



**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 17 NOVEMBER 2022 at 7.01PM**

PRESENT	Cr. David Asker Cr. Sue Baker Cr. Kris Bolam Cr. Nathan Conroy Cr. Claire Harvey Cr. Brad Hill Cr. Liam Hughes Cr. Steven Hughes Cr. Suzette Tayler
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 Ms. Fiona McQueen, Manager Community Relations Ms. Rachna Gupta Singh, Coordinator Governance Ms. Tenille Craig, Team Leader Governance Mr. Connor Rose, Desktop Support Officer Mr. Jeremy O'Rourke, Technician Mr. Angus Edwards, Technician
EXTERNAL REPRESENTATIVES:	Mr. Thomas Barnes, Colossal Films

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

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.



Chairperson's initials

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1. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Council Meeting No. CM15 held on 24 October 2022.

Council Decision

Moved: Councillor Tayler

Seconded: Councillor Harvey

That the minutes of the Council Meeting No. CM15 held on 24 October 2022 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

2. APOLOGIES

Nil

3. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil

4. DELEGATES' REPORTS

Nil

5. CONSIDERATION OF REPORTS OF OFFICERS**5.1 Adoption of term for the Office of Mayor***(BA Corporate and Commercial Services)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Harvey**

That Council resolves to elect the Mayor for a 1 year term.

Carried Unanimously

5.2 Election of the Mayor for 2022/2023

(BA Corporate and Commercial Services)

The Chief Executive Officer outlined the process for the election of the Mayor and invited nominations for the Office of Mayor for the 2022/2023 Council Year.

Cr. Sue Baker nominated herself for the office of Mayor and Cr. Brad Hill seconded the nomination.

Cr. Liam Hughes nominated Cr. Nathan Conroy for office of Mayor and Cr. Suzette Tayler seconded the nomination.

In terms of Council's Governance Rules both candidates spoke to their nomination.

There being two nominations the Chief Executive Officer invited Councillors to vote for their preferred candidate by show of hands and noted 3 votes in favour of Cr. Baker and 6 votes in favour of Cr. Conroy, as detailed below:

In favour of Cr. Sue Baker: Cr Baker, Cr Harvey, Cr Hill

In favour of Cr. Nathan Conroy: Cr Conroy, Cr Asker, Cr Bolam, Cr Liam Hughes,
Cr Steven Hughes, Cr Tayler

Having received an absolute majority of votes, the Chief Executive officer declared Cr. Conroy elected to the position of Mayor of Frankston City Council for the 2022/2023 period.

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

That on the declaration of the result of the Mayoral Election by the Chief Executive Officer, the successful candidate Cr. Nathan Conroy is elected Mayor of Frankston City Council for a 1 year term.

Carried Unanimously

Mayor Conroy assumed the chair and addressed the meeting.

Chairperson's initials

5.3 Adoption of term for the Office of the Deputy Mayor
(BA Corporate and Commercial Services)

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Baker

That Council in accordance with section 20A of the Local Government Act 2020 and its Governance Rules resolves to establish the position of Deputy Mayor and elects the Deputy Mayor for a 1 year term.

Carried Unanimously

5.4 Election of Deputy Mayor for 2022/2023*(BA Corporate and Commercial Services)*

The Mayor outlined the process for the election of the Deputy Mayor and invited nominations for the Office of Deputy Mayor for the 2022/2023 Council Year.

Cr. Brad Hill nominated Cr. Claire Harvey for the office of Deputy Mayor and Cr. Sue Baker seconded the nomination.

Cr. Steven Hughes nominated Cr. Liam Hughes for office of Deputy Mayor and Cr. Suzette Tayler seconded the nomination.

In terms of Council's Governance Rules both candidates spoke to their nomination.

There being two nominations the Mayor invited Councillors to vote for their preferred candidate by show of hands and noted 3 votes in favour of Cr. Claire Harvey and 5 votes in favour of Cr. Liam Hughes, as detailed below:

In favour of Cr. Claire Harvey: Cr. Baker, Cr. Harvey, Cr. Hill

In favour of Cr. Liam Hughes: Cr. Conroy, Cr. Asker, Cr. Liam Hughes, Cr. Steven Hughes, Cr. Tayler

Abstained: Cr. Bolam

Having received an absolute majority of votes, the Mayor declared Cr. Liam Hughes elected to the position of Deputy Mayor of Frankston City Council for the 2022/2023 period.

