



COUNCIL MEETING AGENDA 2022/CM4 Monday 4 April 2022



THE COUNCIL MEETING

Welcome to this Meeting of the Frankston City Council

The Council appreciates residents, ratepayers and other visitors taking their places in the Public Gallery, as attendance demonstrates an interest in your Council and community affairs. Community spirit is encouraged.

This information sheet is designed to help you to understand the procedures of Council and help you to gain maximum value from your attendance.

The law regarding the conduct of Council meetings enables the public to observe the session. However, to ensure the manageability of Council meetings, opportunities for public participation are limited to Question Time and registered submissions in accordance with Council's guidelines, which are available from Council's Councillors Office (call 9768 1632) and on our website, www.frankston.vic.gov.au. It is not possible for any visitor to participate in any Council debate unless specifically requested by the Chairperson to do so.

If you would like to have contact with Councillors or Officers, arrangements can be made for you to do so separately to the meeting. Call the Councillors Office on 9768 1632 and ask for the person you would like to meet with, to arrange a time of mutual convenience.

When are they held?

Generally speaking, the Council meets formally every three (3) weeks on a Monday and meetings start at 7.00 pm, unless advertised otherwise. **This Council Meeting will be held in the Council Chambers, Frankston Civic Centre, 30 Davey Street.** Livestream footage can be viewed via our website, www.frankston.vic.gov.au.

Council meeting dates are posted in the Davey Street and Young Street entrances to the Civic Centre (upper level) and also on our website, www.frankston.vic.gov.au.

Frankston City Council Governance Rules (adopted 31 August 2020)

25. Chair's Duty

Any motion which is determined by the *Chair* to be:

- 25.1 *defamatory of or embarrassing to any Councillor, member of Council staff or other person;*
- 25.2 *abusive or objectionable in language or nature;*
- 25.3 *a direct negative of the question before the Chair;*
- 25.4 *vague or unclear in intention;*
- 25.5 *outside the powers of Council; or*
- 25.6 *irrelevant to the item of business on the agenda and has not been admitted as*

79. Chair May Remove

- 79.1 *The Chair may order and cause the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 78.2, or cause the removal of any object or material that is deemed by the Chair as being objectionable or disrespectful.*
- 79.2 *Any person removed from the meeting under sub-Rule 79.1 must not return to the meeting without the approval of the Chair or Council.*

It is intended that this power be exercisable by the Chair, without the need for any Council resolution. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threatens his or her authority in chairing the meeting.

The Penalty for an offence under this clause is 2 penalty units which is \$200

Live Streaming of Council Meetings

Frankston City Council is now Live Streaming its Council Meetings.

During the COVID-19 crisis, Council is strongly encouraging residents to view the meetings via the live streaming.

Live Streaming allows you to watch and listen to the meeting in real time, giving you greater access to Council decision making and debate and improving openness and transparency.

There are three (3) fixed cameras in the Council Chambers and it is intended that the cameras will only provide vision of the Councillors who are present at the meeting.

Every care will be taken to maintain privacy and as far as practically possible, it is not intended that there be either live or recorded footage of the public or Media personnel, however, there might be incidental capture; for example footage of a person exiting the building depending on which camera is being used at the time, or audio recording of a person who interjects the meeting. Council officers who address Council will be heard on the live audio stream, and audio of them speaking will be recorded.

Archives of meetings will be published on Council's website generally within three (3) business days after the meeting date for the public's future reference. Council will make every reasonable effort to ensure that a live stream and recording is available. However technical difficulties may arise in relation to live streaming or access to Council's website.

Appropriate signage will be placed at the entrance to the meeting location notifying all attendees that the meeting will be streamed live and recorded.

It is not intended that public speakers will be visible in a live stream of a meeting. Cameras are to be positioned so that these members of the public are not visible. If you do not wish to be recorded you will need to contact the Councillors Office on telephone (03) 9768 1632 or via email councillors.office@frankston.vic.gov.au to discuss alternative options prior to the meeting.

The Formal Meeting Agenda

The Council meeting agenda is available for public inspection immediately after it is prepared, which is normally on the Thursday afternoon four (4) clear days before the meeting. It is available from the Reception desk at the Civic Centre (upper level), on our website www.frankston.vic.gov.au or a copy is also available for you in the chamber before the meeting.

The following information is a summary of the agenda and what each section means:-

- **Items Brought Forward**

These are items for discussion that have been requested to be brought forward by a person, or a group of people, who have a particular item on the Agenda and who are present in the Public Gallery.

- **Presentation of Written Questions from the Gallery**

Question Time forms are available from the Civic Centre and our website, www.frankston.vic.gov.au.

“Questions with Notice” are to be submitted before 12 noon on the Friday before the relevant Ordinary Meeting either in person at the Frankston Civic Centre, online using the Question Time web form or via email to questions@frankston.vic.gov.au.

“Questions without Notice” are to be submitted between 12 noon on the Friday before the relevant Ordinary Meeting up until 4pm on the day of the relevant Ordinary Meeting either in person via the designated Question Time box located at the Frankston Civic Centre front reception or the after-hours mail box or via email to questions@frankston.vic.gov.au.

A maximum of 3 questions may be submitted by any one person at one meeting. There is no opportunity to enter into debate from the Gallery.

More detailed information about the procedures for Question Time is available from Council's Councillors Office (call 9768 1632) and on our website, www.frankston.vic.gov.au.

- **Presentation of Petitions and Joint Letters**

These are formal requests to the Council, signed by a number of people and drawing attention to matters of concern to the petitioners and seeking remedial action from the Council. Petitions received by Councillors and presented to a Council meeting are usually noted at the meeting, then a report is prepared for consideration at the next available meeting.

- **Presentation of Reports**

Matters requiring a Council decision are dealt with through officer reports brought before the Council for consideration. When dealing with each item, as with all formal meeting procedures, one Councillor will propose a motion and another Councillor will second the motion before a vote is taken. If the members of the public wish to clarify any of the items on the Agenda, please contact the relevant manager by phoning 1300 322 322.

- **Presentation of Delegate Reports**

A Councillor or member of Council staff who is a delegate may present to Council on the deliberations of the external body, association, group or working party in respect of which he or she is a delegate or an attendee at a Council approved conference / seminar.

- **Urgent Business**

These are matters that Councillors believe require attention and action by Council. Before an item can be discussed, there must be a decision, supported by the majority of Councillors present, for the matter to be admitted as “Urgent Business”.

- **Closed Meetings**

Because of the sensitive nature of some matters, such as personnel issues, contractual matters or possible legal action, these matters are dealt with confidentially at the end of the meeting.

Opportunity to address Council

Any person who wishes to address Council must pre-register their intention to speak before 4.00pm on the day of the meeting, by telephoning Council's Councillors Office (call 9768 1632) or by submitting the online web form or by using the application form both available on the website, www.frankston.vic.gov.au.

The submissions process is conducted in accordance with guidelines which are available from Council's Councillors Office and on our website. All submissions will be limited to 3 minutes in duration, except for Section 223 submitters, who have a maximum of 5 minutes. No more than ten (10) members of the public are to be permitted to address the Council. Further speakers will be permitted to address the meeting at the discretion of the Chair. All speakers need to advise if they are speaking on behalf of an organisation and it is deemed that they have been appropriately authorised by that said organisation.

Public submissions and any subsequent discussion will be recorded as part of the meeting, and audio recordings of Council meetings will be made available to members of the public. If a submitter does not wish to be recorded, they must advise the Chair at the commencement of their public submission.

Disclosure of Conflict of Interest

If a Councillor considers that they have, or might reasonably be perceived to have, a direct or indirect interest in a matter before the Council or a special committee of Council, they will declare their interest and clearly state its nature before the matter is considered. This will be done on every occasion that the matter is considered by the Council or special committee.

If a Councillor has an interest in a matter they will comply with the requirements of the Local Government Act, which may require that they do not move or second the motion and that they leave the room in which the meeting is being held during any vote on the matter and not vote on the matter.

If a Councillor does not intend to be at the meeting, he or she will disclose the nature of the interest to the Chief Executive Officer, Mayor or Chairperson prior to the meeting commencing.

MAYOR



NOTICE PAPER

ALL COUNCILLORS

NOTICE is hereby given that a Council Meeting of the Council will be held at the Civic Centre, Davey Street, Frankston, on 4 April 2022 at 7.00pm.

COUNCILLOR 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 in the debate or vote on the issue.

OPENING WITH PRAYER

Almighty God, we ask for your blessing upon this Council. Direct and prosper its deliberations to the advancement of your glory and the true welfare of the people of Frankston City. Amen.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

I acknowledge the Traditional Custodians of the land on which we meet today, the Bunurong People of the Kulin Nation, and pay my respect to Elders past, present and future. I would like to extend that respect to Elders of other communities who may be here today.

BUSINESS**1. PRESENTATION TO COMMUNITY GROUPS**

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Council Meeting No. CM3 held on 15 March 2022.

3. APOLOGIES

Nil

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST**5. PUBLIC QUESTIONS**

Nil

6. HEARING OF SUBMISSIONS**7. ITEMS BROUGHT FORWARD****8. PRESENTATIONS / AWARDS****9. PRESENTATION OF PETITIONS AND JOINT LETTERS**

Nil

10. DELEGATES' REPORTS

Nil

11. CONSIDERATION OF CITY PLANNING REPORTS

Nil

12. CONSIDERATION OF REPORTS OF OFFICERS

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13. RESPONSE TO NOTICES OF MOTION

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14. NOTICES OF MOTION

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15. REPORTS NOT YET SUBMITTED

Nil

16. URGENT BUSINESS

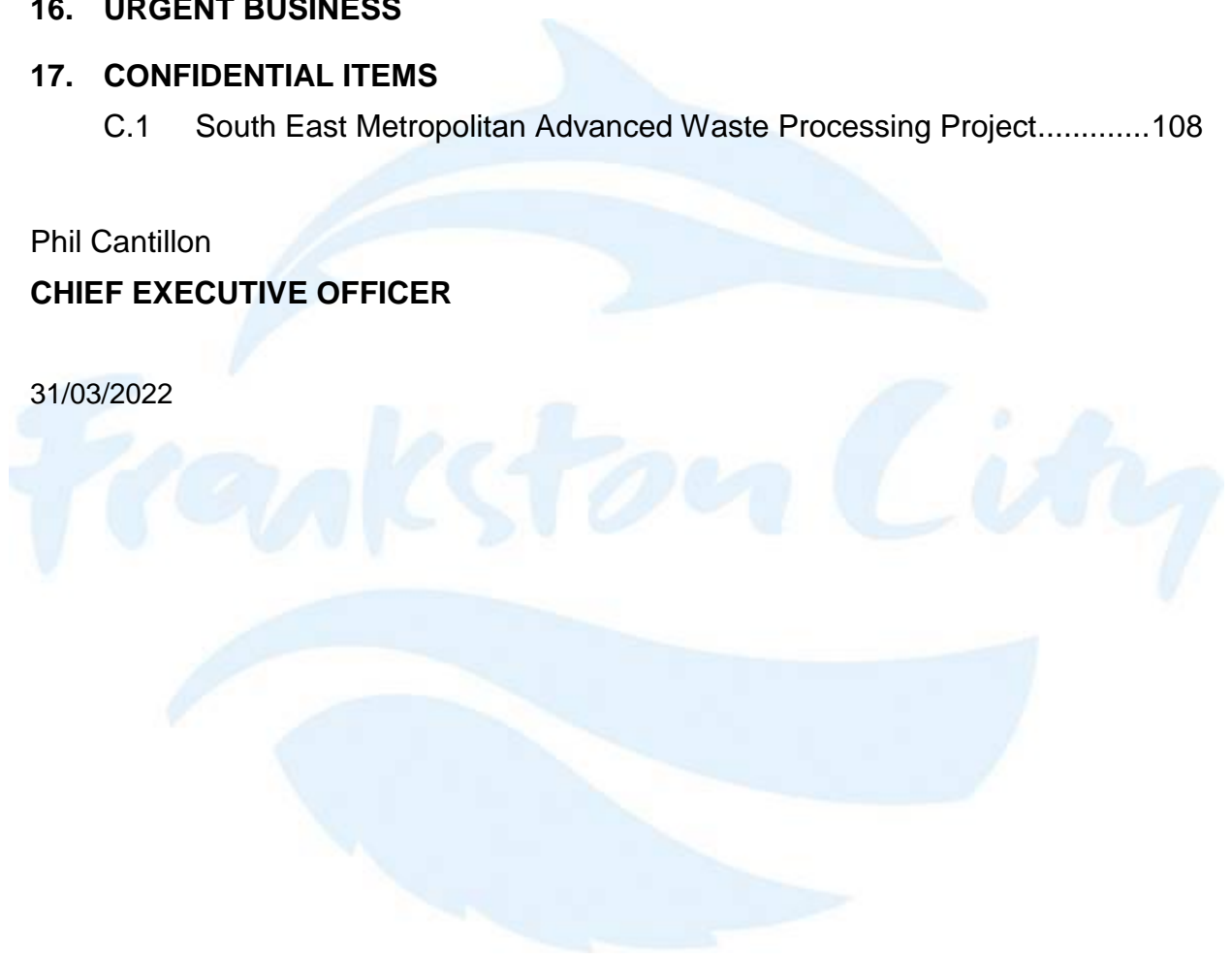
17. CONFIDENTIAL ITEMS

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Phil Cantillon

CHIEF EXECUTIVE OFFICER

31/03/2022



Executive Summary**12.1 Council Resolution Status Update for 4 April 2022**

Enquiries: (Brianna Alcock: Corporate and Commercial Services)

Council Plan

Level 1:

6. Progressive and Engaged City

Level 2:

6.5 Support transparent and evidenced based decision making through sharing council data and clear reporting on our measures of success to the community

Purpose

To update and brief Council on the current status of resolutions.

