



**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON  
ON 24 OCTOBER 2022 at 7.03PM**

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. Danielle Watts, Manager Procurement, Property and Risk (via Zoom) Ms. Tammy Ryan, Manager Arts & Culture (via Zoom) Ms Tracey Greenaway, Coordinator Economy, Investment and Activation (via Zoom) Ms. Brooke Whatmough, Coordinator Strategic Planning (via Zoom) Ms. Karen Wheeler, Coordinator Children's Services (via Zoom) Ms. Nathalie Nunn, Coordinator Environmental Policy and Planning (via Zoom) Mr. Stuart Caldwell, Coordinator Development Services (via Zoom) Ms. Tenille Craig, Team Leader Governance Ms. Rowena Bentley, Governance Officer Mr. Connor Rose, Desktop Support Officer Mr. Jeremy O'Rourke, Technician Mr. Angus Edwards, Technician
EXTERNAL REPRESENTATIVES:	Nil.

**COUNCILLOR STATEMENT**

Councillor Tayler made the following statement:

Chairperson's initials .....

*“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.

### **STATEMENT FROM THE MAYOR**

My role as Mayor is to ensure the Council meeting is conducted in accordance with the Council's Governance Rules (sub rule 78.2). It is important for a successful Council meeting that the members of the gallery respect the setting and do not disrupt the meeting, particularly during the debate and discussion on council items.

Chairperson’s initials .....

<b>1. PRESENTATION TO COMMUNITY GROUPS.....</b>	<b>3</b>
1.1 Councillor Appreciation Award for Down's Estate Community Project.....	3
<b>2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....</b>	<b>3</b>
Council Meeting No. CM14 held on 3 October 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>4</b>
<b>8. PRESENTATIONS / AWARDS.....</b>	<b>4</b>
<b>9. PRESENTATION OF PETITIONS AND JOINT LETTERS.....</b>	<b>4</b>
<b>10. DELEGATES' REPORTS .....</b>	<b>5</b>
<b>ITEMS BROUGHT FORWARD.....</b>	<b>6</b>
12.13 Response to Petition – Renewal of Little Olly’s Permit .....	6
13.1 Response to 2022/NOM9 - Nature Strip Guidelines .....	9
14.1 2022/NOM11 - Exploration of the establishment of a South Eastern Councils Biodiversity Network .....	10
<b>11. CONSIDERATION OF CITY PLANNING REPORTS .....</b>	<b>11</b>
11.1 Statutory Planning Progress Report - August 2022 .....	11
11.2 Draft Frankston Metropolitan Activity Centre Structure Plan .....	12
<b>12. CONSIDERATION OF REPORTS OF OFFICERS.....</b>	<b>13</b>
12.1 Council Resolution Status Update for 24 October 2022 .....	13
12.2 Chief Executive Officer's Quarterly report - July - September 2022 period .....	14
12.3 Outcomes of the Audit & Risk Committee Meeting - 20 September 2022 .....	15
12.4 Frankston Arts Advisory Committee - Report .....	16
12.5 Positive Ageing Action Plan Progress Report 2021-2022.....	17
12.6 S6 Instrument of Delegation Council to Members of Staff .....	18
12.7 S18 Instrument of Sub-Delegation under Environment Protection Act 2017 .....	19
12.8 Accountability and Transparency Reform (ATR) supplementary items ..	20

12.9	Amendment of Councillor Code of Conduct.....	21
12.10	Destination Event Attraction Program - Round 2 Recommendations .....	22
12.11	Belvedere Precinct Local Area Traffic Management Study.....	23
12.12	E-bikes trial progress report.....	24
<b>13.</b>	<b>RESPONSE TO NOTICES OF MOTION .....</b>	<b>25</b>
13.2	Further response to 2022/NOM2 Kananook Station Precinct: Advocacy Update .....	25
<b>14.</b>	<b>NOTICES OF MOTION.....</b>	<b>26</b>
<b>15.</b>	<b>LATE REPORTS .....</b>	<b>27</b>
15.6	Frankston City Council Annual Report 2021-2022.....	27
<b>16.</b>	<b>URGENT BUSINESS.....</b>	<b>28</b>
<b>17.</b>	<b>CONFIDENTIAL ITEMS .....</b>	<b>29</b>
C.1	Kindergarten Reform Update and Langwarrin Child & Family Centre ....	29
<b>QUESTION TIME</b>	<b>.....</b>	<b>30</b>

**1. PRESENTATION TO COMMUNITY GROUPS****1.1 Councillor Appreciation Award for Down's Estate Community Project**

Cr Bolam presented a Certificate of Appreciation to the Down's Estate Community Project. Maureen Griffin accepted the Certificate on behalf of the group.