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

That on the declaration of the result of the Deputy Mayoral Election by the Chair, the successful candidate Cr Liam Hughes is elected Deputy Mayor of Frankston City Council for a 1 year term.

Carried Unanimously

The Deputy Mayor Cr. Liam Hughes addressed the meeting.

Chairperson's initials

5.5 Recognition and Appreciation of services given to the Community by the Mayor for Mayoral Term*(BA Corporate and Commercial Services)***Council Decision****Moved: Councillor Hill****Seconded: Councillor Bolam**

That Council:

1. Prepares a letter under seal for Cr Nathan Conroy in recognition of his service to the Frankston Community during the previous term; and
2. Presents the letter under seal for Cr Nathan Conroy at a briefing or function in December 2022.

Carried Unanimously

5.6 Recognition and Appreciation of services given to the Community by the Deputy Mayor for Previous Term*(BA Corporate and Commercial Services)***Council Decision****Moved: Councillor Hill****Seconded: Councillor Bolam**

That Council:

1. Prepares a letter under seal for Cr Suzette Tayler in recognition of her service to the Frankston Community during the previous term; and
2. Presents the letter under seal for Cr Suzette Tayler at a briefing or function in December 2022.

Carried Unanimously

5.7 Delegates to External Organisations and Internal Committees for 2023*(BA Corporate and Commercial Services)**Councillor Liam Hughes left the chamber at 8:23 pm.***Recommendation (Director Corporate and Commercial Services)**

That Council:

1. Notes the following appointments to external organisations to be made:
 - i. Cr XX be appointed as the delegate to the Association of Bayside Municipalities.
 - ii. Cr XX and Cr XX be appointed as the delegates to the Australian Local Government Women's Association.
 - iii. The Mayor and Cr XX be appointed as the delegates to the Frankston Charitable Fund Committee of Management.
 - iv. The Mayor be appointed as the delegate to the Frankston Revitalisation Board, as required.
 - v. The Mayor be appointed as the delegate to the Greater South East Melbourne Group.
 - vi. The Mayor be appointed as the delegate to the Municipal Association of Victoria and Cr XX be appointed as the substitute delegate.
 - vii. The Mayor and Cr XX be nominated as Council's representatives at the National General Assembly 2023.
 - viii. The Mayor be nominated as Council's representative to the Peninsula Leisure Pty Ltd Board.
 - ix. Cr XX be appointed as the delegate to the South East Councils Climate Change Alliance (SECCA).
 - x. Cr XX be appointed as the delegate to the Youth Advisory Council.
2. Notes the following appointments to internal committees to be made:
 - i. The Mayor and Cr XX be appointed as delegates to the Audit and Risk Committee.
 - ii. The Cr XX and Cr XX be appointed as the delegates to the Chief Executive Officer's Performance Review Committee.
 - iii. Cr XX be appointed as the delegates to the Disability Access and Inclusion Committee (DAIC).
 - iv. Cr XX and Cr XX be appointed as the delegates to the Foreshore Advisory Committee.
 - v. Cr XX and Cr XX be appointed as the delegates, and Cr XX as the substitute delegate to the Frankston Arts Advisory Committee.
 - vi. The Mayor, Cr XX and Cr XX be appointed as the delegates to the Frankston Cemetery Trust Committee.
 - vii. The Mayor, Cr XX and Cr XX be appointed as the delegates to the Housing Advisory Committee.
 - viii. Cr XX and Cr XX be appointed as delegates to the Kananook Creek Governance Group Committee.

Chairperson's initials

- ix. All Councillors be appointed as the delegates to the Major Projects Advisory Committee.
 - x. Cr XX and Cr XX be appointed as the delegates to the Reconciliation Action Plan Advisory Committee.
 - xi. The Mayor, Cr XX and Cr XX be appointed as the delegates to the Sport & Recreation Advisory Committee.
- 3. Notes the meeting times and dates for Committees, where a Councillor or Councillors are delegates, be arranged having regard to the availability of all participants including Councillor(s);
 - 4. Notes the Terms of Reference for all internal Committees will be presented to Council at the March 2023 Council Meeting for noting or endorsement; and
 - 5. Notes the following Committees are no longer active or have been disbanded and no longer require a Councillor delegate:

External Committees

- 1. Metropolitan Local Governments' Waste Forum
- 2. Western Port Biosphere Reserve Foundation Ltd – Councillor Liaison Committee

Internal Committees

- 3. Advocacy Sub-Committee
- 4. Belvedere Reserve Negotiation Committee
- 5. Community Grants Committee of Management
- 6. Major Community Events Grants Committee
- 7. Miscellaneous Grants Program Committee
- 8. Tourism Advisory Committee

Deferral Motion to another Council Meeting

Moved: Councillor Bolam

Seconded: Councillor Hill

That the matter concerning the delegates to external organisations and internal committees for 2023 be deferred to the 21 November 2022 Council Meeting.

