



**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON  
ON 15 MARCH 2023 at 7.01PM**

|                              |   |
|------------------------------|---|
| PRESENT                      | Cr. Nathan Conroy (Mayor)<br>Cr. Liam Hughes (Deputy Mayor) - via Zoom<br>Cr. Sue Baker<br>Cr. Kris Bolam<br>Cr. Claire Harvey<br>Cr. Brad Hill<br>Cr. Steven Hughes – (arrived at 7.08pm - via Zoom)<br>Cr. Suzette Tayler   |
| APOLOGIES:                   | Cr. David Asker   |
| ABSENT:                      | Nil.  |
| OFFICERS:                    | Mr. Phil Cantillon, Chief Executive Officer<br>Ms. Kim Jaensch, Director Corporate and Commercial Services<br>Ms. Angela Hughes, Director Communities<br>Mr. Cam Arullanantham, Director Infrastructure and Operations<br>Ms. Shweta Babbar, Director Customer Innovation and Arts<br>Ms. Brianna Alcock, Manager Governance<br>Ms. Brooke Whatmough, Coordinator Strategic Planning<br>Ms. Rachna Gupta Singh, Coordinator Governance<br>Ms. Rebecca Swann, Governance Officer<br>Mr. Ric Rais, Systems Support Officer<br>Mr. Josh Lacey, Supervising Technician<br>Mr. Jeremy O'Rourke, Technician |
| EXTERNAL<br>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.”*

Chairperson’s initials .....

**PRAYER**

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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|  |           |
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**1. COUNCILLOR APPRECIATION AWARDS****1.1 Councillor Appreciation Award - Wayne and Geraldine Stanistreet**

Councillor Harvey presented a Councillor Appreciation Award to Wayne and Geraldine Stanistreet to express appreciation for their vision and hard work establishing the Open Mic Night at The Green held monthly at Yamala Bowls Club.

After pivoting online to keep this important community connected during COVID, this event now attracts a consistent line up of live acts, boasting a monthly evening of three hours of entertainment, with a waiting list of acts and all for a gold coin donation. This event has breathed new energy and enthusiasm into our community, providing valuable opportunities for creative expression and connection.

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

**Council Meeting No. CM2 held on 20 February 2023.**

**Council Decision**

**Moved: Councillor Tayler**

**Seconded: Councillor Hill**

That the minutes of the Council Meeting No. CM2 held on 20 February 2023 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

**Carried Unanimously**

**3. APOLOGIES**

The Mayor noted that an apology was received from Cr David Asker.

**4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST**

Nil

**5. PUBLIC QUESTION TIME**

Three (3) people submitted questions with notice to Council. At the request of the Mayor, the Chief Executive Officer provided the response to the gallery.

There were three (3) people who submitted questions without notice. The response to these questions will be provided in writing within seven business days of the Council Meeting.

Both questions with notice and questions without notice with answers will be provided in the Minutes of the next Council Meeting.

**6. HEARING OF PUBLIC SUBMISSIONS**

The following people made submissions to Council regarding Item 12.1 - Hearing of Submitters - Draft Frankston Metropolitan Activity Centre Structure Plan:

- Warwick Exton
- Ben Jones (submission under section 223)
- Russell Kerr (submission under section 223)
- Adele Pignolet on behalf of the Long Island Residents (submission under section 223)
- Greg Sheppard (submission under section 223)

*Meeting was adjourned at 7.57 pm*

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*Meeting resumed at 7.58 pm*

- Robert Thurley (submission under section 223)
- Paul Jones (submission under section 223)

*Councillor Liam Hughes left the chamber at 8:36 pm.*

*Councillor Liam Hughes returned to the chamber at 8:37 pm.*

- Rod Evenden on behalf of the committee for Greater Frankston (submission under section 223)

*Councillor Bolam left the chamber at 8:50 pm.*

- Trudy Poole

*Councillor Bolam returned to the chamber at 8:53 pm.*

- Kylie Quinn
- Lydia Wheeler
- Darren Smith
- Diana O'Malley
- Phil Lancaster; and
- Angela D'Alfonso