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

**Council Meeting No. CM14 held on 3 October 2022.**

**Council Decision**

**Moved: Councillor Asker**

**Seconded: Councillor Harvey**

That the minutes of the Council Meeting No. CM14 held on 3 October 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**

Four (4) 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 included in the Minutes of the next Council Meeting.

**6. HEARING OF PUBLIC SUBMISSIONS**

Mr Carl Ashdown made a submission to Council regarding Item 12.13 - Response to Petition - Renewal of Little Olly's Permit;

*Councillor Bolam left the chamber at 7:40 pm.*

*Councillor Bolam returned to the chamber at 7:44 pm.*

Mr Omar de Silva made a submission to Council regarding Item 12.13 - Response to Petition - Renewal of Little Olly's Permit;

Ms Miranda Brash-Brenan made a submission to Council regarding Item 13.1 - Response to 2022/NOM9 - Nature Strip Guidelines;

Ms Emily Parker made a submission to Council regarding Item 13.1 - Response to 2022/NOM9 - Nature Strip Guidelines; and

Ms Jenny Hattingh made a submission to Council regarding Item 14.1 - 2022/NOM11 - Exploration of the establishment of a South Eastern Councils Biodiversity Network.

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

That Items listed below be brought forward:

12.13: Response to Petition – Renewal of Little Olly's Permit

13.1: Response to 2022/NOM9 - Nature Strip Guidelines

14.1: 2022/NOM11 - Exploration of the establishment of a South Eastern Councils  
Biodiversity Network**Carried Unanimously***Councillor Liam Hughes left the chamber at 8.14pm.***Block Motion****Council Decision****Moved: Councillor Bolam****Seconded: Councillor Tayler**

That the items listed below be Block Resolved:

11.1: Statutory Planning Progress Report - August 2022

12.1: Council Resolution Status Update for 24 October 2022

12.2: Chief Executive Officer's Quarterly report - July - September 2022 period

12.3: Outcomes of the Audit &amp; Risk Committee Meeting - 20 September 2022

12.4: Frankston Arts Advisory Committee – Report

12.5: Positive Ageing Action Plan Progress Report 2021-2022

12.6: S6 Instrument of Delegation Council to Members of Staff

12.7: S18 Instrument of Sub-Delegation under Environment Protection Act 2017

12.8: Accountability and Transparency Reform (ATR) supplementary items

12.9: Amendment of Councillor Code of Conduct

12.11: Belvedere Precinct Local Area Traffic Management Study

12.12: E-bikes trial progress report

13.2: Further response to 2022/NOM2 Kananook Station Precinct: Advocacy Update

**Carried Unanimously****8. PRESENTATIONS / AWARDS**

Nil

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

Nil

Chairperson's initials .....

**10. DELEGATES' REPORTS**

*Councillor Liam Hughes returned to the chamber at 8.17 pm.*

*Councillor Asker left the chamber at 8.17 pm.*

The Mayor provided a verbal report on the MAV State Council Meeting and acknowledged that the Deputy Mayor, Cr Suzette Tayler received an award for her 10 years of service as a Councillor.

**General Motion****Council Decision****Moved: Councillor Baker****Seconded: Councillor Tayler**

That the verbal report from Mayor, Cr Conroy, regarding the MAV State Council Meeting be accepted.

**Carried Unanimously**

**ITEMS BROUGHT FORWARD****12.13 Response to Petition – Renewal of Little Olly’s Permit***(AH Communities)*

*Councillor Asker returned to the chamber at 8.19 pm.*

**Recommendation (Director Communities)**

That Council:

1. Notes a petition was tabled requesting Council to extend Little Olly’s Licence at the Oliver’s Hill Boat Ramp and overturn the decision to allow another food truck operator to do same;
2. Recognises the work undertaken in the week ending 7 October 2022 to create a solution whereby three food truck operators will activate the Oliver’s Hill Boat Ramp – via food and coffee trucks - until December 2023;
3. Notes the Little Olly’s and Cripps Fish and Chips will occupy their previously Licenced sites at the Boat Ramp until December 2023, where they will be joined by Mercetta from 1 December 2022 until December 2023;
4. Notes that the Head Petitioner has been notified of this outcome through discussions with Council in the week ending 7 October 2022 and that a formal response to the Head Petitioner is not required; and
5. Acknowledges that officers will undertake a comprehensive review of the ‘Do It Outdoors’ Guidelines - including consultation and identification of new sites for activation - prior to the next Expression of Interest being released to activate sites across the municipality.