Recommendation (Director Corporate and Commercial Services)

That Council:

1. Receives the Notice of Motion Report for 4 April 2022;
2. Notes there are no open Urgent Business items, as such this report has not been included;
3. Notes there are no Notice of Motion actions that have been reported as being complete;
4. Notes there are no reports that will be delayed in their presentation to Council;
5. Notes, since the Council Meeting held on 15 March 2022, 13 resolutions have been completed, as listed in the body of the report;
6. Notes that an administrative error has been identified in the resolution made by Council at 2022/CM2 on 21 February 2022, in relation to Item 12.10 Community Grants Program. The error, which appears in paragraph 8 of the resolution, is the inclusion of incorrect amounts for the grants awarded to two groups as follows:

| | |
|----------------------------------|---------|
| Centenary Park Golf Club | \$7,600 |
| Rotary Club of Frankston Sunrise | \$3,500 |

And subsequently;
7. Resolves to amend paragraph 8 of the resolution made at 2022/CM2 on 21 February 2022, in relation to Item 12.10 Community Grants Program, so that the corrected amounts for the grants awarded to the two groups are as follows:

| | |
|----------------------------------|---------|
| Centenary Park Golf Club | \$3,500 |
| Rotary Club of Frankston Sunrise | \$7,600 |
8. Resolves for Attachment C 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.

12.1 Council Resolution Status Update for 4 April 2022**Executive Summary****Key Points / Issues**

- At its meeting on 19 December 2016, Council resolved that:

“That the Chief Executive Officer is directed to provide regular updates to Council on the progress or status of Council’s resolutions resulting from Notices of Motion raised by Councillors. In order to facilitate this, a brief progress report (detailing the status of each outstanding resolution) is required to be presented to Council at each of its Ordinary Meetings in future commencing with Ordinary Meeting 296 (scheduled for the 30 January 2017).”
- Additionally, at its meeting on 22 July 2019, Council resolved that:

“4. a) Includes in the attached monthly report (Notice of Motion Cost Summary), the number of Urgent business items per councillor
b) Includes the updates of the status of Urgent Business items in the attached monthly report (Notice of Motion Report)”
- The Notice of Motion Report for 4 April 2022 is attached and will continue to be updated and reported at each Council Meeting. Note there are no items listed under confidential, as such this report has not been attached.
- As there are no open Urgent Business items, this update report has not been included.
- There are no Notice of Motion actions that have been reported as complete.
- Due to various factors, it is sometimes not possible for reports to be brought back before Council in accordance with the time frames resolved. There are no reports listed as being delayed in their presentation to Council:
- Since 2022/CM3 on 15 March 2022, the following 13 resolution actions have been reported as ‘complete’. A detailed report has been provided in Attachment C (*CONFIDENTIAL*).
 - Frankston Business Chamber
 - Award of Contract No CN10572 - Jubilee Park Stadium Redevelopment
 - Award of Contract CN10611 - Lloyd Park Senior Pavilion Redevelopment - Seeking Council delegation to Chief Executive Officer to award Tender and Enter into Contract
 - Award of Contract CN10607 - Kevin Collopy Pavilion Refurbishment - Seeking Council delegation to Chief Executive Officer to Award Tender and Enter into Contract
 - Chief Executive Officer's Quarterly report - October to December 2021 period
 - Destination Events
 - Update on Coronavirus (COVID-19) and Recovery Grants Program report - 21 February 2022
 - S6 Instrument of Delegation Council to Members of Staff
 - Award of Contract No. CN 10607 - Kevin Collopy Pavilion Redevelopment
 - Update on Award of Contract CN10611 for Lloyd Park Senior Pavilion Redevelopment
 - Statutory Planning Progress Report - January 2022

12.1 Council Resolution Status Update for 4 April 2022**Executive Summary**

- Council Resolution Status Update for 15 March 2022
- South East Metropolitan Advanced Waste Processing Project
- On 21 February 2022/CM2, it was resolved that Council:

“Commits to the 2022/23, 2023/24 and 2024/25 Budgets the appropriation of the following annual funding allocations to the below recipients under the Community Service Partnership Grant, with these amounts to be subject to an annual CPI adjustment and their allocations subject to the accountabilities outlined in the grant program:

General Recipients

| | |
|--|----------|
| McClelland Sculpture Park and Gallery | \$50,000 |
| Peninsula Community Legal Centre | \$45,000 |
| Frankston State Emergency Service (SES) | \$26,851 |
| The Alliance for Gambling Reform | \$25,000 |
| Women's Spirit Project | \$25,000 |
| Frankston Toy Library | \$15,000 |
| Frankston U3A | \$10,000 |
| Pines Men's Shed | \$5,000 |
| Langwarrin Men's Shed | \$5,000 |
| Frankston Life Community (Christmas Lunch) | \$5,000 |
| Centenary Park Golf Club | \$7,600 |
| Frankston Rotary | \$3,500 |
| Rotary Club of Frankston Sunrise | \$1,500 |

Seniors Groups

| | |
|---|-------|
| Chinese Seniors Citizens Club | \$500 |
| Carrum Downs Over 55s Club | \$500 |
| Carrum Downs Senior Citizens Club | \$500 |
| Carrum Downs Sri Lankan Seniors | \$500 |
| East Frankston Over 55s | \$500 |
| Frankston Filipino Seniors Support Group | \$500 |
| Greek Senior Citizens Club of Frankston & Peninsula | \$500 |
| Greek Elderly Women's Club of Frankston & Peninsula | \$500 |
| Italian Seniors Club of Frankston | \$500 |
| Polish Seniors Citizens Club | \$500 |
| Raduga Russian Seniors Citizens Club | \$500 |
| Seaford Senior Citizens Club | \$500 |

Community Centre recipients:

| | |
|-------------------------------|----------|
| Belvedere Community Centre | \$44,875 |
| Langwarrin Community Centre | \$44,875 |
| Lyrebird Community Centre | \$44,875 |
| Orwil Street Community House | \$44,875 |
| Nairn Marr Djambana Community | \$44,875 |

However it has subsequently been identified that an administrative error was made in relation to recommended allocation to Centenary Park Golf Club and Frankston Rotary. The recommended funding allocation for Centenary Park Golf Club should be \$3,500 (not \$7,600) and for Frankston Rotary \$7,600 (not \$3,500). Therefore an amendment to the original resolution is required. The change would have no impact on the overall budget allocation.

12.1 Council Resolution Status Update for 4 April 2022**Executive Summary****Financial Impact**

There are no financial implications associated with this report.

Consultation**1. External Stakeholders**

Nil.

2. Other Stakeholders

Nil.

Analysis (Environmental / Economic / Social Implications)

Making the written records available may provide some confidence regarding transparency in decision making, and is in keeping with best practice advice from the Victorian Ombudsman.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

There are no legal implications associated with this report.

Policy Impacts

There is no impact on Council policies.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

There are no risks associated with this report.

Conclusion

The purpose of this report is to brief and update Council on the implementation and status of resolutions including Notices of Motion and Urgent Business items. Council Officers are continuously working to implement a range of Council resolutions and in addition to noting the work completed.

ATTACHMENTS

Attachment A: [↓](#) Notice of Motion Cost Summary

Attachment B: [↓](#) Notice of Motion Status Update for 4 April 2022

Attachment C: Closed/Completed Actions since 15 March 2022 -

CONFIDENTIAL

Notice of Motion Report - 2022 - CM4 - for the 4 April Council Meeting (A4653636).XLSX

**Notice of Motions Estimated Costs
By Councillor
2020 - 2024 Term**

| Councillor | Number | Primary Cost | Ongoing Cost | Outcome Cost | Urgent Business |
|--------------------|-----------|---------------|--------------|--------------|-----------------|
| Cr David Asker | 0 | \$0 | \$0 | \$0 | 1 |
| Cr Sue Baker | 1 | \$0 | \$0 | \$0 | 0 |
| Cr Kris Bolam | 2 | \$0 | \$0 | \$0 | 0 |
| Cr Nathan Conroy | 0 | \$0 | \$0 | \$0 | 0 |
| Cr Claire Harvey | 2 | \$420 | \$0 | \$0 | 1 |
| Cr Brad Hill | 3 | \$0 | \$0 | \$0 | 0 |
| Cr Liam Hughes | 1 | \$0 | \$0 | \$0 | 1 |
| Cr Steven Hughes | 1 | \$0 | \$0 | \$0 | 0 |
| Cr Suzetter Tayler | 1 | \$0 | \$0 | \$0 | 1 |
| TOTAL | 11 | \$ 420 | \$ - | \$ - | 4 |

NOTE: There may be occasions when the Ongoing Cost is ALSO reported under Outcome costs: this is on the occasions when the ongoing cost has a KNOWN FINITE total. This is to note for budgeting purposes (for eg: \$121,000 total over 11 years = \$11,000 budgeted per year).

Notes/comments are provided in the report when this occurs

Item 12.1 Attachment B: Notice of Motion Status Update for 4 April 2022

Notice of Motion Report - 2022 - CM4 - for the 4 April Council Meeting (A4653636).xlsx

