) of the 2021/22 Capital Works Program;
2. Notes that \$65.195M of expenditure was achieved in 2021/22 against a total Adjusted Capital Works Program budget of \$77.006M, which equates to an outstanding 85.4% program expenditure delivery rate considering the challenges experienced during the year;
3. Notes there are no projects to report for the fourth quarter where variations have exceeded the pre-approved variation amount in accordance with S7 Instrument of Sub-Delegation by CEO; and,
4. Endorses the list of project funding proposed to be carried forward into the 2022/23 Capital Works Program, an amount which totals \$11.154M which can be largely attributed to several projects experiencing delays and cost escalations due to COVID related impacts.

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

Chairperson's initials

12.3 Consolidated Financial Report and Performance Statement ended 30 June 2022

(CW Corporate and Commercial Services)

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

That Council:

1. Approves in principle, the draft Consolidated Financial Report and draft Performance Statement for the year ended 30 June 2022;
2. Authorises the Mayor, Cr Nathan Conroy and Councillor Claire Harvey (as Council nominated Audit and Risk Committee members) to certify the Consolidated Financial Report after agreement with Council's external auditors as to any changes that may need to be made and as considered appropriate; and
3. Authorises the Mayor, Cr Nathan Conroy and Councillor Claire Harvey (as Council nominated Audit and Risk Committee members) to certify the Performance Statement after agreement with Council's external auditors as to any changes that may need to be made and as considered appropriate.

Carried Unanimously

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

12.4 Peninsula Leisure Pty Ltd 2021-2022 Annual Report & Financial Report and 2022-2023 Annual Facilities Operational Plan

(KJ Corporate and Commercial Services)

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

That Council:

1. Receives and notes the 2021-2022 Annual Report and Financial Report;
2. Receives and notes the 2022-2023 Annual Facilities Operational Plan;
3. Resolves that Attachment B - 2022-2023 Annual Facilities Operational Plan and Attachment C - 2021-2022 Financial Report - remains confidential indefinitely as it contains private commercial information (Local Government Act 2020, s(3)(g)). These grounds apply because the information is provided by a business, commercial or financial undertaking and, if released, would impact the relationship between Council and Peninsula Leisure Pty Ltd.

Carried

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

Against the Motion: Cr Steven Hughes

Abstained the Motion: Cr Liam Hughes

12.5 Frankston Arts Advisory Committee - Report

(TR Customer Innovation and Arts)

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

That Council:

1. Receives the Minutes of the Frankston Arts Advisory Committee meeting of 30 August 2022;
2. Endorses the Sculpture locations for 2022-2023 at Dandenong Road East and West and Frankston-Dandenong Road/Peninsula Link in Carrum Downs, pending approvals from the relevant land authorities; and
3. Notes the proposed locations for 2023-2024, possible sites under investigation include Kananook Railway Station new commuter car park, Frankston-Dandenong Road/Skye Road, Overton Road/Nepean Highway and Keast Park, all pending stakeholder engagement, site suitability and budget considerations.

Carried

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

Against the Motion: Crs Liam Hughes and Steven Hughes

12.6 MP's Protocol and Election Signs and Events Policy

(FM Customer Innovation and Arts)

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

That Council:

1. Notes the engagement undertaken with internal and external stakeholders, including local Members of Parliament, with feedback incorporated into administrative amendments for the *Working with Members of Parliament Protocol* and the *Election Signs and Events Policy*;
2. Adopts the revised *Working with Members of Parliament Protocol* including minor administrative amendments:
 - a. Removal of: References to Patron Representatives;
 - b. Addition of: Invitees are requested not to redistribute a Council invitation to other individuals or groups;
3. Adopts the revised *Election Signs and Events Policy* including minor administrative amendments:
 - a. A-frame election signage is allowable in a public space if candidate is standing with it and engaging with public; and
4. Continues to monitor and review the success and areas for improvement in this protocol and policy alongside key stakeholders in order to proactively and responsively respond to situations and opportunities.

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

Chairperson's initials

12.7 Adoption of Terms of Reference for Citizen of the Year Award Selection Panel

(BA Corporate and Commercial Services)

Council Decision

Moved: Councillor Baker

Seconded: Councillor Harvey

That Council:

1. Notes the Citizen of the Year Award recipients will no longer be selected by Council;
2. Notes the Citizen of the Year Awards will be assessed and selected by an independent voluntary selection panel;
3. Adopts the Citizen of the Year Award Selection Panel Terms of Reference; and
4. Notes the Citizen of the Year Award Selection Panel representatives will be reported back to Council for endorsement at the 21 November 2022 Council Meeting.

Carried Unanimously

12.8 Youth Strategy 2022-2026

(TB Communities)

Council Decision

Moved: Councillor Harvey

Seconded: Councillor Liam Hughes

That Council:

1. Notes the draft Youth Action Plan 2021-2025 (Action Plan);
2. Endorses for the Action Plan to be publicly exhibited for a period of 4 weeks commencing 4 October 2022 and closing 1 November 2022;
3. Seeks a report back to Council in December 2022, to consider for adoption the Youth Action Plan 2021-2025, taking into account any submissions received.