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

That Council:

1. Notes a petition was tabled requesting Council to extend Little Olly’s Licence at the Oliver’s Hill Boat Ramp and overturn the decision to allow another food truck operator to do same;
2. Notes the Little Olly’s and Cripps Fish and Chips will occupy their previously Licenced sites at the Boat Ramp for a trial 12 month period until December 2023, where they will be joined by Mercetta from 1 December 2022 until December 2023;
3. Supports at the completion of this 12 month trial period, all vendors successful in the Outdoor Destination Program will have first preference to continue trading for an additional 2 years. If the vendors do not submit an interest to continue at the location, Council will proceed with a public expression of interest process; and
4. Authorises officers to notify the head petitioner of Council’s decision accordingly.

**Extension of Time****Moved: Councillor Hill****Seconded: Councillor Baker**

That Cr Liam Hughes be granted an extension of time.

**Carried Unanimously**

Chairperson’s initials .....



**Extension of Time****Moved: Councillor Tayler****Seconded: Councillor Harvey**

That Cr Bolam be granted an extension of time.

**Carried Unanimously***The Meeting was adjourned at 9.13 pm.**In accordance with Governance Rules Section 79, the gallery was removed at the request of the Chair.**The meeting recommenced at 9.23 pm.***Extension of Time****Moved: Councillor Liam Hughes****Seconded: Councillor Hill**

That Cr Steven Hughes be granted an extension of time.

**Carried**

For the Motion: Crs Asker, Harvey, Hill, Liam Hughes, Steven Hughes

Against the Motion: Crs Bolam and Tayler

Abstained: Crs Conroy and Baker

**The motion was put and****Lost**

For the Motion: Crs Liam Hughes and Steven Hughes

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

Abstained: Cr Harvey

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

That Council:

1. Notes a petition was tabled requesting Council to extend Little Olly's Licence at the Oliver's Hill Boat Ramp and overturn the decision to allow another food truck operator to do same;
2. Recognises the work undertaken in the week ending 7 October 2022 to create a solution whereby three food truck operators will activate the Oliver's Hill Boat Ramp – via food and coffee trucks - until December 2023;
3. Notes the Little Olly's and Cripps Fish and Chips will occupy their previously Licenced sites at the Boat Ramp until December 2023, where they will be joined by Mercetta from 1 December 2022 until December 2023;
4. Notes that the Head Petitioner has been notified of this outcome through discussions with Council in the week ending 7 October 2022 and that a formal response to the Head Petitioner is not required; and
5. Acknowledges that officers will undertake a comprehensive review of the 'Do It Outdoors' Guidelines - including consultation and identification of new sites for activation - prior to the next Expression of Interest being released to activate sites across the municipality.

Chairperson's initials .....

**Motion be put**

**Moved: Councillor Tayler**

**Seconded: Councillor Hill**

That the motion be put.

**Carried Unanimously**

**The motion was put and**

**Carried Unanimously**

Chairperson's initials .....

**13.1 Response to 2022/NOM9 - Nature Strip Guidelines***(BW Communities)*

*Councillor Liam Hughes left the chamber at 9:44 pm.*

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

That Council:

1. Adopts the *Nature strip planting guidelines - October 2022*;
2. Notes the current controls and compliance process in place to enforce the *Nature strip planting guidelines - October 2022*; and
3. Support the removal of fees for nature strip planting permit applications with future considerations to be subject to review in the annual budget planning process.

*Councillor Hill left the chamber at 9:51 pm.*

*Councillor Hill returned to the chamber at 9:53 pm.*

*Councillor Liam Hughes returned to the chamber at 9:55 pm.*

*Councillor Bolam left the chamber at 9:56 pm.*

*Councillor Bolam returned to the chamber at 9:58 pm.*

**Carried**

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

Against the Motion: Cr Tayler

Chairperson's initials .....

**14.1 2022/NOM11 - Exploration of the establishment of a South Eastern Councils Biodiversity Network***(TC Corporate and Commercial Services)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council receives a report at its 12 December 2022 Council Meeting exploring the establishment of a South Eastern Councils Biodiversity Network (consisting of the cities of Hobsons Bay, Melbourne, Port Phillip, Kingston, Frankston, Mornington Peninsula Shire and Bayside). The network is to be comprised of Councillors and Council officers from the network councils in the South Eastern metropolitan region, with the purpose of:

1. information sharing
2. collaboration in relation to joint projects
3. advocacy in relation to common objectives
4. work with State and Federal Governments on environment initiatives
5. exploration of wildlife corridors across the region
6. engagement with traditional owners across the region.