| Meeting Date | Item No | NOM Title and Councillor | Council Resolution | Responsibility | Comments | Cost Summary |
|--------------|---------|---|---|----------------|---|--------------|
| 20-Sep-21 | 14.1 | 2021/NOM8 - Humanitarian Support for Fiji Cr Bolam | <p>Council Decision Moved: Councillor Bolam Seconded: Councillor Baker That Council:</p> <p>1. Notes the letter from the Victorian Multicultural Sports Association seeking a \$10,000 contribution from Council for humanitarian support in Fiji; 2. Notes that Frankston and Suva (Fiji) have provisionally agreed to form a Friendship City relationship; 3. Given Suva (Fiji) is Frankston's geographically closest 'Sister City' / 'Friendship City', this agreement is to be formally upgraded to a 'Sister City' relationship, pending advice from Sister Cities Australia; 4. Notes the letter of appreciation from the Fijian Government's Minister for Local Government, Housing and Community Development, in appreciation for the \$5500 donation for the delivery of hospital beds to Fiji to assist with their response to the second wave of the COVID-19 pandemic; 5. Acknowledges the relationships and contribution of the Fijian community to the diversity in Frankston and notes the impact of the pandemic on our Pacific neighbours; 6. Supports the facilitation of this humanitarian initiative under the stewardship of the Mayor to work with Rotary Club of Frankston Sunrise (who have deductible gift recipient status) to receive all goods and donations with respect to the humanitarian aid relating to the Fijian community; 7. Notes the Mayor has driven a community stewardship campaign for donations. \$8,400 has been raised in the past two weeks to provide sanitary products for women and baby products for newborns, together with donations of children's clothing, sanitiser and PPE. This includes: • Coles Karingal - \$100 gift card; • Woolworths Karingal - \$100 gift card; • Woolworths Frankston - \$100 gift card; • Chisholm Frankston - \$1000 cash donation; • DC Urban - \$1000 cash donation; • St Kilda Football Club - \$1000 cash donation; • Rotary Frankston - \$1000 cash donation; • Rotary Sunrise - \$1000 cash donation; • Rotary 2.0 - \$1000 cash donation; • Private resident - \$500 cash donation; • Private resident - \$500 cash donation; • Monash University - \$800 cash donation In this time, the following businesses have also provided, in writing, commitments for discounts and/or additional stock upon purchase to assist in the relief effort: • Target Frankston - bulk discount; • Uluru (Aples Care) - bulk discount; • Australian Dairy Park, Camus Downs - excess product/aid; • Golden Fields Nutrition, Dandenong - excess product/aid; • Kellogg's - volunteered pallets of infant breakfast cereal; • Community Support Frankston - volunteered pallets of sanitiser 8. That formal letters of thanks be sent to the aforementioned donors; 9. Supports a Council donation of \$8000 to the Rotary Club of Frankston Sunrise towards the shipping of humanitarian aid to Fiji (\$5998), and product/aid (\$401); 10. Funds the humanitarian aid from the Mayor's Event Budget that was initially allocated to fund the 'COVID Hero's' Appreciation Event, but is no longer proceeding due to restrictions on mass gatherings; 11. Writes to the Hon. Frank Bainimarama, the Prime Minister of Fiji, the Hon. Premila Kumar, the Local Government Minister Fiji, the Fijian High Commissioner to Australia His Excellency Luke Deunivulu and the Australian High Commissioner to Fiji, His Excellency Mr John Feehan; to advise of Council's decision and note the total donation of \$14,400 (comprising \$8,400 community donations and \$6000 Frankston City Council donation) plus donated wholesale product/aid that comfortably represents an overall charitable effort surpassing \$15,000.</p> <p>Carried</p> | Fiona McQueen | 08 Feb 2022 1. Complete. Noted. The letter from the Victorian Multicultural Sports Association seeking a \$10,000 contribution from Council for humanitarian support in Fiji, 2. Complete. Noted. That Frankston and Suva (Fiji) have provisionally agreed to form a Friendship City relationship; 3. In progress. A Memorandum of Understanding to become a Sister Cities between Suva (Fiji) and Frankston has been signed by the Mayor and Cr Baker has arranged personal travel to Fiji on 1 March 2022 and plans to facilitate the official signing of the MOU. 4. Complete. Noted. The letter of appreciation from the Fijian Government's Minister for Local Government, Housing and Community Development, in appreciation for the \$5500 donation for the delivery of hospital beds to Fiji to assist with their response to the second wave of the COVID-19 pandemic; 5. Complete. Acknowledged and noted the relationships and contribution of the Fijian community to the diversity in Frankston and notes the impact of the pandemic on our Pacific neighbours; 6. Complete. Supports the facilitation of this humanitarian initiative under the stewardship of the Mayor to work with Rotary Club of Frankston Sunrise (who have deductible gift recipient status) to receive all goods and donations with respect to the humanitarian aid relating to the Fijian community; 7. Complete. Noted. The Mayor has driven a community stewardship campaign for donations. \$8,400 has been raised in the past two weeks to provide sanitary products for women and baby products for newborns, together with donations of children's clothing, sanitiser and PPE. 8. Complete. Letters to acknowledge the relief efforts have been approved, signed and sent as follows: • Target Frankston - bulk discount; • Uluru (Aples Care) - bulk discount; • Australian Dairy Park, Camus Downs - excess product/aid; • Golden Fields Nutrition, Dandenong - excess product/aid; • Kellogg's - volunteered pallets of infant breakfast cereal; • Community Support Frankston - volunteered pallets of sanitiser; 9. Complete. The Council donation of \$6000 to the Rotary Club of Frankston Sunrise towards the shipping of humanitarian aid to Fiji (\$5998), and product/aid (\$401), 10. Cancelled. Funds the humanitarian aid to the Mayor's Event Budget that was initially allocated to fund the 'COVID Hero's' Appreciation Event, but is no longer proceeding due to restrictions on mass gatherings; 11. Complete. Letter has been sent to the Hon. Frank Bainimarama, the Prime Minister of Fiji, the Hon. Premila Kumar, the Local Government Minister Fiji, the Fijian High Commissioner to Australia His Excellency Luke Deunivulu and the Australian High Commissioner to Fiji, His Excellency Mr John Feehan; to advise of Council's decision and note the total donation of \$14,400 (comprising \$8,400 community donations and \$6000 Frankston City Council donation) plus donated wholesale product/aid that comfortably represents an overall charitable effort surpassing \$15,000. | |
| 11-Oct-21 | 14.3 | 2021/NOM11 - Nepean Highway Revitalisation Cr Tayler | <p>Council Decision Moved: Councillor Tayler Seconded: Councillor Hill That Council:</p> <p>1. Supports the priority work being undertaken as part of the new Council Plan to revitalise the Nepean Highway, with its vision to create a vibrant and iconic boulevard and memorable sense of arrival to Frankston as a city by the Bay; 2. Notes the benefits anticipated to flow onto property owners and tenants along the highway with the opportunity for new development to capitalise on the success of Frankston's principal public address. It will also contribute to improved pedestrian connections across the Nepean Highway to better connect the city centre to the waterfront, Frankston's greatest tourism asset; 3. Notes the staged process to realise the Nepean Highway vision comprising: i. Stage 1, Beach Street to Davey Street, which provides for creative accent lighting to median trees and median landscaping improvements at a cost of \$550,000. Through the work of the Frankston Revitalisation Board and the continued support of its Chair, Paul Edbrooke MP, the State Government has contributed \$475,000 towards the project, which is expected to be completed towards the end of 2022; Coinciding with this are the current works underway by the Department of Transport to reduce the speed limit of the Nepean Highway to 40kmph between Fletcher Road and Plowman Place. These works will enable safer journeys for vehicles and improved pedestrian experience and are expected to be completed in December 2021; ii. A further two stages, being Mile Bridge to Davey St and Davey St to Olivers Hill, are being progressed as a part of Council's development of its FMAC Structure Plan and Revitalisation Action Plan. Emerging ideas are expected to be presented to Council no later than early 2022, followed by community consultation and review and adoption by Council around mid-2022; 4. Supports the concepts developed for these further two stages to be added to Council's key advocacy priorities for the upcoming Federal and State elections; 5. Notes that Council's Long Term Infrastructure Plan 2021 to 2031 commits an initial \$1M towards these further two stages over financial years 2022/23 and 2023/24 to enable detailed design and delivery in part, noting overall completion of delivery of these further two stages may be subject to the successful outcome of Council's advocacy efforts; and 6. Notes that the boundary of the FMAC Structure Plan does not extend to Olivers Hill.</p> <p>Carried</p> | Clare Warren | 21 Mar 2022 Project has commenced with appointment of the consultant team. Draft ideas will be presented to Council by April. | |
| 31-Jan-22 | 14.1 | 2022/NOM2 - Kananook Station Precinct Advocacy | <p>Council Decision Moved: Councillor Bolam Seconded: Councillor Tayler That Council:</p> <p>1. Seeks the CEO to have basic in-house concept drawings prepared for presentation to the Frankston Revitalisation Board relating to the Kananook Railway Station. The intention of this action is to persuade the State Government/Frankston Revitalisation Board to fund a relatively minor aesthetic upgrade of the Quinn Street overpass entrance to the Kananook Railway Station via its annual funding allocation (2022/2023 allotment). Drawings and planning is to include: i. Removal of the cyclone fencing with either no fencing or alternative decorative fencing; ii. Infill the entrance of the Quinn Street entrance with new plantings and prominent ornamental trees; and iii. Limited public consultation on the sought works. 2. a) Notes that access to Kananook Railway Station is reliant upon the pedestrian overpass. Given this, Kananook Railway Station would not classify as a disability compliant public asset and requires improved accessibility and usability. This would enable better access for people with mobility limitations, including but not limited to, people with a medical condition or injury, elderly people, parents with prams, people carrying a suitcase, etc; b) Notes that contemporary practice would have elevated railway stations with lifts for public use to improve accessibility and usability access; c) Notes recent correspondence from the Minister for Public Transport The Hon. Ben Carroll MP confirming that there is \$25.4 million dollars available in the 2021-2022 Victorian Budget for improved accessibility and usability access to railway stations across Victoria; d) Is to formally write to Paul Edbrooke MP and Sonya Kilkenny MP to implore them to actively pursue the installation of disability access at Kananook Railway Station, as has been previously requested by Council due to public feedback; and 3. Seeks an update on all matters to be provided at the May 2022 Council Meeting in the form of a public report.</p> <p>Carried Unanimously</p> | Fiona McQueen | 08 Feb 2022 1. In progress. In-house concept drawings prepared for presentation to the Frankston Revitalisation Board relating to the Kananook Railway Station will be prepared. , Drawings and planning is to include: , 2. In progress. a) Complete. Noted that access to Kananook Railway Station is reliant upon the pedestrian overpass. Given this, Kananook Railway Station would not classify as a disability compliant public asset and requires improved accessibility and usability. This would enable better access for people with mobility limitations, including but not limited to, people with a medical condition or injury, elderly people, parents with prams, people carrying a suitcase, etc; b) Complete. Noted that contemporary practice would have elevated railway stations with lifts for public use to improve accessibility and usability access; c) Complete. Noted recent correspondence from the Minister for Public Transport The Hon. Ben Carroll MP confirming that there is \$25.4 million dollars available in the 2021-2022 Victorian Budget, for improved accessibility and usability access to railway stations across Victoria; , d) In progress. A draft letter for Paul Edbrooke MP and Sonya Kilkenny MP to implore them to actively pursue the installation of disability access at Kananook Railway Station, has been prepared and is currently being reviewed for Mayoral signature; and , 3. In progress. A report is being prepared for the May 2022 Council Meeting. | |
| 21-Feb-22 | 14.1 | 2022/NOM3 - Council's funding strategy towards the Barretts Road (North Section) Sealing and Construction | <p>Council Decision Moved: Councillor Liam Hughes Seconded: Councillor Harvey That Council receives a report to the 4 April 2022 Council Meeting that outlines funding options to deliver the sealing and construction of the north section of Barretts Road, Langwarrin South (from Robinsons Road to almost 200 metres beyond Clemac Close), including a preferred option, in my view, to fully fund its construction. It is anticipated the project would be referred to the 2022/23 budget process for inclusion in the capital works program.</p> | Doug Dickens | 18 Mar 2022 A report is to be presented to Council at its meeting on 4 April 2022 | |

Executive Summary**12.2 Update on Coronavirus (COVID-19) and Recovery Grants Program report - 4 April 2022**

Enquiries: (Phil Cantillon: Chief Executive Office)

Council Plan

- | | |
|----------|---|
| Level 1: | 1. Healthy and Safe Communities |
| Level 2: | 1.2 Maintain systems and capacity to manage and respond to emergency events |

Purpose

To update Council on its response to the impacts of the Coronavirus (COVID-19) and Recovery Grants Program.

Recommendation (Chief Executive Officer)

That Council:

1. Notes this report which outlines an update of its response to the impacts of the Coronavirus (COVID-19) and Recovery Grants Program;
2. Notes the status of the 2021-2022 Relief and Recovery package; and
3. Notes the ongoing communication of all activities included in the adopted 2021-2022 Relief and Recovery package; including the recovery grants program and ratepayer reward voucher scheme on relevant council channels.

Key Points / Issues

- At its meeting on 29 April 2021, Council resolved that:
 1. *This report which outlines its response to the impacts of the Coronavirus (COVID 19); and*
 2. *Notes an update will be provided at every second Council meeting moving forward during the Pandemic, with the exception of additional Council Meetings that may be called for the purpose of considering a specific matter.*
- At its meeting on 6 December 2021, Council resolved (extract) that:
 4. *Provides a report to the February 2022 Council Meeting on the status of the delivery progress of the activities contained within the adopted 2021-2022 COVID Recovery package and consideration be given to fund alternative activities from any identified unspent monies. The report is to include an officer assessment of Councillor Initiatives.*

This was tabled at the 21 February 2022 Council meeting.

- Councillors were updated at the 9 February 2022 Councillor Briefing on the status of the delivery progress of all activities contained in the 2021-2022 Relief and Recovery Package and Council adopted the updated package at its meeting held on 21 February 2022.

12.2 Update on Coronavirus (COVID-19) and Recovery Grants Program report - 4 April 2022**Executive Summary**

- The Relief and Recovery Grants Program comprises two groups of grants: COVID-19 Community Support Grants and COVID-19 Rapid Response Grants. The total pool of Council funded COVID-19 Response and Recovery Grants for 2021-22 is \$118K including the \$18K for Youth Grants funded through the State Government Engage Program.