Carried Unanimously

12.9 Annual Community Grants*(TB Communities)***Council Decision****Moved: Councillor Baker****Seconded: Councillor Harvey**

That Council:

1. Notes the appointment of four voluntary community representatives to the Community Grants Panel (Attachment A);
2. Adopts the recommendations for the Financial Year 2022/2023 Annual Community Grants, distributing a total of \$120,000 to 37 recipients;
3. Approves successful applicants in the Financial Year 2022/2023 Annual Community Grants (Attachment C) and the successful applicants list be publicly released immediately following the Council Meeting 2022/CM15;
4. Resolves that Attachment B 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 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 applications in the future, which would compromise Council's ability to run similar programs in the future; and
5. Resolves that Attachment C be confidential and authorises it be released at the conclusion of this meeting, on the grounds that it includes 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 concerns the successful nominees. Release of this information might undermine public confidence and make people reluctant to submit applications in the future, which would compromise Council's ability to run similar programs in the future.

Carried Unanimously

12.10 National Centre for Healthy Ageing - Belvedere Proposal

(TB Communities)

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

That Council:

1. Notes the proposal from the NCHA to site an independent living lab with mobility garden and an intergenerational play space and exercise park at Belvedere Reserve;
2. Notes that whilst a key attraction to this site is the potential synergies with the service to be delivered from the adjacent Healthy Futures Hub, it has no bearing on the lease developed with St Kilda Football Club;
3. Notes the vision for the NCHA; to be the leader in innovative approaches, solutions and integrated care models that support healthy ageing of all Australians, and inform best practice around the world;
4. Notes that the NCHA proposals are anticipated to be cost neutral for Council;
5. Endorses for the proposal to be publicly exhibited for a period of four (4) weeks as part of an active community engagement process to understand community sentiment on the location of the proposal within public open space at Belvedere Reserve, Seaford;
6. Resolves for officers to work with NCHA representatives to negotiate appropriate terms for a lease and license that details the conditions of tenure, operational KPIs, governance, reporting procedures and a range of further contractual safeguards to protect the interests of Council;
7. Seeks a report back no later than November 2022, to consider providing landholder consent to the proposal, taking into account any community feedback and the recommended contractual arrangements; and
8. Notes that the Independent Living Lab will be subject to statutory town planning processes if Council provides landholder consent.

Carried Unanimously

12.11 Contract CN2436 (FCC - CN10303) - Minor Civil Contractors Panel - Removal of Threshold Value Cap on Individual Projects

(RS Infrastructure and Operations)

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

That Council:

1. Notes that Contract CN2436 (FCC CN10303) - Minor Civil Contractors Panel was approved by Council resolution on 18 November 2019 for an initial three-year term with an option to extend the term for an additional two-years;
2. Notes that the Contract specified that any individual engagement under the panel must not exceed \$500,000 (including GST) per engagement;
3. Authorises the removal of the \$500,000 (including GST) threshold per engagement to allow Council to engage suppliers via the panel for any value in line with the agreed schedule of rates and/ or quotations via the panel;
4. Notes any individual engagement awarded via this panel with a dollar value greater than \$1 million (excluding GST) will be presented to Council for approval;
5. Notes that the CEO has been delegated authority to exercise the options to extend the contract term for two (2) further annual years, subject to satisfactory performance by each appointed panel member;
6. Notes the anticipated budget spend for the total five (5) year term of the Contract, based on budgets for Minor Civil Works Projects listed in Councils Long Term Infrastructure Plan (LTIP), is likely to exceed the original estimate of \$26 Million considering the current inflationary market conditions; and
7. Notes Council will receive updates of the committed expenditure incurred under Contract CN2436 (FCC CN10303) - Minor Civil Contractors Panel over the two (2) year contract term extension via future Quarterly Capital Works Program reporting.

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

Chairperson's initials

13. RESPONSE TO NOTICES OF MOTION

Nil

Chairperson's initials

14. NOTICES OF MOTION**14.1 2022/NOM10 - Letter Under Seal**

(TC Corporate and Commercial Services)

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

That a letter-under-seal is to be awarded to Helena Blomeley for her tireless work to help homeless and disadvantaged people reconnect with the community. Council notes that Helena has recently decided to end her charity organisation – Donation Chain.

Given the nature of the work that she has performed in a volunteer capacity – notably, providing showers at the Frankston Comfort Station to people experiencing homelessness so that they may bathe in a hygienically maintained environment and be provided with fresh towels and toiletries and sanitary products – Council is to formally recognise Helena’s dedication to the Frankston community.

Carried Unanimously

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

That the matter of seeking to bring an application for the formation of a Councillor Conduct Panel to make a finding of serious misconduct against 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 – Application for a Councillor Conduct Panel**Council Decision****Moved: Councillor Hill****Seconded: Councillor Baker**

That Council:

1. Resolves to make an application under section 154 of the *Local Government Act 2020* for a Councillor Conduct Panel to make a finding of serious misconduct against Councillor Steven Hughes; and
2. Appoints Councillor Conroy (or, if he ceases to be Mayor following the next Mayoral election, the Councillor who has been elected Mayor) to be its representative in respect of the Councillor Conduct Panel Application and to finalise the Councillor Conduct Panel Application.

Carried

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

Against the Motion: Crs Liam Hughes and Steven Hughes

17. CONFIDENTIAL ITEMS

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Harvey

That the 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 CEO Annual Review Recommendations of the CEO Remuneration and Employment Committee 2021-2022

- 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 (*LGA 2020, s.3(1)(f)*).
- these grounds apply because the information concerns the CEO’s performance and would, if released, likely compromise any future assessments of CEO performance.

Carried Unanimously

.....
Signed by the CEO

Chairperson’s initials

The meeting was closed to the public at 8.38 pm

CONFIRMED THIS

24th

DAY OF

October

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 3 October 2022, confirmed on 24 October 2022.

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

Dated this

24th

day of

October

2022

Chairperson's initials