*Councillor Asker left the chamber at 10:01 pm.*

*Councillor Tayler left the chamber at 10:02 pm.*

*Councillor Asker returned to the chamber at 10:03 pm.*

**Carried Unanimously**

**11. CONSIDERATION OF CITY PLANNING REPORTS****11.1 Statutory Planning Progress Report - August 2022***(SC Communities)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Tayler**

That Council:

1. Receives the Statutory Planning Progress Reports for the month of August 2022;  
and
2. Resolves that the Applications of Councillor Interest (Attachment B) remain confidential indefinitely on the grounds that it contains land use planning information and private commercial information (*Local Government Act 2020, s.3(1)(c) and (g)*). These grounds apply because it contains private development information and would, if prematurely released, impact the reputation of Councillors and Council.

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

Chairperson's initials .....

**11.2 Draft Frankston Metropolitan Activity Centre Structure Plan***(BW Communities)***Council Decision****Moved: Councillor Hill****Seconded: Councillor Baker**

That Council:

1. Adopts the *draft Frankston Metropolitan Activity Centre Structure Plan – October 2022*;
2. Notes the background reports that underpin the *draft Frankston Metropolitan Activity Centre Structure Plan – October 2022*;
3. Notes that work has commenced investigating opportunities to leverage Council's current landholdings within the Frankston Metropolitan Activity Centre to attract and enable investment in civic, community and commercial projects;
4. Commits now an additional staffing position in the 2022/23 budget which will be accommodated in the Mid-Year Budget and is intended to facilitate and advocate for public and private investment in projects that support the place making and urban revitalisation initiatives identified in the *Frankston Metropolitan Activity Centre Structure Plan – October 2022*, once adopted; and
5. Supports the next steps involving community engagement on the draft Plan, which will return to Council for further consideration in 2023.

*Councillor Tayler returned to the chamber at 10:07 pm.***Carried Unanimously**

**12. CONSIDERATION OF REPORTS OF OFFICERS****12.1 Council Resolution Status Update for 24 October 2022***(BA Corporate and Commercial Services)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Tayler**

That Council:

1. Receives the Notice of Motion Report for 24 October 2022;
2. Receives the Urgent Business Status Update for 24 October 2022;
3. Notes there are no Notice of Motion actions that have been reported as being complete;
4. Notes, since the Council Meeting held on 3 October 2022, 3 resolutions have been completed, as listed in the body of the report; and
5. 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 Chief Executive Officer's Quarterly report - July - September 2022 period***(PC Chief Executive Office)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Tayler**

That Council:

1. Notes the Chief Executive Officer's Report;
2. Notes the 'public' version of the Chief Executive Officer's Quarterly Report for the period July to September 2022 (attachment A), which will be made available after this meeting through Council's website;
3. Notes updates have been provided within this report relating to recommendations adopted at Council on 26 April 2022 and 25 July 2022, including those relating to the COVID-19 recovery; and
4. Resolves for attachment B (Confidential Chief Executive Officer's report for July to September 2022 period) to be retained as confidential indefinitely, on the grounds that it contains information that is confidential pursuant to the Local Government Act 2020, section 3(1) (a), (d), (e), (f), (g), (i), (j) and (h) and would, if prematurely released impact on Council's reputation and 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 .....



**12.3 Outcomes of the Audit & Risk Committee Meeting - 20 September 2022***(KJ Corporate and Commercial Services)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Tayler**

That Council:

1. Receives the unconfirmed minutes of the Audit and Risk Committee meeting held on 20 September 2022; and
2. Resolves the attachment remains confidential indefinitely on the grounds that it as it contains details of existing audits and other information which includes Council business information, security information, law enforcement information, legal privileged information, personal information, private commercial information and confidential meeting information (Local Government Act 2020, s.3(1)(a), (b), (d), (e), (f), (g) and (h)). Premature release of this information would impact the status of the audits and compromise the ability for future audits to be properly undertaken.

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

Chairperson's initials .....

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

That Council:

1. Receives the Minutes of the Frankston Arts Advisory Committee meeting of 20 September 2022;
2. Notes and adopts the changes to the Frankston Arts Advisory Committee's Terms of Reference from a minimum of ten meetings to eight meetings per year with a review to be held in 12 months' time; and
3. Approves the re-appointment of Ms Barbara Crook as the Independent Chair of the Frankston Arts Advisory Committee for a further four years to 15 February 2026.