## **7. ITEMS BROUGHT FORWARD**

Nil

## **8. PRESENTATIONS / AWARDS**

Nil

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

Nil

## **10. DELEGATES' REPORTS**

Nil

## **11. CONSIDERATION OF CITY PLANNING REPORTS**

Nil

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**12. CONSIDERATION OF REPORTS OF OFFICERS****12.1 Hearing of Submitters - Draft Frankston Metropolitan Activity Centre Structure Plan***(TB Communities)***Council Decision****Moved: Councillor Hill****Seconded: Councillor Bolam**

That Council:

1. Notes that the *Draft Frankston Metropolitan Activity Centre (FMAC) Structure Plan (October 2022)* was on public exhibition from 31 October – 12 December 2022 and that seventeen (17) written submissions were received;
2. Notes that all submitters have been invited to provide a verbal submission in support of their written submission;
3. Hears and considers the public submissions relating to the *Draft Frankston Metropolitan Activity Centre (FMAC) Structure Plan (October 2022)*; and
4. Notes that the feedback will be considered in the final *Frankston Metropolitan Activity Centre (FMAC) Structure Plan* which will be presented to Council at a meeting in June 2023.

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

That Cr Hill be granted an extension of time.

**Carried Unanimously****The motion was put and****Carried Unanimously**

**12.2 Governance Matters Report for 15 March 2023***(BA Corporate and Commercial Services)***Recommendation (Director Corporate and Commercial Services)**

That Council:

1. Notes its tangible steps towards serving the community with good governance and integrity through transparency and accountability, which includes:

- a. An astounding reduction in Council decisions made at Council Meetings closed to the public:

|                      |            |
|----------------------|------------|
| 2.94%*               | 2022-2023* |
| 5.86%                | 2021-2022  |
| 8.92%                | 2020-2021  |
| 18.84%               | 2019-2020  |
| 28.00%               | 2018-2019  |
| *As at December 2022 |            |

- b. Establishing a Transparency Hub, which is leading local government sector and allows the community to explore and visualise data, providing an overview of Council's decision-making and activities;
    - c. Publication of a quarterly report from the Chief Executive Officer that provides a transparent, timely and open overview of the organisation and its key activities;
  2. Receives the Council Resolution Status update, including:
    - a. Notice of Motion Cost Summary and Notice of Motion Report for 15 March 2023;
    - b. Urgent Business Status Update for 15 March 2023;
    - c. Notes there is one Notice of Motion actions reported as complete:
      - 2023/NOM2 - Release of Closed Council Report on Proposed Long St Kindergarten and MCH;
    - d. Notes there are four reports delayed in its presentation to Council:
      - Statutory Planning Progress Report – Jan 2023 & Planning Application Submitters and Objectors Engagement Procedure, Statutory Planning Processes Guide, and Community Engagement Framework - delayed to 3 April 2023; and
      - Adoption of the Climate Change Strategy and Action Plan - delayed to 3 April 2023
      - Presentation of Terms of Reference for Internal Committees, where a Councillor is a delegate - delayed to a future Council Meeting
      - Response to 2022/NOM11 - Exploration of the establishment of a South Eastern Councils Biodiversity Network – delayed to 22 May 2023
    - e. Notes since the Council Meeting held on 20 February 2023, 12 resolutions have been completed, as listed in the body of the report;
  3.
    - a. Appoints the officers listed in the Instruments of Appointment and Authorisation under Section 147 (4) of the *Planning and Environment Act 1987* and the regulations made thereunder and under Section 313 of the

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*Local Government Act 2020;*

- b. Authorises for the Instruments of Appointment and Authorisation to be signed and Sealed;
4. Notes the MAV State Council Meeting will be held in Melbourne on 19 May 2023 and the annual National General Assembly (NGA) conference will be held in Canberra from 13 June until 16 June 2023;
  - a. Endorses the below Motions to be submitted to the respective meetings:
 

MAV State Council Meeting:

    - Private Health Insurance Lifetime Health Cover (LHC)
    - Social and Affordable Housing

NGA Conference:

    - Addressing disadvantage to prevent homelessness;
    - Increased Federal funding support for the Victorian Local Government sector;
    - Increased Federal Funding Support for Roads for metro and regional roads;
  - b. Endorses Cr Suzette Tayler to replace the Mayor, Cr Nathan Conroy as the Councillor delegate to attend the NGA Conference in Canberra, with an estimated travel cost of \$2,500, to be funded from the existing budget;
5. Awards a Certificate under Seal to Cr Kris Bolam, who has served as Councillor for 10 years. The Certificate is to be presented at the next Council Meeting, to be held on 3 April 2023;
6. Approves for \$20,000 to be re-directed from the 2022-2023 Community Grants program to the Frankston Social Enterprise Hub to support its continued valuable work within the Frankston City community; and
7. Resolves that Attachments 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)) and Attachments E, F, G & H to remain confidential indefinitely on the grounds that they include personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (Local Government Act 2020, s.3(1)(f)).

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

That Council:

1. Notes its tangible steps towards serving the community with good governance and integrity through transparency and accountability, which includes:
  - a. An astounding reduction in Council decisions made at Council Meetings closed to the public:

|        |            |
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| 2.94%* | 2022-2023* |
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28.00%

2018-2019

\*As at December 2022

- b. Establishing a Transparency Hub, which is leading local government sector and allows the community to explore and visualise data, providing an overview of Council's decision-making and activities;
  - c. Publication of a quarterly report from the Chief Executive Officer that provides a transparent, timely and open overview of the organisation and its key activities;
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  - a. Notice of Motion Cost Summary and Notice of Motion Report for 15 March 2023;
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  - e. Notes since the Council Meeting held on 20 February 2023, 12 resolutions have been completed, as listed in the body of the report;
3.
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  - b. Authorises for the Instruments of Appointment and Authorisation to be signed and Sealed;
4. Notes the MAV State Council Meeting will be held in Melbourne on 19 May 2023 and the annual National General Assembly (NGA) conference will be held in Canberra from 13 June until 16 June 2023;
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    - Addressing disadvantage to prevent homelessness;
    - Increased Federal funding support for the Victorian Local Government

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sector;

- Increased Federal Funding Support for Roads for metro and regional roads;
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  7. Resolves that Attachments 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)) and Attachments E, F, G & H to remain confidential indefinitely on the grounds that they include personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (Local Government Act 2020, s.3(1)(f)).

**Carried**

For the Motion: Crs Baker, Bolam, Conroy, Harvey, Hill, Liam Hughes and Tayler (7)

Against the Motion: Cr Steven Hughes (1)

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**13. RESPONSE TO NOTICES OF MOTION**

Nil

**14. NOTICES OF MOTION**

Nil

**15. LATE REPORTS**

Nil

**16. URGENT BUSINESS**

Nil

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**17. CONFIDENTIAL ITEMS**

Nil Reports

.....  
Signed by the CEO

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**QUESTION TIME**

*The following questions with notice were presented at the Council Meeting 2023/CM02 – 20 February 2023. 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.*

**Lynne Sampson****Question 1**

Is council using glysohate to deal with weeds in the LGA - if so, will they consider a more environmentally friendly option?

**Response**

In July 2020 Frankston City Council trialled a glyphosate ban and investigated alternative weed control measures in collaboration with Deakin University and the Municipal Association of Victoria to investigate effectiveness and costs of a suite of alternative herbicides and steam. The trial resulted in a decline in presentation standards, increased abundance of invasive weeds, negative impacts to natural values through weed competition with indigenous flora and significant escalation in costs for weed control.

On 15 February 2021 Council resolved to reintroduce glyphosate as part of an integrated weed management program, with restricted use in high priority locations such as playgrounds and pre-schools.

Guidance from Australian regulatory authorities is that products containing glyphosate can continue to be used safely by adhering to and following the directions in the Safety Data Sheet and labels.

**Question 2**

As you may be aware loneliness and isolation are two of the biggest factors impacting mental health today - will council consider lowering the pet registration fee to perhaps \$5 - \$10 for people aged over 60, veterans, other vulnerable populations so that people may feel encouraged to adopt a companion animal to potentially alleviate their mental health and sense of loneliness.?

**Response**

Council offer a 50% discount to people holding a Pensioner Concession Card or Department of Veteran Affairs card.

It is proposed the fee for these card holders for 23/24 is \$30.00, which is more than 50% off the proposed fee for desexed animals of \$61.00.