Carried Unanimously

Councillor Liam Hughes returned to the chamber at 8.24 pm.

5.8 Adoption of Council Meeting Dates for 2023*(BA Corporate and Commercial Services)***Council Decision****Moved: Councillor Baker****Seconded: Councillor Harvey**

That Council:

1. Sets the following meeting dates for 2023:

- Monday 30 January 2023
- Monday 20 February 2023
- Wednesday 15 March 2023
- Monday 3 April 2023

School holidays: Friday 7 April to Friday 21 April

- Monday 1 May 2023
- Monday 22 May 2023
- Wednesday 14 June 2023

School holidays: Monday 26 June to Friday 7 July

- Monday 10 July 2023
- Monday 31 July 2023
- Monday 21 August 2023
- Monday 11 September 2023

School holidays: Monday 18 September to Friday 29 September

- Monday 2 October 2023
- Monday 23 October 2023
- Wednesday 15 November 2023 (Meeting to elect Mayor and related business)
- Monday 20 November 2023
- Monday 11 December 2023

2. Notes both planning and general matters will continue to be presented for Council's consideration at the three-weekly Council meetings;
3. Notes the meetings will be held at the Frankston Civic Centre, unless advised otherwise;
4. Notes the meetings will commence at 7pm, unless advised otherwise; and
5. Notes the meeting dates, set out in part 1 of the recommendation, be advertised by way of public notice and on Council's website.

Carried Unanimously

Chairperson's initials

6. LATE REPORTS

Nil

7. URGENT BUSINESS

Nil

8. CONFIDENTIAL ITEMS

Nil Reports

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Signed by the CEO

Chairperson's initials

QUESTION TIME

The following questions were presented at the Council Meeting 2022/CM15 – 24 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.

Joanna Bouris**Question 1**

I was informed by council that Venue Beach 162 cafe was found in breach of EPA noise limits following a noise monitoring investigation by an acoustic sound engineer from my property. What actions were recommended by the acoustic report and what actions have been undertaken by council in conjunction with the venue?

Response by Director of Communities

Council is aware that there have been ongoing concerns about noise emissions from the Beach 162 venue for some time. Council commissioned its own acoustic assessment of noise emissions from the venue, and that assessment identified unreasonable noise emissions. Council then undertook enforcement action by issuing penalty notices to the business.

The business has since commissioned its own acoustic assessment.

Council has requested the assistance and involvement of the Environment Protection Authority (EPA) in reviewing the reports and resolving these ongoing issues. The contents of reports received may be able to be shared with residents as part of this process.

Question 2

I have continued to make complaints to council about the music noise levels. My last complaint was lodged on 17th October 2022 to Sam Clements. I specifically asked whether or not that the noise limiting equipment had been installed at the venue and how the efficacy of such equipment has been validated to ensure noise levels experienced at my property are within legal EPA limits. These questions haven't been answered and therefore I am requesting answers now.

Response by Director of Communities

The installation of noise monitoring equipment was recommended to the venue in the noise report the venue commissioned, to deal with concerns raised. Council does not have any information to verify the installation of monitoring equipment, or whether this would be sufficient to address the concerns, even if it were installed. Council has sought the involvement of the EPA to assist in resolving these issues.

Question 3

Does council accept that it has an ongoing duty of care to ensure that EPA noise limits are complied with by Beach 162 Cafe. My latest correspondence with council dated on 17/10/2022 that I should direct my future complaints not to council but directly to the EPA, police and Vic Gambling and liquor license.

Response by Director of Communities

Council has a regulatory role in enforcing the conditions of the planning permits which relate to the venue. These conditions govern general 'amenity' impacts and Council will continue monitor and enforce these. However regulations relating to music noise from commercial

venues are enforced by the EPA, and accordingly Council has sought the involvement of the EPA in resolving the issues.

Council will work with the EPA, venue, and concerned residents to ensure that the venue operates in a manner which complies with both the EPA noise regulations and planning permit condition relating to amenity.

Jacqui Collie

Question 1

As a person that is looking to start up a business in Frankston Central I was concerned with friends and family that have stated that they will not go to Frankston for shopping and out for dinner so as a business owner I am concerned. What are the council doing to promote start up new businesses in Frankston and to get the public down there?