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

Chairperson's initials .....

**12.5 Positive Ageing Action Plan Progress Report 2021-2022***(TB Communities)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Tayler**

That Council receives the Positive Ageing Action Plan Progress Report 2021-2022:

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

Chairperson's initials .....

**12.6 S6 Instrument of Delegation Council to Members of Staff***(BA Corporate and Commercial Services)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Tayler**

That Council:

In the exercise of power conferred by the Local Government Act 2020 and the other legislation referred to in the *S6 Instrument of Delegation - Council to Members of Staff* (Instrument):

1. Resolves the powers, duties and functions specified in the Instrument be delegated to staff. This is subject to the conditions and limitations specified in the Instrument;
2. Authorises the Chief Executive Officer to sign the Instrument; and
3. Notes:
  - a. the Instrument will come into force immediately upon signing and will remain in force until Council determines to vary or revoke the Instrument;
  - b. when the Instrument comes into force, the previous Instrument, which was adopted by Council on 4 April 2022, will be revoked; and
  - c. the powers, duties and functions set out in the Instrument are exercised 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

Chairperson's initials .....

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

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 S18 Instrument of Sub-Delegation (Instrument) 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. Authorises the Chief Executive Officer to sign the Instrument of Sub-Delegation;
3. Notes the Instrument of Sub-Delegation referred to above:
  - (i) Come into force immediately after it is signed and will remain in force until Council determines to vary or revoke the Instrument;
  - (ii) When the instrument comes into force, the previous instrument, which was adopted by Council on 16 May 2022, will be revoked; and
4. 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

Chairperson's initials .....

**12.8 Accountability and Transparency Reform (ATR) supplementary items***(BA Corporate and Commercial Services)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Tayler**

That Council:

1. Notes the final update on the original Accountability and Transparency Reform (ATR) document was presented to Council on 29 June 2020 with 26 remaining items being monitored and reported via the CEO's public quarterly report to Council;
2. Notes 22 items from the original ATR were closed off by Council on 25 July 2022 and four remaining items will be monitored and reported via the CEO's public quarterly report to Council until completed and where appropriate considered for Council's Transparency Hub; and
3. Notes that Cr Bolam identified a further 24 supplementary ATR items in March 2022, of which 21 were considered and agreed to be withdrawn and three remaining items will be monitored and reported via the CEO's public quarterly report to Council until completed and where appropriate considered for Council's Transparency Hub.

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

Chairperson's initials .....

**12.9 Amendment of Councillor Code of Conduct***(BA Corporate and Commercial Services)***Council Decision****Moved: Councillor Hill****Seconded: Councillor Bolam**

That Council:

1. Notes that section 140 of the *Local Government Act 2020* provides for a Council to review or amend the Councillor Code of Conduct at any time by a Council resolution agreed to by at least 6 of the 9 Councillors (i.e. two-thirds of the Council);
2. Notes it has reviewed its Councillor Code of Conduct; and
3. Resolves to revoke the Councillor Code of Conduct 2021 and to adopt the Councillor Code of Conduct 2022.

*Councillor Asker left the chamber at 10:23 pm.**Councillor Asker returned to the chamber at 10:25 pm.**Councillor Liam Hughes left the chamber at 10:31 pm.**Councillor Liam Hughes returned to the chamber at 10:33 pm.***Carried Unanimously**

**12.10 Destination Event Attraction Program - Round 2 Recommendations***(TR Customer Innovation and Arts)***Council Decision****Moved: Councillor Tayler****Seconded: Councillor Bolam**

That Council:

1. Endorses the recommended funding and in-kind support for the successful event/s in Round 2 of the Destination Event Attraction Program, to a total value of \$118,688;
2. Authorises the public release of the business name/s only of the successful grant recipient/s at the conclusion of this Council Meeting; and
3. Resolves that Attachment A (Destination Event Attraction Program – Round 2 - Successful Recommendations and Outcomes) Attachment B (Destination Event Attraction Program – Round 2 – Unsuccessful) and Attachment C (Destination Event Attraction Program – Scorecard) remain confidential indefinitely, on the grounds that they include 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, s3(1)(g)). These grounds apply because the information is commercial information and would, if released, compromise Council's ability to obtain similar detailed information from tender applicants in the future.