Key inclusions and actions update

Some key inclusions with actions to date are listed below:

- As at 28 February 2022, Council had delivered \$6.67M in support to the community and continue to ensure the ongoing activities are delivered in a timely manner.
- Details are included in the COVID-19 Relief and Recovery Status Report (Attachment A). Any variations required will firstly be offset from within the package. If this cannot be accommodated, then the variation will be considered through the Update on Coronavirus COVID-19 Report.
- A summary of the current grants relating to the COVID-19 Relief and Recovery package is listed in the COVID-19 Community Grants report (Attachment B). The assessment and approvals have been undertaken in compliance with the delegations approved by Council at its Council meeting held on 15 June 2020.
- Late February 2022, wearing masks in the workplace (office) was removed except for hospitality and front facing staff e.g. Library, Arts Centre ushers. Council's return to the office plan was updated in early March 2022.
- All staff were required to be fully vaccinated (double dose) by 26 November 2021, in line with Council's Mandatory Vaccination Policy. In January 2022, Council responded to very high case numbers in the community, and to the State Government recommendations, by requiring all staff to have a booster vaccination by 31 March 2022. This was in response to an indication from State Government that this would be mandatory for all local government workers. The State Government has only mandated the requirement for a specified group of workers including Maternal Child and Health and Immunisation Nurses, Children's Services educators/staff and School Crossing Supervisors. The staff groups mentioned above are required to have a booster vaccination by 31 March 2022, for all other staff groups this is also highly recommended to keep yourself, your co-workers and your community safe.
- The CEO continues to meet with the Executive Management Team and key staff to discuss and manage the impacts of staff with COVID in the workplace and those who are close contacts ensuring service levels to the Community are not impacted.
- Council continues to provide hand sanitising equipment and cleaning products for staff to use in all its facilities. Work stations have been reconfigured where possible as part of the new COVID-safe measures to achieve physical distancing requirements as part of council's COVID Safe Plan. The Facilities Management team has arranged for an occupational hygienist to review the Civic Centre and provide recommendations regarding improvements to the Heating Ventilation and Air Conditioning (HAVC) system. The team is progressing with installing higher grade F7 filters to the Frankston Arts Centre, Civic Centre and 43 Davey Street.

12.2 Update on Coronavirus (COVID-19) and Recovery Grants Program report - 4 April 2022**Executive Summary**

- A number of Council's Maternal and Child Health Nurses were deployed recently to Peninsula Health Maternity Services as part of the State-wide Maternal and Child Health Surge Response. The Maternal and Child Health Nurses supported Peninsula Health in visiting new babies at home when discharged from hospital, ensuring that all new families had adequate and timely health care services.

COVID-19 lockdown financial impacts

- A detailed review of impacts on Council's financial position due to COVID-19 lockdowns was presented at a February Councillor Briefing allowing for the financial impact including funding options resulting from the continuation of COVID-19 lockdowns to be considered. Amendments to the package were endorsed at the Council meeting on 21 February including a new package value to be delivered in 2021-2022 of \$2.91 million, with \$373,000 set aside pending discussion with Councillors on the application to fund delivery on existing activities into 2022-2023 and return \$577,377 funds to be strategic asset reserve to be considered during the 2022-2023 Annual Budget process.
- PARC and the Pines Aquatic Facility continues to follow the Victorian Government's Roadmap which allowed for an increase attendance during the facilities busy Summer period.
- Council facilities such as the Frankston Arts Centre, Library, Community Halls and the Visitor Information Centre are fully open aligning with the State's Roadmap.
- Council continues to recognise the continued financial hardship on the community including community groups, sporting clubs and businesses.

Provision of Customer Service, Communication and Events during COVID

- All our customer service touch points are now operating their normal pre-COVID opening hours and customer figures have returned to this expected level with an average 4,000 customers a month.
- Council is continuing to work closely with Peninsula Health – concentrating on the messaging of the importance for the community to receive their booster shots.
- The Bruce Park testing site is continuing to operate – numbers to this testing site continue to drop with the greater reliance on home testing.
- Communications will continue to acknowledge the work frontline workers have done throughout the pandemic.
- Events for 2022 are now well underway. The Waterfront Festival was very successful and Big Picture Festival (at the time of writing this report) is currently underway. The first Sunset Twilight market took place at the foreshore on the March long weekend and attendance was very positive – this market will run twice per month in March and April. Planning for South Side Festival is well underway running from 6-15 May 2022.

Economic Development Activities during COVID

- The Invest Frankston Business grant program was open throughout February 2022. Applications received are currently under assessment by a Council appointed Independent Assessment Panel made up of members with business acumen. Recommendations will be presented to Council for approval in April.

12.2 Update on Coronavirus (COVID-19) and Recovery Grants Program report - 4 April 2022**Executive Summary**

- Business networking nights continue monthly with the number of attendees slowly increasing each month. Officers will undertake an evaluation of the program after May 2022.
- Youngpreneurs commenced in March with 9 registrations. This program runs for 4 weeks.
- The Buy Local Campaign will launch end of March 2022, offering up to 100 x \$1,000 vouchers from Frankston Businesses to Frankston businesses for business support services.
- Further Outdoor dining activations are being delivered at Oliver's Corner, McClelland Gallery, White St Mall, Banyan reserve and Monterey Park.
- The Do it Outdoors – Vinyl Record Market will take place in April 2022.

Financial Impact

\$3.86M was allocated to recovery in the 2021–25 Council Plan and Budget following extensive community consultation and engagement. Recently Management reviewed the 2021-22 package and Council endorsed amendments to the package reducing under-utilised activities totalling \$0.950 million. This report recommends setting aside \$0.373 million for a pending discussion with the Councillors on their application towards a further COVID-19 package or otherwise. In addition, \$0.578 million was transferred back into the strategic asset reserve for consideration during the 2022-2023 Annual Budget development briefings. The new total package value for 2021-2022 is \$2.91 million.

Actual spend for 2021-22 as at February 2022 was \$1.43 million. A total of \$6.67M has been spent since 2020. Council endorsed at its meeting in February 2022 to forecast expenditure into the 2022/23 financial year. This will bring our total COVID-19 Relief and Recovery support for residents, businesses, community and sporting organisations to \$9.129M.

Any variations required will firstly be offset from within the package. If this cannot be accommodated, then the variation will be considered through a future 'Update on Coronavirus (COVID-19) Report'.

Consultation**1. External Stakeholders**

Consultation relating to the Recovery Grants will be undertaken as part of the review and this will include the Mayor, Councillors and relevant Council teams.

2. Other Stakeholders

External consultation with residents, community groups and organisations will be undertaken as part of this review.

Analysis (Environmental / Economic / Social Implications)

Council's Recovery Grants should assist with some of the impacts and provide support to community services and activities, although it is important to note, the impacts of the Pandemic 2020 - 2022 has caused huge stress points within our community with many individuals and organisations affected.

12.2 Update on Coronavirus (COVID-19) and Recovery Grants Program report - 4 April 2022**Executive Summary****Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

There are no legal issues associated with this report.

Policy Impacts

There are no policy impacts.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

Having a clear agreed process for distributing grants ensures it is fair for all.

Conclusion

The COVID-19 Relief and Recovery grants program will continue to provide much needed support to vulnerable people and organisations in the municipality. It is recommended the report be noted and received.

ATTACHMENTS

Attachment A: [↓](#) COVID-19 Community Grants

Attachment B: [↓](#) Relief and Recovery Package Status Report - February 2022

COVID-19 COMMUNITY RECOVERY GRANTS

As part of Council's COVID-19 Relief and Recovery Package,

- a funding pool of \$100K (or \$118K including reference to the \$18K for Youth Grants funded through the State Government Engage Program) under the Community Recovery Grants have been made available to support individuals, community groups and businesses survive and recover from the impacts of COVID-19
- a funding pool of \$25K under the Economic grants have been made available to support local artists.
- a funding pool of \$10K under Student grants program have been made available to assist retention of students in education and training

The categories of grants, their purpose and the total value of the grant category are outlined below:

COVID-19 Recovery Grants \$60,000 (\$60,000 has been awarded for the period 2/8/2021 to 30/08/2021 capped at \$3,000): A one-off funding of up to \$3,000 designed to assist community groups and organisations that are responding to the impacts of COVID-19. This grant covers a broad range of items including equipment, rent, utilities and community recovery initiatives. 49 applications were received for COVID-19 Recovery Grants FY21/22.

COVID-19 Urgent Relief Grants \$20,000 (\$16,339.00 has been awarded to 18 recipients for the period of 2/08/2021 to 28/2/2022): This grant assists grassroots community groups to access urgent funding of up to \$1,000 for a range of items including equipment, rent, utilities, training and materials. The category also enables organisations to provide emergency community care such as the provision of food, mental health and well-being initiatives, and activities that connect residents. 31 total applications have been received. Seven rounds have been assessed, next round closed 31 March 2022 which is predicted to be the last round. Please note that \$5,000 has been reallocated from Inclusion Support Grant to COVID-19 Urgent Relief Grant.

Inclusion Support Grants \$15,000 (\$7,192.28 has been awarded to 45 recipients for the period 2/8/21 to 28/02/22): Grants up to 75% of club fees, capped at \$200 are available for school-aged children up to 18 years to cover fees associated with participation in local sporting clubs. 55 applications have been received. Seven rounds have been assessed, next round closed 31 March 2022. Please note that \$5,000 has been reallocated from Inclusion Support Grant to COVID-19 Urgent Relief Grant.

Youth Grants \$18,000 (\$8,190.00 awarded to 14 recipients for the period of 12/07/21 to 17/08/21): Grants are up to \$600 to support young people aged 12 to 24 years to purchase education resources and materials, and gain qualifications and accreditations to further develop their skills and improve the likelihood of obtaining long term future employment. Remaining grant pool has been repurposed to COVID-19 Youth Grants.

COVID-19 Youth Grants \$9,800 (\$9,270.00 awarded to 16 recipients for the period of 12/10/21 to 21/10/21): This grant supports young people experiencing disadvantage limiting their ability to gain financial support for materials, equipment and courses for their education, training and career aspirations, support around mental health and wellbeing and community connection.

Environmental Sustainability Grants \$5,000 (\$2,000.00 awarded to 2 recipients for the period of 1/11/21 to 31/11/21, Round 2 closed on 28 February): This grant supports community groups and organisations fund environmental and sustainability projects that align with the strategic vision for Frankston City's future. The four key assessment themes are: protecting and enhancing natural assets, wise use of natural resources, minimising environmental impacts and educating and engaging the community. 4 applications were received in round one. 3 applications were received in round two.

Arts Project Grants \$5,000 x 6 Projects (\$30,000 awarded - recipients will receive 50% on the return of their funding agreements in October and the balance will be paid to the artist on the conclusion of projects. This is for the period 1/7/21 to 30/6/22): The key objectives of the program are to support projects that build Frankston's profile as a Creative City, create bold, innovative and exciting works that foster experimentation, expression and excellence, are relevant and engaging for Frankston residents and visitors, foster collaboration and partnerships and contribute to artistic and cultural outcomes that celebrate diversity, accessibility and inclusion.

Student Scholarship Grants \$10,000 (\$1,500 has been awarded to 2 recipients for the period of 1/10/2021 to 28/2/2022): Grants up to \$750 to provide support to students to purchase text books and other necessities for study at a higher education institution. Two total applications have been received.

Council would like to congratulate the following successful applicants who are listed in accordance with the relevant category of grant. Please note that the names of young people have not been included in the public report.

SUCCESSFUL RECIPIENTS BY GRANT CATEGORY

COVID-19 Recovery Grants

COVID-19 Recovery Grants are now closed for FY 21/22

COVID-19 Urgent Relief Grants

Urgent Relief Grants applications are assessed monthly. For the period of 1/01/22 to 31/01/22 three (3) grant applications received and three (3) were awarded funding in February 2022. For the period of 1/02/22 to 28/02/22 nine (9) grant applications received and six (6) were awarded funding in March 2022.

Congratulations to the successful applicants:

Mornington Peninsula Welsh Ladies Choir - \$1,000.00
Left and Right Counselling - \$990.00
Probus Club of Seaford - \$899.00
Beyond Disability Inc - \$500.00
Leawarra Callisthenic Club - \$950.00
Yamala Park Frankston Bowling Club Inc - \$1,000.00
Rebecca's Pathways Inc - \$1,000.00
Pregnancy Assistance Frankston Inc - \$1,000.00
PLOS Musical Productions - \$1,000.00

Inclusion Support Grants

Inclusion Support Grants applications are assessed monthly. For the period of 1/01/22 to 31/01/22 7 grant applications received and 7 were awarded funding in February 2022. For the period of 1/02/22 to 28/02/22 12 grant applications received and 11 were awarded funding in March 2022. Please note that the names of young people have not been included for privacy reasons.