Council undertake a range of programs such as chatty café and library programs to support people experiencing loneliness or mental health issues. Council is also offering free mental health first aid training session until 30 June 2023. You can check out Council's website or contact us by phone for more information. Given this Officers do not recommend reducing fees any further.

**Bill Gardeniers****Question 1**

How many objections has council received in regard to the proposed kindergarten development on Long reserve 1. Collected via the Childrens Services email and 2. at the meeting in the park held on Tuesday 7th February

**Response**

Approximately 60 people have written to Council via the Childrens Services email address. This includes correspondence received via a councillor inbox. Where individuals have provided more than one response, these have been counted once.

Approximately 50 responses were received from the In-Person Engagement session at the reserve. We are currently reviewing all responses to ensure we have accurate data on the number of people that have objected all together.

**Question 2**

How many positive responses has council received in regard to the proposed kindergarten development on Long reserve 1. Collected via the Childrens Services email and 2. at the meeting in the park held on Tuesday 7th February

**Response**

Over 100 surveys about design options have been completed on the Engage Frankston website. The engagement is ongoing and we are concentrating on feedback about design options.

**Question 3**

Has Council applied for, or is Council going to apply for, grant funding from Building Blocks Grant Funding, through Victorian School Building Authority, if so how much will Council be seeking and when? I respectfully request to have this question added as my third question to my earlier submission Council Reference: Response ID 714041

**Response**

Council will be seeking to apply for grant funding via the Building Blocks funding after there is a decision on the location of the site, we anticipate this will be in the next financial year. Currently the VSBA is funding up to 2 million dollars for integrated early years facilities.

**Joanna Bouris****Question 1**

I refer to the ongoing issue of music noise from Beach 162 cafe. Following the council's onsite meeting with the vendor, is the council now satisfied that the vendor is compliant with the EPA noise regulations?

**Response by Director Communities**

Council is still corresponding with the business operator to achieve satisfactory compliance with the guidelines within the EPA Publication 1826/4 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues Part II.'

**Question 2**

If so, how? If not, what further actions will the council undertake in this matter?

**Response**

As mentioned, Council is still corresponding with the business operator to achieve satisfactory compliance with the noise guidelines. As this is active Planning Investigation matter no further information on actions can be shared.

**Julia Toomer****Question 1**

In the confidential release notes from the 24th Oct 2022 meeting, in relation to C1 Kindergarten reform update and Langwarrin Child & family Centre. In the Recommendations (Director Communities) it is stated under point 5 that McClelland Gallery has been informally advised that the acquisition of part of its land for a bush kindergarten will not be pursued, could the council please advise the formally communicated reasons for this change in decision?

**Response**

McClelland Gallery were informally advised that Council were taking a different approach in relation to the Early Years Facility and it will not pursuing land acquisition.

**Question 2**

In the confidential release notes from the 24th Oct 2022 meeting, in relation to C1 Kindergarten reform update and Langwarrin Child & family Centre. On page 2 of those notes, page 52 of the doc "Microsoft Word - CM\_30012023\_MIN\_AT.DOCX" it is stated under point 4 , which includes the redacted item, "the recent announcement to increase program hours, along with the information regarding existing Langwarrin Pre-schools inability to expand, has presented an opportunity to re-visit the Long Street Reserve as the site for the facility.

Could council please advise when Long Street reserve was previously considered, and the reason it was previously deemed an inappropriate site?

**Response**

The Long Street Reserve site was never formally investigated and no feasibility has been carried out on this site previously.

**Question 3**

To build on Long Reserve the council is counting on a \$2m investment from the Victorian School Building Authority (VSBA) to reduce its estimated costs, could the council please advise the criteria required for approval to receive these funds from the VSBA?

**Response**

Early childhood facilities funded through the Building Blocks improvement stream must be operated by an approved funded kindergarten service, offer 3 & 4 year old kindergarten programs, abide by the funding agreement established upon approval and the building guidelines and regulations. These guidelines generally include, meeting project timeframes, using appropriate contractors and meeting relevant building and construction regulations. More information can be found on the VSBA website.