**Carried Unanimously**



**12.11 Belvedere Precinct Local Area Traffic Management Study***(SA Infrastructure and Operations)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Tayler**

That Council:

1. Adopts the recommended Local Area Traffic Management Plan for the Belvedere Precinct as detailed in the report Belvedere Precinct Local Area Traffic Management Study 2022;
2. Notes funding of \$744,000 is currently allocated in the 2023/2024 adopted Long Term Infrastructure Plan to design and implement the treatments in the Local Area Traffic Management Plan;
3. Notes the extensive community consultation which occurred within Belvedere Precinct throughout this study since January 2022;
4. Notes further ongoing consultation with residents and property owners directly abutting the proposed traffic treatments will occur during the design and implementation stages of the project;
5. Continues to promote the use of Crime Stoppers as an effective tool to reduce incidents of irresponsible and anti-social driving behaviour in the precinct; and
6. Notes monitoring traffic speeds and behaviour will continue for a period of 12 months after implementation of Belvedere Precinct Local Area Traffic Management Plan.

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

Chairperson's initials .....

**12.12E-bikes trial progress report***(PD Customer Innovation and Arts)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Tayler**

That Council:

1. Notes the E-bike progress report, as resolved at its Meeting on 4 April 2022; and
2. Notes a further E-bike progress report will be provided to determine the future of the trial at the January 2023 Council Meeting.

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

**13. RESPONSE TO NOTICES OF MOTION****13.2 Further response to 2022/NOM2 Kananook Station Precinct: Advocacy Update**  
*(FM Customer Innovation and Arts)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Tayler**

That Council:

1. Notes the advocacy actions undertaken following the 5 September 2022 Council Meeting, including meetings sought with Victorian State Minister for Public Transport the Hon Ben Carroll MP and Victorian State Shadow Minister for Public Transport and Roads Mr Danny O'Brien MP;
2. Notes response received from Victorian State Shadow Minister for Public Transport and Roads Mr Danny O'Brien MP, recommending continuing discussions on the matter with local Liberal Party Candidates for Frankston and Carrum;
3. Notes further follow up with State Member for Frankston Mr Paul Edbrooke MP has been made, with no formal response received to date;
4. Commits to ongoing advocacy to local representatives, Victorian Government and Victorian Opposition in relation to seeking investment towards accessibility improvements and precinct beautification opportunities at Kananook Railway Station and receives a report at a future Council Meeting as appropriate.

**Carried Unanimously**

**14. NOTICES OF MOTION**

Refer to page 10 of these Minutes where this item was brought forward.

Chairperson's initials .....

**15. LATE REPORTS****15.1 Frankston City Council Annual Report 2021-2022***(FM Customer Innovation and Arts)*

The Mayor presented the Annual Report with the following statement:

*Council's Annual Report 2021–2022 highlights how we have continued to support the community through the impacts of the COVID-19 pandemic, alongside delivering the first-year goals of the Council Plan 2021–2025.*

*Noteworthy highlights from the Annual Report are:*

- *Council secured \$39.5 million in election funding commitments from both major political parties, and the candidates representing the seat of Dunkley. From this, \$19.32 million has supported Council's flagship election advocacy priority projects – the Frankston Basketball Stadium, Sandfield Reserve revitalisation and the Arts Trail.*
- *Business and reactivation grants totalling \$662,309 (including Victorian Government funding).*
- *Launch of the Frankston Business Collective, fostering a thriving local economy and elevation Frankston's city as a business friendly city.*
- *A total of 44,429 meals were delivered to those in need and 35,520 library items delivered to residents who were unable to access our libraries.*
- *16,800 volunteers who contributed more than 46,000 hours equalling approximately \$1.3 million worth of donated time.*
- *Over 80,000 visitors were welcomed to our major events, including Frankston's Magical Christmas (6,739), Waterfront Festival (45,000), Big Picture Fest (1,500), Party in the Park (8,000) and South Side Festival (20,000).*
- *Awarded bronze in the 2022 Victorian Top Tourism Town Awards and the best Street Art Walking Tour in the national 2021 Australian Street Art Awards.*
- *Pines Forest Aquatic Centre welcomed almost 11,000 visitors in January 2022 – the highest ever January attendance under Peninsula Leisure management.*
- *This is just a taste of what is outlined in Council's 2021–2022 Annual Report that I present for Council's consideration.*
- *Following endorsement, the report will be available to view in its entirety on Council's website and can also be supplied in hard copy on request.*

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

That Council:

1. Notes the Mayor's presentation of the Annual Report to the Council at this meeting in accordance with S100 of the *Local Government Act 2020*;
2. Receives and endorses the Annual Report 2021–2022, for publication on the website prior to 31 October 2022.