Congratulations to the successful applicants:

Inclusion Support Recipient 1 (ISG212241) – \$168.75
Inclusion Support Recipient 2 (ISG212244) – \$187.50
Inclusion Support Recipient 3 (ISG212245) – \$165.75

Inclusion Support Recipient 4 (ISG212246) – \$165.75
Inclusion Support Recipient 5 (ISG212248) – \$200.00
Inclusion Support Recipient 6 (ISG212250) – \$200.00
Inclusion Support Recipient 7 (ISG212249) – \$200.00
Inclusion Support Recipient 8 (ISG212257) - \$153.75
Inclusion Support Recipient 9 (ISG212254) – \$200.00
Inclusion Support Recipient 10 (ISG212254) – \$200.00
Inclusion Support Recipient 11 (ISG212254) – \$150.00
Inclusion Support Recipient 12 (ISG212254) – \$150.00
Inclusion Support Recipient 13 (ISG212254) – \$198.30
Inclusion Support Recipient 14 (ISG212254) – \$150.00
Inclusion Support Recipient 15 (ISG212254) – \$165.00
Inclusion Support Recipient 16 (ISG212254) – \$165.00
Inclusion Support Recipient 17 (ISG212254) – \$159.75
Inclusion Support Recipient 18 (ISG212254) – \$199.73

Youth Grants

Youth Grants are now closed for FY 21/22

COVID-19 Youth Grants

COVID-19 Youth Grants are now closed

Environmental Sustainability Grants

Environmental Sustainability Grant closed on 28 February. For the period of 20/12/21 and 28/02/22 three (3) grant applications were received, and are currently being assessed by the panel.

Arts Project Grants

Arts Project Grants are now closed for FY 21/22

Student Scholarship Grants

Student Scholarship Grants

Student Scholarship Grants are assessed monthly. For the period of 1/01/22 to 31/01/22 one (1) grant application received and for the period of 1/02/22 to 28/02/22 two (2) grant applications received, one (1) has been approved to be awarded funding in March 2022.

Congratulations to the successful applicant(s):
Student Scholarship Grant Recipient 1 (0009) - \$750

Relief and Recovery Package Monthly Financial Report as at 28 February, 2022

| Activities | Description | May 2020 - June 2021 | 2021-2022 | | Forecast 30 June 2022 | 2022-2023 | | Status update | Total Package \$9.128m |
|---|---|----------------------|----------------|---------|-----------------------|-----------------------|--|--|------------------------|
| | | Actuals \$5.27m | Budget \$2.91m | Actuals | | Required in 2022-2023 | Transfer to Strategic Asset Reserve or fund other activities | | |
| 1. Residential rates relief – Unemployed Owner/Occupier | Approves residents (owner/occupiers) that can demonstrate they are experiencing financial hardship relating to the pandemic, beyond those receiving Jobseeker, can apply for a one-off rate waiver per household of \$200 during May 2020 through June 2022 | 446,000 | 400,000 | 273,800 | 400,000 | - | | 1,369 waiver applications have been approved. Council endorsed the continuation of the rate relief as part of the endorsed 2021-2022 Recovery Package included in the adopted 2021-2025 Council Plan and Budget. It is expected that the activity will be fully expended by the end of the financial year. | 846,000 |
| 7. Crisis support service to socially isolated and elderly individuals (outgoing) | Delivery of care packages, supporting volunteer food services and provision of wellbeing phone checks for the elderly and lone person households. | 446,252 | 150,000 | 89,073 | 150,000 | - | | Meals on Wheels continues to be supported with provision of a Driver Concierge role to ensure Covid Safe principles are applied within the essential meal delivery service. Casual staff are currently being utilised to replace existing staff and volunteers that are unable to attend the workplace. | 596,252 |
| 8. Support triage call centre / health chat room (incoming) | To manage the flow of calls for help and advice during a time when the community is experiencing significant stress | 300,000 | 150,000 | 27,482 | 150,000 | - | | Referrals to the Community Recovery Call Centre continue to be received from the community, other Council departments and local agencies. Wellbeing calls to elderly, lone person households and other identified vulnerable residents continue to be conducted by support staff in the Call Centre. | 450,000 |
| Mental Health support programs | Provide training to community groups to support their members and the community with mental health issues. | - | 32,000 | 545 | 32,000 | 68,000 | | Course providers for Mental Health First Aid Training for members of the community have been sourced and a schedule of online/face to face training is being developed. | 32,000 |
| 12. Emergency backup and support for Community Support Frankston (CSF) | Material Aid Continued grant for Community Support Frankston in order to extend their ability to respond to the needs of the most vulnerable members of the Frankston community. | 825,000 | 500,000 | 338,547 | 500,000 | - | | Council officers are working with Community Support Frankston (CSF) spent in accordance with the grant requirements. This grant is significantly helping CSF to meet unprecedented community demand for emergency relief and material aid assistance from a growing number of financially disadvantaged community members. | 1,325,000 |
| 14. Student Scholarship program | Provide support to Frankston City students to support the purchase of text books and other necessities for study at higher education institutes (eg via the Carolyn Chisholm Scholarship program) | 1,000 | 10,000 | - | 10,000 | | | The grant guidelines have been established and released to the community for applications. | 11,000 |

Relief and Recovery Package Monthly Financial Report as at 28 February, 2022

| Activities | Description | May 2020 - June 2021 | 2021-2022 | | Forecast 30 June 2022 | 2022-2023 | | Status update | Total Package \$9.128m |
|---|---|----------------------|----------------|---------|-----------------------|-----------------------|--|---|------------------------|
| | | Actuals \$5.27m | Budget \$2.91m | Actuals | | Required in 2022-2023 | Transfer to Strategic Asset Reserve or fund other activities | | |
| 18. b) Creative Industries and Artists Grants | Local Artist Grants to develop new work that can be presented online or digitally or the development of a new work to be presented at Cube when FAC reopens. | 32,000 | 25,000 | 17,750 | 25,000 | | | The grant guidelines have been established and released to the community for applications. | 57,000 |
| 25. Repurpose Community Grants Program | Continue the funding pool and review existing criteria of the Community Grants Program to support the efforts of groups and organisations that are responding to the impacts of COVID-19 | 370,350 | 100,000 | 72,779 | 100,000 | | | Criteria related to the community grants program was endorsed at the 28 June 2021 Council meeting and allocations have been ongoing. | 470,350 |
| 36. Council car parking relief | First two hours of parking in Council owned and managed city centre off street car parks is provided for free (2020-2022). (Please note this excludes on street parking in the city centre which is already provided for free and has localised time-restrictions) | 49,506 | 93,000 | 44,596 | 93,000 | | | People returning to shop in Frankston post lock down is generating more activity including "Do it Outdoors" in the city centre. | 142,506 |
| Frankston Business Chamber | Re-establish the Frankston Business Chamber: transition to an incorporated association over a 12 to 14 month period | - | 165,000 | 67,299 | 165,000 | 35,000 | | Recruitment has been completed for a temporary resource to re-establish the Frankston Business Chamber. Engagement with the community has begun. | 165,000 |
| 40. Business Concierge (crisis package) | Rebadge and expand business training, mentoring, resilience training, concierge and network services, tender and business case writing and initiatives (Activity amended at the December 6, 2021 Council meeting to transfer funding to the Food and Health annual registration waiver \$102,750) | 58,892 | 97,125 | 700 | 97,125 | | | Council continues to provide a dedicated Business Concierge - funding for this service in 2021/2022 has been received from a Victorian Government Grant (resulting in 120K saving). At the December 6, 2021 Council meeting \$102,750 was transferred to fund the annual health and food registrations. | 156,017 |
| 41. Business Support (crisis package) | | 23,005 | | | | | | Activity merged with the Business concierge | 23,005 |
| 44. Loyalty and marketing campaigns | Support the business community through social distancing restrictions and then the recovery period by developing loyalty programs that target local businesses and a range of campaigns to guide and encourage residents to explore locally rather than leave the municipality. | | 100,000 | - | 100,000 | - | 137,000 | Council's Buy Local campaign will focus on a business to business voucher program modelled on successful programs elsewhere in Melbourne. | 100,000 |
| 45. Place Activation | Develop a calendar of (seasonal) activations and events | 27,888 | 100,000 | 48,435 | 100,000 | | | A calendar of activation is currently being programmed as part of Council's response to the Outdoor Dining and Entertainment Project. | 127,888 |
| 47. Kerbside Trading Permit fee relief | Waive Kerbside Trading fees for 2020-2022 | 70,545 | 58,289 | 61,074 | 61,074 | | 8,289 | Fee relief mechanism in place, waiver reflected | 128,834 |
| A frame signage fee relief | Financial relief for Businesses waive A frame signage fee for 2021-2022 | 0 | 27,000 | 24,215 | 24,215 | | | Fee relief mechanism in place, waiver reflected | 27,000 |
| Food and Health Registration fees | Financial relief for Businesses to waive the annual food and health registration fees (Council meeting 6 December 2021) | | 127,875 | 127,875 | 127,875 | | | Fee relief mechanism in place, waiver reflected | 127,875 |

Relief and Recovery Package Monthly Financial Report as at 28 February, 2022

| Activities | Description | May 2020 - June 2021 | 2021-2022 | | Forecast 30 June 2022 | 2022-2023 | | Status update | Total Package \$9.128m |
|---|--|----------------------|------------------|------------------|-----------------------|-----------------------|--|---|------------------------|
| | | Actuals \$5.27m | Budget \$2.91m | Actuals | | Required in 2022-2023 | Transfer to Strategic Asset Reserve or fund other activities | | |
| 48. Food Act Registration fees | Provide free registration for new businesses | 117,100 | 25,000 | - | 25,000 | | | Fee relief mechanism in place, waiver to be reflected | 142,100 |
| 49. Expansion of Invest Frankston Business Grant funding pool | Continue to provide grant opportunities and expand funding pool to support investment attraction and activate commercial and industrial premises to stimulate all sectors of the economy – including local manufacturing | 232,000 | 150,000 | 0 | 150,000 | 20,000 | | Council continues to support invest Frankston Business grant program. Now that restrictions have eased the program is expected to be fully implemented. The program launched 1 February 2022. | 382,000 |
| 50. Investment Attraction | Re-ignite interest from existing leads to fast track new investments, including fast track permits and activation grants | | 100,000 | 67,802 | 100,000 | | | Council has developed a series of pro-active campaigns designed to attract investment into Frankston City and change the perception of the city as a place for entrepreneurs. | 100,000 |
| 61. Long Term vacant shop fronts | 'Top up' existing grants to attract businesses to operate long term vacant shop fronts in the municipality. | 50,000 | 100,000 | - | 100,000 | | | Council continues to support invest Frankston Business facade grant program. The program launched February 2022. | 150,000 |
| Ratepayer Reward Redemption | 3.1 Discount voucher provided for: o an additional at call hard rubbish collection o PARC visit pass o Arts centre show | - | 200,000 | 10,000 | 200,000 | 250,000 | 465,063 | The Ratepayer Reward program was launched with the 2021-2022 rates notice in August 2021. With the easing of restrictions, facilities opening and the communications plan is fully activated, we have seen an increment in redemption. As a result of the unplanned facility closures, we are recommending that the program be extended into the first half of the 2022-2023 financial year. This will enable the community to take advantage of the program. | 200,000 |
| Sports club tenancy and ground allocation fees | Waiving of winter seasonal sports club tenancy and ground allocation fees | 149,516 | 149,337 | 149,337 | 149,337 | | | This approved waiver has been applied to support these local groups/activities to navigate through a difficult period impacted by COVID restrictions. | 298,853 |
| School and Personal Trainer fees | Waiving school and personal trainer ground hire fees | 0 | 7,564 | 7,564 | 7,564 | | 1,936 | This approved waiver has been applied to support these local groups/activities to navigate through a difficult period impacted by COVID restrictions. | 7,564 |
| Community Centre Fees | Waiving license fees and charges for licenced occupiers in Council-run community centres for the period 1 July 2021 – 30 September 2021 | 0 | 26,100 | 2,363 | 26,100 | | | This approved waiver has been applied to support these local groups/activities to navigate through a difficult period impacted by COVID restrictions. | 26,100 |
| Commercial Tenancy Relief Scheme | The Government has implemented a commercial tenancy relief scheme that entitles businesses to claim a rent reduction and deferment when a certain set of criteria are met. | | 18,373 | | 18,373 | | 18,373 | Council is required to provide tenancy relief to our commercial properties as specified in the tenancy relief scheme. Three businesses have successfully applied for relief under the scheme. | 18,373 |
| | Other package activities fully delivered and complete in 2020-2021 and not continued into 2021-2022 | 2,067,896 | | | | | | | 2,067,896 |
| | Total Relief and Recovery packages | 5,266,950 | 2,911,663 | 1,431,236 | 2,911,663 | 373,000 | 577,337 | | 8,178,613 |

Executive Summary**12.3 Outcomes of the Audit & Risk Committee Meeting - 25 February 2022**

Enquiries: (Simone Wickes: Corporate and Commercial Services)

Council Plan

Level 1:

6. Progressive and Engaged City

Level 2:

6.5 Support transparent and evidenced based decision making through sharing council data and clear reporting on our measures of success to the community

Purpose

To present to Council the unconfirmed minutes of the Audit and Risk Committee (Committee) meeting.