Along with this question, Jacqui highlighted a recent poll that was put up on the Frankston Mornington Peninsula noticeboard and its results. In support of this information Jacqui asked a similar question, being "What will council do to attract new businesses into Frankston and also the public?"

As the questions are very similar in nature, we are providing a single response to both questions.

Response by Director of Communities

It's great to hear that you are looking to start a new business in Frankston. Council supports new, and existing businesses, in a number of ways including:

- Invest Frankston which promotes new and existing businesses to take advantage of our fantastic locality.
- Our business concierge service
- Business mentoring
- Master classes
- A range of grant programs, including Invest Frankston which awarded \$228,000 last financial year to eight local businesses.

Council's newest business grant is the "After Dark Activation Grant." Applications for this grant closed last month. With a total funding pool of \$120,000, the grant covers up to 50 per cent of the total project cost with a maximum of \$30,000 per business for a regular night-time program, or a project to unlock the city's night-time potential. Ideas may include external illuminations, regular live music, entertainment programming, classes and workshops or support to extend opening hours.

Council is undertaking a range of improvement works to the public realm in the City Centre to make encourage people to shop, dine, stroll and enjoy. Some of this work is funded, partly and wholly, by the Frankston Revitalisation Board. This work includes:

- Improvements to Station Mall - this won a national award for Civil Engineering and Landscaping in October last year
- Landscaping improvements along Wells Street, Frankston
- Providing for outdoor dining at key locations including along Nepean Highway, Wells Street and Playne Street.
- Works to improve the White Street Mall to make it more inviting for people to use the space, sit and eat lunch. These works are underway
- Works to improve Steibel Place including through artwork and lighting.

Council is seeing confidence from the business community grow, with new operators recently moving into Frankston, this includes Betty's Burgers which has opened in the popular cinema precinct. The Frankston Business Collective is also available to support businesses in Frankston – this is a member based organisation designed to support new and established businesses operate in Frankston.

Question 3

I was very concerned in the last council meeting that there was a lot of time and now money going to be spent on statues for the Frankston area and want to know what money, resources and incentives will be put in to get more businesses back in Frankston to stop it looking like a Ghost town compared to Karingal Hub, (free parking).

Response by Director of Communities

Response is provide as per Question 1.

Public art does not compete with Council's efforts to promote economic development. In the case of the Frankston City Centre, our award winning street art tour brings tourists and visitors alike to enjoy the tour and stay for the retail and dining.

QUESTIONS WITHOUT NOTICE

The following questions were received without notice

Stuart Hindhoff**Question 1**

Frankston city council as part of the state government - has issued rates notices which have dramatically increased this year.

Considering many residents lost their livelihoods over the last 2 years & are currently in financial hardship (& cannot afford to pay even via payment plan);

What other options do we have?

Response by Director of Corporate and Commercial Services

Importantly in this situation, Council has a Revenue Hardship Policy on its website and if you're experiencing financial difficulty or you don't believe you will be able to make your upcoming rates payment, you can apply for an Arrangement to Pay which allows you to make weekly, fortnightly or monthly repayments that suit your budget and ensure that your rates are paid by the end of the financial year.

In accordance with Council's Public Submissions and Question Time Policy, the following responses to the following questions were unable to be provided at the time of the meeting and were taken on notice with a written response provided to the submitter.

Melissa Monsbough**Question 1**

Is this the biggest change to the Frankston Foreshore since the South East Waterboard development?

Response from Director Communities

The Draft Frankston Metropolitan Activity Centre Structure Plan is a guiding document that provides a framework for use and development within our City Centre, providing the community, developers, investors and Council with certainty about what the City Centre will look like over the next 20 years. We encourage community to get involved in our consultation, starting on 31 October 2022, to tell us what you think about the draft.

Question 2

Does the Frankston City council realise it will completely change the characteristics of the Frankston foreshore neighbourhood and totally dominate the view from all angles?

Response from Director Communities

Frankston is designated by the State Government as a Metropolitan Activity Centre, as defined in the Metropolitan Planning Strategy – *Plan Melbourne (2017-2050)*. It plays an important role for the broader region in providing good access to a range of major retail, community, government, entertainment, cultural and transport services.