**Carried**

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

Against the Motion: Nil

Abstained: Cr Steven Hughes

Chairperson's initials .....

**16. URGENT BUSINESS****Urgent Business****Council Decision****Moved: Councillor Bolam****Seconded: Councillor Tayler**

That the matter of Council making a financial donation to Victorian flood affected communities be accepted as urgent business.

**Carried Unanimously**

**Urgent Business – Disaster Support****Council Decision****Moved: Councillor Bolam****Seconded: Councillor Tayler**

Given the nature of the natural disaster presently in occurrence, Council is to formally provide a \$5,000 donation to the GIVIT to support those impacted upon by flood damage throughout Australia. GIVIT is the National Coordination Agency for donations for the current flood current crisis.

The CEO is requested to source the aforementioned funding from the 2022/2023 Annual Budget.

Rationale: As per similar funding support provided by Frankston City Council in past catastrophic natural disaster situations, this motion is consistent and appropriate..

*Councillor Asker left the chamber at 10:50 pm.*

*Councillor Asker returned to the chamber at 10:52 pm.*

*Councillor Tayler left the chamber at 10:57 pm.*

*Councillor Tayler returned to the chamber at 10:59 pm.*

**Carried**

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

Against the Motion: Cr Steven Hughes

**Extension of Time****Council Decision****Moved: Councillor Asker****Seconded: Councillor Harvey**

That the Council Meeting be granted an extension of time.

**Carried Unanimously**

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

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* (the Act) on the following grounds:

**C.1 Kindergarten Reform Update and Langwarrin Child & Family Centre**

- it contains information that is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (Local Government Act 2020, section 3(1)(a)); and private commercial information, being information provided by a business, commercial or financial undertaking that (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g)).
- These grounds apply because the information concerns matters that are likely to be the subject of future negotiations and would, if prematurely released, compromise the integrity and outcome of those negotiations (s3(1)(g)).

**Carried Unanimously**

.....  
Signed by the CEO

Chairperson's initials .....

**QUESTION TIME**

*The following questions were presented at the Council Meeting 2022/CM14 – 3 October 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.*

**Courtney Pearson****Question 1**

Frankston is a beautiful place, however the main entry points to the town don't reflect that. Will Council please consider putting some money into the M3 overpass above Beach rd to fix the broken noise wall panels and commission a mural? First impressions last and we want everyone to feel good as they arrive in Frankston.

**Response by Director of Communities**

Council officers are currently preparing a plan to address the appearance of the overpass and intersection in the area of Frankton Freeway, Beach Street and McMahons Road. This plan has three main elements, which are:

1. Underpass lighting to improve safety, amenity, access and to provide decoration.
2. Improvements to the existing footpaths and other surface treatments including restoration of the slate rock work and weeding.
3. Works associated with the 'Black Spot Program' to improve the safety of the intersection including speed ramps and street lighting.

Each of these items is currently funded to be delivered in the current financial year.

There are currently no plans to deliver a mural artwork, however this can be considered as part of the broader urban design response that is underway through the preparation of the plan.

The freeway, overpass and sound barriers are managed by the State Government's Department of Transport. Any works to the sound barriers need to be approved by the State Government and funding secured for it. Council officers are preparing a plan to illustrate the potential for replacing with existing sound barriers to use for advocacy purposes.

**Manny Jessy****Question 1**

What is council doing to reduce rates?

**Response by Director of Corporate and Commercial Services**

Council reviews all budgets annually to ensure it is operating as efficiently as we can.

This question does however need to be considered in light of the difficult financial circumstances in which Council currently operates.

Council currently receives approximately 65% of its income from rates and increases in rates are capped by the State Government (currently 1.75%). Outside of this income source Council grant income from State and Federal Government is a further 20% and this also seldom increases significantly from year to year.

The cost of providing services to community are currently increasing at a much higher rate than Council income.

The annual challenge for Council is therefore to consider what services need to be reduced or what capital works need to be postponed rather than reducing Council rates.



It should also be noted that Council rates per property are not above average compared to other Eastern Melbourne Councils and our residential rates on average are below average due to Councils differential rate on commercial and industrial properties.

**Question 2**

Why don't we see return of investments per area, such as rates Carrum Downs residents are paying and how much return in capital works Carrum Downs is receiving in the annual report

**Response by Director of Corporate and Commercial Services**

Council rates are not a 'fee for service'. They are instead a property tax in the same vein as the income tax that individuals pay.