Recommendation (Director Corporate and Commercial Services)

That Council:

1. Receives the unconfirmed minutes of the Audit and Risk Committee meeting held on 25 February 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.

Key Points / Issues from the 25 February 2022 Meeting (Attachment A)

- The Committee congratulated Ms Lisa Tripodi on her appointment as Chairperson and welcomed Ms Trudy Ararat as a newly appointed independent member.
- The Committee noted the updated Financial and Council Plan Quarterly Reports to end December 2021.
- An update was provided from Peninsula Leisure for their Quarter 2 Performance Report. The Committee noted the challenges due to the COVID-19 pandemic on the facility operations.
- Crowe Australasia updated the Committee with the next Audit Strategy for 2021-2022.
- The Committee was presented with an updated Internal Audit Status Report and the following final Internal Audit:
 - Review of Rates Revenue
- The Committee reviewed the Strategic Risk for FCC and asked for amendments to be included after discussion.
- The CEO presented to the Committee two reports – an Update on Coronavirus (COVID-19) and the CEO's Council's quarterly report. The Committee noted these two comprehensive reports.

12.3 Outcomes of the Audit & Risk Committee Meeting - 25 February 2022**Executive Summary**

- An update was provided to the Committee on the Future Ready Frankston program and on the Cyber Security Audit actions.
- A report *Implementation of recommendations from OVIC investigation into impediments to timely FOI and Information Release* was reviewed and the recommendations noted.
- The Committee reviewed the CEO and Directors expense reimbursement policy and noted the changes in the new draft Staff Expense Reimbursement Policy which will apply to all staff.

Financial Impact

Costs for supporting the Audit and Risk Committee and Internal Audit function are covered within Council's current budget.

Consultation**1. External Stakeholders**

Community engagement is not undertaken in relation to these matters.

2. Other Stakeholders

The relevant internal stakeholders have been notified of the actions that need to be undertaken for this Committee meeting.

Analysis (Environmental / Economic / Social Implications)

There are no social, economic or environmental implications in relation to this report.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

Council is required to establish an Audit and Risk Committee under the Local Government Act 2020 for the purpose of focusing on issues relevant to the integrity of Council's financial reporting, monitoring risk management systems and liaising between external auditors, internal auditors and management.

Policy Impacts

There are no policies or protocols that affect the decision of this report.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

The Committee is a fundamental component of a good corporate governance structure and is an Advisory Committee of Council. Its purpose is to assist and advise Council in the areas of financial reporting, external audit, internal audit, risk management, ethics, control framework and good governance, generally through compliance with the *Local Government Act 2020* and other applicable laws and regulations.

12.3 Outcomes of the Audit & Risk Committee Meeting - 25 February 2022**Executive Summary****Conclusion**

The unconfirmed minutes of the Audit and Risk Committee are presented to Council for consideration and endorsement.

ATTACHMENTS

Attachment A: Unconfirmed Minutes - Audit & Risk Committee - 25 February 2022 - **CONFIDENTIAL**

Executive Summary**12.4 Frankston Arts Advisory Committee - Report**

Enquiries: (Tammy Ryan: Customer Innovation and Arts)

Council Plan

- | | |
|----------|---|
| Level 1: | 2. Community Strength |
| Level 2: | 2.1 Build Frankston City's reputation as an arts, culture and tourism destination |

Purpose

To brief Council on the minutes of the Frankston Arts Advisory Committee meeting held 22 February 2022.

Recommendation (Director Customer Innovation and Arts)

That Council:

1. Receives the Minutes of the Frankston Arts Advisory Committee meeting of 22 February 2022, and
2. Supports an Expression of Interest (EOI) process to be undertaken to seek artist concepts for the Civic Art Clock.

Key Points / IssuesFrankston Arts Advisory Committee Minutes – February 2022

The February meeting convened with members of the Frankston Arts Advisory Committee to discuss the agenda and make recommendations where appropriate to Council for approval.

Discussed by the Committee at the meeting 22 February 2022:

- **Public Art**

Big Picture Festival 2022 – Schools Engagement:

Selected students from three local secondary schools are working alongside professional artists to create artworks as part of the upcoming Big Picture Fest.

Big Picture Festival 2022 – Artists Concepts:

A presentation on the Big Picture Festival 2022 concepts were tabled and location of proposed murals for noting by FAAC.

Evelyn Street Park – Sculpture Update

Arts and Culture and the project delivery team met with the artist to discuss the amendments to the scale of the work required to fit within the site constraints. Consultation required with the Bunurong Land Council was also discussed to ensure First People's protocols are considered by the artist.

Sculpture by the Sea Leasing Program:

The Committee discussed a number of sculpture options and their suitability for the proposed locations. Once further sculptures from Sculpture by the Sea are provided a shortlist will be confirmed after the next FAAC meeting.

Sentinel Repair Works:

The Committee were updated on the current situation with the remedial works for the sculpture. Works to be completed in March 2022.

12.4 Frankston Arts Advisory Committee - Report**Executive Summary*****Civic Art Clock:***

The location of the proposed Civic Art Clock at the corner of Station St Mall and Clyde Street has been agreed in principle with Vicinity. An EOI to seek artist concepts will be undertaken.

Eel Race Road Gateway Sculpture:

Fabrication on the sculpture is currently underway and installation due approximately June/July 2022.

- **Invitations**

The Committee were advised of three invitations that will be sent to their calendars including the South Side Festival program launch, The big Picture Festival Artist welcome and the Block Party.

- **FAC Forecourt Water Feature**

Updated concepts were presented to the Committee on the redevelopment of the forecourt by the Open Space team.

- **Fletcher Road Underpass**

An update was presented on the façade enhancements to the underpass.

- **Seaford Sculptural Signage**

The Orb sculpture to be located near Seaford Library and Community Centre was presented to the committee to note.

- **Proposed locations for 3 Sculptures in 2023/24**

Committee discussed the locations of three new sites proposed for sculptures in 2023/2024. They included One Mile Bridge and both sides of Fletcher Road.

Financial Impact

There are financial costs, however, these costs are budgeted.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

There are no legal issues or impacts associated with this report.

Policy Impacts

Nil

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

12.4 Frankston Arts Advisory Committee - Report**Executive Summary****Risk Mitigation**

Risks have been considered and will be assessed through ongoing risk assessments on a project by project basis.

Conclusion

It is recommended that the minutes of the FAAC meeting on 22 February 2022 be received and that an Expression of Interest (EOI) process will be undertaken to seek artist concepts for the Civic Art Clock.

ATTACHMENTS

Attachment A: [↓](#) 2022 - Frankston Arts Advisory Committee - February Minutes



FRANKSTON ARTS & CULTURE
FRANKSTON ARTS ADVISORY COMMITTEE MEETING

MINUTES OF THE MEETING
Tuesday 22 February 2022
6.30 – 8.30pm

| | | |
|----------|-------------------------------------|---|
| 1 | Governance: General | |
| 1.1 | Welcome and apologies | <p>Present</p> <p>Ms Barbara Crook (Chairperson) Cr David Asker Mr Douglas Spencer – Roy Mr Nic Velissaris Ms Tammy Ryan Cr Kris Bolam Ms Ally Bruce Ms Shweta Babbar</p> <p>Apologies</p> <p>Ms Rebecca Umlauf Mr Phil Cantillon</p> |
| 1.2 | Determination of quorum | A quorum was declared |
| 1.3 | Declaration of interests | Mr Spencer Roy's employer is a sponsor |
| 1.4 | Confirmation of Agenda | Agenda confirmed |
| 1.5* | Approval of minutes – November 2021 | <p>Moved: DSR Seconded: DA</p> <p>Decision:</p> <p>The Minutes of the FAAC meeting held on Tuesday 30 November were previously approved by the Committee via email.</p> <p>Carried</p> |
| 1.6* | Action items/Matters arising | <p>Action items were noted.</p> <p>Skate park Mural: Feedback was sent back to the artist regarding the mural. No further action.</p> <p>Noted</p> |
| 2 | Management Updates | |
| 2.1 | Arts & Culture – KPIs Review | <p>KPI's were noted. A new format report is being created and will be presented at the March Committee meeting for feedback.</p> <p>Noted</p> |

| | | |
|-----|--|--|
| 2.2 | Arts & Culture Monthly Financials – January 2021 | The January Financials were noted. Noted |
| 2.3 | FAAC Vacancy Update | One vacancy is currently available and is being advertised via a local newspaper, social media platforms and Council website. Any Committee member knowing of anyone interested, please refer them to the Council website. Noted |

| | | |
|----------|------------------------------------|--|
| | | |
| 3 | Arts & Culture Projects | |
| 3.1 | Public Art | <p>BPF 2022 – Schools Engagement</p> <ul style="list-style-type: none"> An overview was given regarding the background to the project with BPF and the Schools. Schools started participating last year at BPF and worked in classes on their projects. McClelland College has come on board this year with Frankston High School and Monterey Secondary College. Frankston High School – last year had a lot of interest from students in years 9 & 10 and had 18-20 students involved. Currently running a few workshops prior to painting the mural with a professional artist to guide the students on how to work collaboratively, working with their equipment etc.. 7 x Year 10 students have been finalised for this year. Monterey Secondary College – working with students that are disengaged. Artist who worked to build trust with the students last year and is working with the students again this year. 8 x Year 8 & 9 students are participating in this year's mural. Giving the students a very important connection to the community. Students will also be creating a mural back at their schools after BPF. Project will start end of February to end of March. Please refer to the following YouTube link for a documentary on the project from last year: https://www.youtube.com/watch?v=xKVHdcghblc <p>BPF22 – Artists Concepts</p> <ul style="list-style-type: none"> A presentation on the BPF 2022 concepts were tabled and locations of proposed murals. BPF Festival runs from 14/3 to 20/3. The Block Party is being held 18/3. <p>Evelyn Street Park – Sculpture Update</p> <ul style="list-style-type: none"> Contact has been made with the artist however, no contract in place yet. Artist is to consult with Bunurong Land Council. <p>Sculpture by the Sea Leasing Program</p> <ul style="list-style-type: none"> The Committee discussed a number of sculpture options and suitability for the 5 proposed locations and relativity to the community. 8 have been shortlisted. A further brochure will be available after the Sculpture by the Sea Cottesloe Exhibition in March with more sculpture choices. Concerns on delays with Sculpture by the Sea although this was due to ongoing COVID19 disruptions. Staff to explore other options/providers for sculptures to diversify options moving forward if delays continue post COVID. |