As Melbourne grows, so too will Frankston and it is important that Council manages this growth and change within a clear framework (the Draft Structure Plan). There is an expected increase in development activity and building heights across the City Centre and additional work has been undertaken to better understand the potential built form impacts, particularly along Kananook Creek which is detailed in the background document, *Kananook Creek Built Form Review* (Tract Consultants, September 2022).

Question 3

Has the Frankston City council done a Residential and Commercial business neighbour door knock to ask people about this Kananook development?

Response from Director Communities

Stage 1 of this work was the development of the *Frankston Metropolitan Activity Centre Structure Plan – Emerging Ideas Paper* (April 2022) and consultation was undertaken from 1 April to 30 May 2022.

2,769 postcards were mailed to those within and adjacent to the boundary of the Structure Plan area. Key stakeholders and community groups were also directly e-mailed.

Engagement activities were promoted and hosted via Frankston City Council's Engage Frankston, online engagement portal and corporate social media channels. They consisted of:

- An online survey and key directions activity
- Three (3) Community place-based pop-ups and two (2) walking tours
- Four (4) Online and face-to-face workshops with key stakeholders and community groups
- One (1) Youth groups workshop
- Informally, through Frankston City Council Facebook account

There were 856 comments made and seventeen (17) written submissions were received.

Notification for the draft Structure Plan will be undertaken in the same way as Stage 1.

For more information on the upcoming consultation and how to be involved with the draft Structure Plan please go to the following link:

https://engage.frankston.vic.gov.au/Frankston_City_Centre

Note: Consultation goes live on Monday 31 October 2022

Narelle Woods**Question 1**

How many residents in Gould Str have read this Kananook development draft?

Response by Director of Communities

We encourage all members of the community to get involved in the *draft Frankston Metropolitan Activity Centre Structure Plan* community consultation which starts on Monday 31 October 2022. The community will have access to a suite of information available as part

of this proposal and can come along to the community workshop or to one of our pop-ups to speak directly to a member of staff if they like.

Question 2

Have you sent a copy of this document to the residents in Gould Str?

Response by Director of Communities

Notification of the community engagement program for the draft Structure Plan will be sent directly to 242 Gould Street residents and the Long Island Residents group will be directly notified as part of community consultation.

Question 3

Do you have an "Impacted Ratepayers" rate adjustment plan for the measurable changes; as per this report, for the residents of Gould Street?

Response by Director of Communities

No. The *draft Frankston Metropolitan Activity Centre Structure Plan* is a proposal at this time. At the 24 October 2022 Council Meeting, Council adopted the Draft Structure Plan and approval was given to commence community consultation. Feedback from community consultation will inform the development of the final Structure Plan, which will come back to a Council meeting in 2023 for Council to decide to adopt the Structure Plan or not, with or without changes.

Shelley Hansen**Question 1**

RE: 11.2 Draft Frankston Metropolitan Activity Centre Structure Plan; Attachment C Kananook Creek Built Form Review (September 2022) -

How large is the homeless crisis in Frankston that we need these many towers along the Kananook Creek fore shore?

Response by Director of Communities

It is anticipated that Melbourne's population will increase from 4.6 million to 10 million by 2051 and Council is directed by the State Government to ensure that Frankston is playing its role in providing adequate housing for a growing population. The Draft Structure Plan provides a framework that encourages a range of housing types across our City Centre that is well serviced by public transport, commercial and retail options.

Question 2

11.2 Draft Frankston Metropolitan Activity Centre Structure Plan; Attachment C Kananook Creek Built Form Review (September 2022) -

How many new commercial shops will the Kananook Creek development create?

Response by Director of Communities

Ground floor of all future development must be commercial/retail with active frontages. The total number of new shops is unknown until planning permit applications for developments are made.

Question 3

11.2 Draft Frankston Metropolitan Activity Centre Structure Plan; Attachment C Kananook Creek Built Form Review (September 2022) -

How many empty shops do we have currently in the Frankston CBD?

Response by Director of Communities

The Economy Investment and Attraction team are currently undertaking a review and audit of the commercial properties within our City Centre. We are seeing take up of vacant shops in the Frankston City Centre, in part through our last Invest Frankston Business grants, which saw some recipient take up new leases. We are excited by the new businesses that have come to the City centre including Loom and Spindle on Station Street, Betty's Burgers on Playne Street and Hotel Lona on the corner of Nepean Highway and Playne Street which will hopefully open by the end of the year.

The meeting was closed to the public at 8.25 pm

CONFIRMED THIS 21 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 17 November 2022, confirmed on 21 November 2022.

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

Dated this 17 day of November 2022

Chairperson's initials