The same principles apply to the Capital Works Program and there will never be a direct nexus between the rates that a person pays and the benefits that are applied to the immediate area that a person lives.

Instead, Council on the whole needs to show to its whole community how it has applied the rates that have been received – and it does this via the annual budget.

In response to the query of capital works expenditure in Carrum Downs, Council invested \$8.38M in capital works expenditure in Carrum Downs and the broader area of the North East Ward in 2021/22.

**Question 3**

Why are we paying for travel fees for Councillors? Where is the detailed description of what the fees are for?

**Response by Director of Corporate and Commercial Services**

Councillors are reimbursed for expenditures that they have personally incurred in the course of undertaking their official Councillor functions and duties in accordance with Council's Expense (and reimbursement) Policy. The most common travel fee incurred is for the Mayor and a Councillor delegate to attend the annual National General Assembly of Council in Canberra. Travel expenses for Councillors are kept on a Travel Register which is currently available to the public for inspection upon request. The travel fees will soon be available to view on the Transparency Hub, which has the latest data about Council. <https://data.frankston.vic.gov.au/pages/home/>

**Kimberley Politis****Question 1**

Why have you been targeting food vans in the area to be shut down through summer when we need more food options on the beach not less. These are very much loved local businesses. I believe this is a massive mistake and if u take a look at the notice board regarding this you will notice there is a growing number of residents who are not happy with quite a few council decisions at the moment.

**Response by Director of Communities**

As a part of its Do It Outdoors Destinations program, Council ran an Expression of Interest process in August of this year to activate five (5) key sites across the municipality for a 12-month period from October 2022. As part of this process, Council was seeking to give opportunity to businesses – new and existing – to trade from these five key sites. One of these sites was the Oliver's Hill Boat Ramp, where there are currently two sites.

Due to ongoing issues of flooding and vehicle bogging of the vegetation area closest to the seawall at the Oliver's Hill Boat Ramp, a decision was reached to remove this site from the overall 2022-23 food truck site offering and offer one site at this location.

Following extensive community feedback and collaborative discussions with both the successful and existing operators, a solution allowing for all three food trucks to operate for the upcoming 12 month period was achieved.

Chairperson's initials .....

Council certainly supports local business as is demonstrated through the support provided to local businesses last year including a 'local business to business' voucher system, business mentoring and monthly events delivered by the Frankston Business Collective, which from July – September 2022 have included the Frankston Business Collective Launch; Creating Well-being for businesses; and a networking evening – together attracting 320 attendees.

In addition, a new Business Grants program - After Dark Activation Grants has also been developed to support Frankston City's transformation into a vibrant, diverse, inclusive and safe destination after dark. The grants cover up to 50 per cent of the total project cost to a maximum of \$30,000 for a night-time program that may run up to 12 months, or a short-term capital works project.

## Question 2

What is going on with the massive increase in rates? This is such a hard time for residents already why would you strike us so hard with such exorbitant fees? What happened to those promises of reduced rates when most of you were campaigning?

### Response by Director of Corporate and Commercial Services

Council rates have not increased massively. Council rates are capped by the State Government and the current rate cap is an increase of 1.75%

This increase applies to Councils overall rate revenue and not to individual properties. Council is required by State Government to revalue all properties every year based on a valuation date of 1 January. Over the past year the average increase in residential valuations was 26%.

Where individual properties experienced an increase in valuations higher than this amount, their rate increase will be higher than 1.75%. Where properties valuations moved by less than this amount, their rates will increase by less than 1.75% or even decrease. The important fact though remains that overall Council rate revenue only increased by 1.75%.

## Question 3

Why are u allowing 5G towers in residential areas? We all have nbn in this area, but there is no need for 5G in residential areas.

### Response by Director of Communities

The Victorian Planning Provisions call for a modern telecommunication network that is widely accessible to business, industry and the community.

Such facilities are not prohibited in residential areas and are considered on-merit. Many facilities considered low-impact do not even require a planning permit.

The NBN provides an internet service to households. Telecommunication facilities provide mobile coverage and network capacity.

Given the high use and reliance on mobile phones in the community, the reliability of the mobile and data service for businesses, residents and emergency service organisations is vitally important.

*The meeting was closed to the public at 11.00 pm*

CONFIRMED THIS

17

DAY OF

November

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 24 October 2022, confirmed on 17 November 2022

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

Dated this

17

day of

November

2022

Chairperson's initials .....