| | | |
|----------|---|---|
| | | <p>Action: RB</p> <p>Sentinel Repair Works</p> <ul style="list-style-type: none"> Artist was at the site today to strip back the base and repaint over the next couple of days. <p>Civic Art Clock</p> <ul style="list-style-type: none"> Vicinity have agreed with location of Station Street/Clyde Street Mall in principle. The Vicinity facade enhancement concept design is required before the Artist EOI is developed. Budget for Civic Clock concept designs available in 22/23 (\$30K) however, a further amount is required for 23/24 budget for construction and install. <p>Eel Race Road Gateway Sculpture</p> <ul style="list-style-type: none"> Fabrication on the sculpture is currently underway and installation due approximately June/July 2022. <p>Noted</p> |
| 3.2 | <p>Invitations:</p> <ul style="list-style-type: none"> Big Picture Festival Artist Welcome The Block Party for FAAC Members & FAAC Councillors Southside Festival Launch | <p>Big Picture Festival Artist Welcome</p> <ul style="list-style-type: none"> 15 March – invitations will be put into calendars. <p>The Block Party for FAAC Members & FAAC Councillors</p> <ul style="list-style-type: none"> 18 March– invitations will be put into calendars. <p>Southside Festival Launch</p> <ul style="list-style-type: none"> 10 March– invitations are in calendars. <p>Noted</p> |
| 4 | Capital Works | |
| 4.1 | FAC Forecourt Water Feature analysis | <ul style="list-style-type: none"> Concepts presented to Committee of FAC Forecourt redevelopment. Goal was to make the area more pedestrian friendly, update paving surfaces, visually appealing and enhanced accessibility. Removal of vehicles from front, ramps for better accessibility, seating, updated LED displays, glass balustrades with indigenous etching and pick up and drop off zones. A water element in the design that includes LED lighting is proposed with Bunurong Land Council consultation underway. Site visit to be organised for Committee members. <p>Action: Site visit to be arranged.</p> <p>Fletcher Road Underpass Update</p> <ul style="list-style-type: none"> Combining public art with lighting for effect both during the day and night. It is a modular piece placed on the wall which has 3D texture, backlit and colour. The piece will be based on the indigenous importance of eels. Further enhancement to the underpass was suggested for future stages of the project including lighting of the girders of the bridge and the inclusion of the other side of Fletcher Road to be completed. <p>Seaford Sculptural Signage</p> <ul style="list-style-type: none"> The Orb installations' preferred location is at the Seaford Community Centre. The concept is a Banksia Flower with LED up-lighting made out of bronze and stainless steel which will be 2.2m in height. Will be seen from multiple areas ie Nepean Hwy, Station Street. Due for installation by end of June. <p>Noted</p> |

| | | |
|---------------------------|--|---|
| 4.2 | Proposed locations for 3 x Sculptures in 2023/24 | <ul style="list-style-type: none"> Discussed the locations of the preferred 3 sculptures inc either side of Fletcher Road and one at Mile Bridge. Idea for the site at Mile Bridge to replace the Welcome to MP sign. Working on an interactive map for the sculptures in the municipality. <p>Action: Officers to assess suitability of the 3 sites.</p> |
| | | Noted |
| 4 | Strategy | |
| 5 | Any Other Business | |
| Confidential Items | | |
| C.1 | N/A | |
| 6 | Next Board Meeting and forward agenda | |
| 6.1 | Next Meeting | <p>Next Meeting: Tuesday 29 March 2022 – The Lounge, Frankston Arts Centre Frankston Arts Advisory Committee 6.30pm – 8.30pm</p> |
| | Confirmed as a Correct Record | Chairperson: Barbara Crook |

The meeting closed at 20.47pm

Executive Summary

12.5 S6 Instrument of Delegation Council to Members of Staff

Enquiries: (Brianna Alcock: Corporate and Commercial Services)

Council Plan

| | |
|----------|--|
| Level 1: | 6. Progressive and Engaged City |
| Level 2: | 6.5 Support transparent and evidenced based decision making through sharing council data and clear reporting on our measures of success to the community |

Purpose

To adopt the *S6 Instrument of Delegation – Council to Members of Staff*, which have been updated to reflect a new position title, since it was last adopted by Council at its meeting on 21 February 2022.

Recommendation (Director Corporate and Commercial Services)

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 Instrument to be signed and sealed;
3. Notes:
 - a. the Instrument will come into force immediately upon the affixing of the common seal of Council 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 21 February 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.

Key Points / Issues

- At its Ordinary Meeting on 10 July 2017, Council resolved that:
“Appointment and revocation (including the reasoning) of staff delegation between Ordinary meetings be reported and must be kept up to date.”
- Council has the power under the Local Government Act 2020, to delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act.
- Local government cannot operate efficiently if Council does not delegate the majority of its powers, duties and functions to Council staff.
- This update takes into account a new position titled Coordinator Major Development (CMD) requiring delegated powers.
- The Council officer holding the position is required to carry out delegated functions and duties under the *Planning and Environment Act 1987* and Regulations.

12.5 S6 Instrument of Delegation Council to Members of Staff**Executive Summary**

- A marked up version of the changes to the S6 Instrument of Delegation – Council to members of Council staff is attached as Attachment B.

Financial Impact

There are no financial implications associated with this report.

Consultation**1. Internal Stakeholders**

Council officers were consulted as part of this review, to ensure that any updates are accurate and meet the operational requirements.

2. Other Stakeholders

Maddocks lawyers provide a model document for the S6 Instrument of Delegation to various councils as guidance and this has been adhered to in this Instrument of Delegation update.

Analysis (Environmental / Economic / Social Implications)

Delegation of powers enables efficient decision making on behalf of Council for delivery of services to the community.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

All matters relevant to the Charter of Human Rights and Responsibilities have been considered in the preparation of this report and are consistent with the standards set by the Charter.

Legal

The Local Government Act 2020, as well as other legislation, makes provision for the appointment of delegates to act on behalf of Council and a requirement to review all delegations within twelve months of an election.

Policy Impacts

There are no known policy impacts for this report.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

Failure to update the Instruments of Delegation on a regular basis to accommodate required changes to legislation, organisational structure and position title changes may result in operational inefficiency and lead to decisions becoming invalid. This may also result in financial or reputational consequences.

Conclusion

The Instrument of Delegation maintains Council's powers, duties and functions that are delegated to staff.

It is recommended that the *S6 Instrument of Delegation - Council to Members of Staff* be updated to take into account a position change since it was last adopted by Council at its meeting on 21 February 2022.

12.5 S6 Instrument of Delegation Council to Members of Staff**Executive Summary**

ATTACHMENTS

- Attachment A: [!\[\]\(7a8011739ec4e250e2f89a547d75fb0a_img.jpg\)](#) Marked Up Version - S6 Instrument of Delegation - Council to Members of Staff (*Under Separate Cover*)
- Attachment B: [!\[\]\(07dce76283bf618e2364d95ae0021e26_img.jpg\)](#) Draft S6 Instrument of Delegation - Council to Members of Staff (*Under Separate Cover*)

Executive Summary**12.6 S18 Instrument of Sub-Delegation under Environment Protection Act 2017**

Enquiries: (Brianna Alcock: Corporate and Commercial Services)

Council Plan

Level 1:

6. Progressive and Engaged City

Level 2:

6.5 Support transparent and evidenced based decision making through sharing council data and clear reporting on our measures of success to the community

Purpose

To adopt the S18 Instrument of Sub-Delegation under the Environment Protection Act 2017, which has been updated to include a new position title since it was last adopted by Council on 31 January 2022.

Recommendation (Director Corporate and Commercial Services)

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 instrument of Sub-Delegation 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. Notes the Instrument of Sub-Delegation referred to above:
 - (i) Be signed and sealed;
 - (ii) Come into force immediately that the Common Seal of Council is affixed to the Instrument and will remain in force until Council determines to vary or revoke the instrument;
 - (iii) When the instrument comes into force, the previous instrument which was adopted by Council on 31 January 2022 will be revoked; and
3. 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.

Key Points / Issues

- The Environment Protection Act 2017 (the Act) and Environment Protection Regulations 2021 (the Regulations) came into effect on 1 July 2021 and provide a modern framework to protect people and the environment from pollution and waste.
- Under the new Act and Regulations the scope of local government's role as a regulator has not changed, but there are changes to the laws and powers of local governments, including a new delegation of powers from Environment Protection Authority Victoria (EPA).

12.6 S18 Instrument of Sub-Delegation under Environment Protection Act 2017**Executive Summary**

- The new Act changes how Council obtain powers to regulate certain issues, instead of explicitly setting out certain Council powers in the Act, they now need to be conferred by the EPA through delegation.
- Under the new Environment Protection Framework, this delegation provides councils with clear and unambiguous powers to continue their regulatory role. This includes Onsite Wastewater Management Systems (OWMS) and noise from construction, demolition and removal of residential premises.
- Using the new powers under the delegation is not mandatory, however EPA recommends that all councils who have OWMS (including septic tanks) less than 5000 litres on any given day, in their municipality area, exercise the powers under delegation, so that:
 - Council can appoint authorised officers under section 242(2) of the new Act, giving them powers of entry and inspection;
 - Council authorised officers can issue and enforce the notice ordering maintenance of onsite wastewater management systems (OWMS), as well as improvement notices and prohibition notices, all of which can only be issued by an authorised officer; and
 - Council authorised officers can issue an infringement notice for breach of prescribed permit conditions.
- For regulating noise from residential construction, the delegation provides one of a number of pathways that Council can choose to manage and use improvement notices and prohibition notices under the new Act, as well as the Public Health and Wellbeing Act, and local laws (if applicable).
- The new Act does not provide EPA officers any powers around residential noise or residential construction noise.
- If councils choose not to use the delegated powers, the EPA will continue to refer any pollution report about residential construction noise to local government authorities, as they currently do.
- The EPA's Governing Board has approved the instrument of delegation, and an instrument of direction which is attached as attachment A and B.
- Endorsement of this instrument of sub-delegation will provide Council with the delegated powers to apply, administer and enforce the new Act and Regulations.
- This update takes into account a new position title Coordinator Major Development (CMD) requiring delegated powers
- The Council Officer holding the position is required to carry out delegated functions and duties under the Environmental Protection Act 2017 and Regulations
- A marked up version of the changes to the S18 Instrument of Sub-Delegation – under Environment Protection Act 2017 is attached as Attachment C

Financial Impact

There are no financial implications associated with this report.

12.6 S18 Instrument of Sub-Delegation under Environment Protection Act 2017**Executive Summary****Consultation****1. Internal Stakeholders**

Council officers were consulted, as part of this review, to ensure that any updates are accurate and meet the operational requirements.

2. Other Stakeholders

Maddocks lawyers provide a model document for the S18 Instrument of Sub-Delegation to various councils as guidance and this has been adhered to in this Instrument of Delegation.

Analysis (Environmental / Economic / Social Implications)

Delegation of powers enables efficient decision making on behalf of Council for delivery of services to the community.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

All matters relevant to the Charter of Human Rights and Responsibilities have been considered in the preparation of this report and are consistent with the standards set by the Charter.

Legal

The Instrument of Direction of the Environment Protection Authority under the Environment Protection Act 2017 and the S18 Instrument of Sub-Delegation under the Environment Protection Act 2017 are legal documents that enable powers to be delegated to councils and provide clear direction on how they can be used.

Policy Impacts

There are no known policies impacts for this report.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

Failure to review and update the Instruments of Delegation on a regular basis to accommodate changes to legislation, organisational structure and position title changes may result in operational inefficiency and lead to decisions becoming invalid. This may also result in financial or reputational consequences.

Conclusion

Instruments of Delegation maintains Council's powers, duties and functions that are delegated to staff.

It is recommended that the S18 Instrument of Delegation under Environment Protection Act 2017 attached as Attachment A, be updated to take into account a position change since it was last adopted by Council at its meeting on 31 January 2022.

12.6 S18 Instrument of Sub-Delegation under Environment Protection Act 2017**Executive Summary**

ATTACHMENTS

- Attachment A: [↓](#) Instrument of Delegation of powers and function of Environment Protection Authority under EP Act - 4 June 2021
- Attachment B: [↓](#) Instrument of Direction for Environment Protection Authority under Environment Protection Act 2017
- Attachment C: [↓](#) Marked Up Version - Draft S18 Instrument of Sub-Delegation under Environment Protection Act 2017
- Attachment D: [↓](#) Draft S18 Instrument of Sub Delegation under Environment Protection Act 2017

DATED: the 4th day of June 2021

INSTRUMENT OF DELEGATION
OF POWERS AND FUNCTIONS OF THE
ENVIRONMENT PROTECTION AUTHORITY
UNDER THE
ENVIRONMENT PROTECTION ACT 2017

INSTRUMENT OF DELEGATION

ENABLING POWER: Section 437(1)(b) of the *Environment Protection Act 2017* and section 42A of the *Interpretation of Legislation Act 1984*

SUBJECT: Delegation of certain powers, duties and functions of the Environment Protection Authority to Councils

REFERENCE: 2021.Council.001

DEFINITIONS: In this Delegation, all words and phrases have the same meaning as in the *Environment Protection Act 2017* unless the contrary intention appears. In addition:

municipal district has the same meaning as **municipal district** has in section 3(1) of the *Local Government Act 1989*.