*The following questions were received without notice for the Council Meeting 2023/CM02 – 20 February 2023. The questions and answers were provided directly to the submitters. In accordance with the Public Submissions and Question Time Policy, the questions and response(s) are published at the next Council Meeting Minutes.*

**Brian Matthey****Question 1**

In relation to Agenda Item 11.1 Planning Application 44/2022/P: Why is the fee paid to Council \$6115.90, when the average cost to process a planning application only \$2265?

**Response**

The average cost of a planning application is calculated by dividing the total cost of the service by the number of applications received in the year. This cost is well within Council's expected range and comparable to similar Council's.

Most planning fees are set by the state government and are scaled based cost of the development. In this case, the cost for a 'non-residential' development application between \$100,000 and \$1,000,000 in 2021-22 was \$1,570.60. The major (remaining) portion of this applications fees relate to public notice as 548 public notice letters were sent to owners and occupiers of nearby properties and two signs erected on the subject land.

The planning fee schedule can be found the Council's website.

**Question 2**

In relation to Smart Cities: Has the Council approved Frankston as a "Smart City"? If it has, how have you consulted with the residents to inform them of this and seek their approval??

**Response**

At the Council meeting 19 April 2021 council endorsed the Smart Cities Framework and Roadmap. Development of the Framework was undertaken in consultation with the community via the 'Future of Frankston Explored' Think Tank held in September 2020 with industry leaders and community enthusiasts and via Council's Community Vision 2040.

**Narelle Woods****Question 1**

Does Frankston City Council have installed, any of the Chinese Surveillance Camera's, made by Hikvision and Dahua, that are being removed over National Security fears?

**Response**

Some Hikvision cameras are in use within Frankston City and no Dahua cameras are in use.

**Question 2**

If yes, what Security and/or privacy risk do these cameras pose for the people of Frankston City Council?

**Response**

For security reasons these cameras are not connected to any accessible network or internet connection. To exploit the reported vulnerability a cyber-actor needs to access the web server exposed by the Hikvision device, either over the internet or a local network such as a WiFi network. Council cameras are not connected to any such networks.

**Question 3**

Will you, as the Representatives of the people residing in the Frankston City Council; be removing said camera's to protect our privacy and security, given the uncertainty surrounding their use?

**Response**

There is no plan to remove existing cameras as there is no security risk as outlined in question 2. Council is committed to ongoing upgrades of CCTV networks and as part of this

Chairperson's initials .....



process an assessment will be made as to if the use of Hikvision cameras in the future are required.

### **Karen Jennings**

#### **Question 1**

Does the Frankston Council approve of the way the rollout of the smart city initiative is being implemented?

#### **Response**

Yes, in January 2021 Council endorsed the Frankston Smart City Framework and Roadmap. The Framework was developed as a strategic approach to using emerging technologies and to ensure these technologies are used to improve the cities performance, liveability, productivity and sustainability outcomes.

#### **Question 2**

How transparent is the CEO with his dealings with fellow Councillors at Frankston?

#### **Response**

The CEO prides himself on acting with the highest degree of integrity with his fellow Councillors and also with the community, of which has led to the creation of the Transparency Hub. A high level of transparency is also demonstrated with the detailed information provided in the CEO report, which is presented to Council on a quarterly basis.

#### **Question 3**

Does the Frankston Council officers know and have they researched for themselves the harmful effects from the 5G mm waves and frequencies?

#### **Response**

In 2020, in the early phase of the 5G roll out, Frankston City Council officers investigated any potential effects related to 5G technology on human health and the environment.

Their findings remain current in 2023 with the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), the Australian Government Department of Health and the World Health Organisation (WHO) all advising that there are no established health effects from the technology that the 5G network uses.

Council's ongoing monitoring has highlighted the current ARPANSA Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz (RPS S-1) which provides advice to the Australian Government on what any exposure limits should be, to keep everyone safe. This is based on international guidelines established by the International Commission for Non-Ionizing Radiation Protection (ICNIRP) and endorsed by the World Health Organization (WHO).

*The meeting was closed to the public at 10:19 pm*

CONFIRMED THIS

3<sup>rd</sup>

DAY OF

April

2023

.....  
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 Wednesday 15 March 2023, confirmed on Monday 3 April 2023.

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

Dated this

day of

2023

Chairperson's initials .....