DELEGATION: I, Professor Kate Auty, Chair of the Governing Board of Environment Protection Authority Victoria (**Governing Board**) on behalf of the Governing Board and pursuant to and in exercise of the power conferred by section 437(1) of the *Environment Protection Act 2017* **hereby delegate** the powers, duties and functions under the *Environment Protection Act 2017 (Act)* as specified in the section of the Act detailed in column 2 of Schedule 1 and described in column 3 of Schedule 1 to the delegates described in column 4 of Schedule 1.

Any previous delegations relating to the section/s of the Act detailed in column 2 of the Schedule are hereby revoked.

This delegation is exercisable for an unlimited period on and from 1 July 2021, unless revoked.

LIMITATIONS: This delegation is subject to the following limitations:

- a) The powers, duties and functions of the Authority specified in column 2 of schedule 1 may be only delegated for the purpose of regulating:
 - i. onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
 - ii. noise from the construction, demolition or removal of residential premises.
- b) The powers, duties and functions of the Authority specified in column 2 of schedule 1 may only be exercised by the delegates described in column 4 of schedule 1 within each delegates' municipal district.

RELATED DOCUMENTS: This delegation is subject to a direction under section 437(4) of the Act dated 4 June 2021. This delegation should be read in conjunction with that instrument of direction.

DATE: 4 June 2021

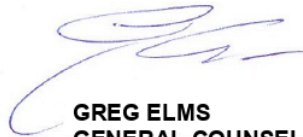
SIGNED:

In accordance with all
of the requirements of
s 12, *Electronic Transactions (Victoria) Act 2000*



**PROFESSOR KATE AUTY
CHAIR
ENVIRONMENT PROTECTION AUTHORITY VICTORIA GOVERNING BOARD**

WITNESSED:



**GREG ELMS
GENERAL COUNSEL
ENVIRONMENT PROTECTION AUTHORITY VICTORIA**

SCHEDULE 1

DELEGATION

Delegation of powers, duties and functions under the *Environment Protection Act 2017*

| 1 Ref. No | 2 Relevant legislative provision under the <i>Environment Protection Act 2017</i> | 3 Summary of delegated powers, duties or functions | 4 Delegate | 5 Revoked Instrument |
|--------------|--|---|---------------|-------------------------|
| Insert | Section 271 | Issuing of an improvement notice | Councils | N/A |
| Insert | Section 272 | Issuing of a prohibition notice | Councils | N/A |
| Insert | Section 279 | Amendment of notices | Councils | N/A |
| Insert | Section 358 | Functions of the Authority | Councils | N/A |
| Insert | Section 359(1)(b) | Power of the Authority to do all things that are necessary or convenient to be done for or in connection with the performance of the Authority's functions and duties and to enable the Authority to achieve its objectives | Councils | N/A |
| Insert | Section 359(2) | Power to give advice to persons with duties or obligations | Councils | N/A |

DATED: the 4th day of June 2021

INSTRUMENT OF DIRECTION OF THE
ENVIRONMENT PROTECTION AUTHORITY
UNDER THE
ENVIRONMENT PROTECTION ACT 2017

INSTRUMENT OF DIRECTION

ENABLING POWER: Section 437(4)

SUBJECT: Direction in respect of functions delegated to councils by Delegation Reference 2021.Council.001

REFERENCE: 2021.Council.Direction.001

DIRECTION: I, Professor Kate Auty, Chair of the Governing Board of Environment Protection Authority Victoria (**Governing Board**) on behalf of the Governing Board and pursuant to and in exercise of the power conferred by section 437(4) of the *Environment Protection Act 2017* (**Act**), and in respect of the delegation with reference 2021.Council.001 as made on 4 June 2021 **hereby direct:**

1. that, where the delegates listed in column 4 of schedule 1 of Delegation No Councils.2021.001 delegate, under s 437(2) of the Act, the delegated power or function listed in column 2 of schedule 1 of Delegation No 2021.Council.001 to an authorised officer appointed under s 242(2) of the Act, those authorised officers must only exercise the powers conferred by the following sections of the Act when exercising the delegated powers or functions:
 - a. Section 271;
 - b. Section 272;
 - c. Section 246;
 - d. Section 247;
 - e. Section 248;
 - f. Section 249;
 - g. Section 250;
 - h. Section 251, but not subsection (2)(h);
 - i. Section 252; but not subsection (1)(c);
 - j. Section 253;
 - k. Section 254;
 - l. Section 259
 - m. Section 279; and
 - n. Section 307.

This direction is in force for an unlimited period on and from 1 July 2021, unless revoked.

DATE: 4 June 2021


SIGNED:



In accordance with all
of the requirements of
s 12, *Electronic Transactions (Victoria) Act 2000*

**PROFESSOR KATE AUTY
CHAIR
ENVIRONMENT PROTECTION AUTHORITY VICTORIA GOVERNING BOARD**

WITNESSED:



**GREG ELMS
GENERAL COUNSEL
ENVIRONMENT PROTECTION AUTHORITY VICTORIA**



FRANKSTON CITY COUNCIL

INSTRUMENT OF DELEGATION

S18 INSTRUMENT OF SUB-DELEGATION UNDER THE
ENVIRONMENT PROTECTION ACT 2017

MARKED UP VERSION

NEW = BLUE

CHANGED = GREEN

S18 Instrument of Sub-Delegation under the Environment Protection Act 2017

By this Instrument of Sub-Delegation, in exercise of the power conferred by s 437(2) of the Environment Protection Act 2017 ('Act') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described in column 3 of the Schedule;
2. record that references in the Schedule are as follows:

| | | |
|--------|-------|--|
| COMPO | means | Compliance Officer |
| CSC | means | Coordinator Compliance and Safety |
| EHC | means | Coordinator Environmental Health |
| EHO | means | Environmental Health Officer |
| CP | means | Coordinator Prosecutions |
| IRO | means | Internal Review Officer |
| CEO | means | Chief Executive Officer |
| CMD | means | Coordinator Major Development |
| CSM | means | Manager Community Safety |
| DCOMM | means | Director Communities |
| MDS | means | Manager Development Services |
| PO | means | Prosecutions Officer |
| SCOMPO | means | Senior Compliance Officer |
| SENFO | means | Senior Enforcement Officer |
| SEHO | means | Senior Environmental Health Officer |
| SPIO | means | Senior Planning Investigations Officer |
| SPC | means | Statutory Planning Co-ordinator |
| TLPI | means | Team Leader Planning Investigations |
3. records that on the coming into force of this Instrument of Sub Delegation under the Environmental Protection Act 2017 to Members of Council Staff each delegation under the instrument dated 31 January 2022 is revoked.

4. declares that:
 - 4.1 this Instrument of Sub-Delegation is authorised by a resolution of Council passed on 4 April 2022 pursuant to a power of sub-delegation conferred by the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021; and
 - 4.2 the delegation:
 - 4.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Sub-Delegation;
 - 4.2.2 remains in force until varied or revoked;
 - 4.2.3 is subject to any conditions and limitations set out in sub-paragraph 5, and the Schedule; and
 - 4.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts.
5. this Instrument of Sub-Delegation is subject to the following limitations:
 - 5.1 the powers, duties and functions described in column and summarised in column 2 of the Schedule are only delegated for the purpose of regulating:
 - 5.1.1 onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
 - 5.1.2 noise from the construction, demolition or removal of residential premises;
6. the delegate must not determine the issue, take the action or do the act or thing:
 - 6.1.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
 - 6.1.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with:
 - (a) policy; or
 - (b) strategy adopted by Council;
 - 6.1.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
 - 6.1.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

THE COMMON SEAL of)

FRANKSTON CITY COUNCIL)

was affixed in the presence of:)

Councillor

Chief Executive Officer

Schedule

S18 Instrument of Sub-Delegation under the Environment Protection Act 2017

| Environment Protection Act 2017 | | | |
|---------------------------------|---|--|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 271 | Power to issue improvement notice | COMPO, CP, CSC, CSM, EHC, IRO, MDS, PO, SCOMPO, SEHO, SENFO, EHO | |
| s 272 | Power to issue prohibition notice | COMPO, CP, CSC, CSM, EHC, IRO, MDS, PO, SCOMPO, SEHO, SENFO, EHO | |
| s 279 | Power to amend a notice | COMPO, CP, CSC, CSM, EHC, IRO, MDS, PO, SCOMPO, SEHO, SENFO, EHO | |
| s 358 | Functions of the Environment Protection Authority | COMPO, CP, CSC, CSM, EHC, IRO, MDS, PO, SCOMPO, SEHO, SENFO, SPC, SPIO, TLPI, CEO, DCOMM, EHO, CMD | |
| s 359(1)(b) | Power to do all things that are necessary or convenient to be done for or in connection with the performance of the Environment Protection Authority's functions and duties and to enable the Authority to achieve its objective. | COMPO, CP, CSC, CSM, EHC, IRO, MDS, PO, SCOMPO, SEHO, SENFO, | |

| Environment Protection Act 2017 | | | |
|---------------------------------|--|---|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | SPC, SPIO, TLPI, CEO, DCOMM,EHO, CMD | |
| s 359(2) | Power to give advice to persons with duties or obligations | COMPO, CP, CSC, CSM, EHC, IRO, MDS, PO, SCOMPO, SEHO, SENFO, SPC, SPIO, TLPI, CEO DCOMM, EHO, CMD | |



FRANKSTON CITY COUNCIL

INSTRUMENT OF DELEGATION

S18 INSTRUMENT OF SUB-DELEGATION UNDER THE
ENVIRONMENT PROTECTION ACT 2017

S18 Instrument of Sub-Delegation under the Environment Protection Act 2017

By this Instrument of Sub-Delegation, in exercise of the power conferred by s 437(2) of the Environment Protection Act 2017 ('Act') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described in column 3 of the Schedule;

2. record that references in the Schedule are as follows:

| | | |
|--------|-------|--|
| COMPO | means | Compliance Officer |
| CSC | means | Coordinator Compliance and Safety |
| EHC | means | Coordinator Environmental Health |
| EHO | means | Environmental Health Officer |
| CP | means | Coordinator Prosecutions |
| IRO | means | Internal Review Officer |
| CEO | means | Chief Executive Officer |
| CMD | means | Coordinator Major Development |
| CSM | means | Manager Community Safety |
| DCOMM | means | Director Communities |
| MDS | means | Manager Development Services |
| PO | means | Prosecutions Officer |
| SCOMPO | means | Senior Compliance Officer |
| SENFO | means | Senior Enforcement Officer |
| SEHO | means | Senior Environmental Health Officer |
| SPIO | means | Senior Planning Investigations Officer |
| SPC | means | Statutory Planning Co-ordinator |
| TLPI | means | Team Leader Planning Investigations |

3. records that on the coming into force of this Instrument of Sub Delegation under the Environmental Protection Act 2017 to Members of Council Staff each delegation under the instrument dated 31 January 2022 is revoked.

4. declares that:
 - 4.1 this Instrument of Sub-Delegation is authorised by a resolution of Council passed on 4 April 2022 pursuant to a power of sub-delegation conferred by the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021; and
 - 4.2 the delegation:
 - 4.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Sub-Delegation;
 - 4.2.2 remains in force until varied or revoked;
 - 4.2.3 is subject to any conditions and limitations set out in sub-paragraph 5, and the Schedule; and
 - 4.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts.
5. this Instrument of Sub-Delegation is subject to the following limitations:
 - 5.1 the powers, duties and functions described in column and summarised in column 2 of the Schedule are only delegated for the purpose of regulating:
 - 5.1.1 onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
 - 5.1.2 noise from the construction, demolition or removal of residential premises;
6. the delegate must not determine the issue, take the action or do the act or thing:
 - 6.1.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
 - 6.1.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with:
 - (a) policy; or
 - (b) strategy adopted by Council;
 - 6.1.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
 - 6.1.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

THE COMMON SEAL of)

FRANKSTON CITY COUNCIL)

was affixed in the presence of:)

Councillor

Chief Executive Officer

Schedule

S18 Instrument of Sub-Delegation under the Environment Protection Act 2017

| Environment Protection Act 2017 | | | |
|---------------------------------|---|--|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 271 | Power to issue improvement notice | COMPO, CP, CSC, CSM, EHC, IRO, MDS, PO, SCOMPO, SEHO, SENFO, EHO | |
| s 272 | Power to issue prohibition notice | COMPO, CP, CSC, CSM, EHC, IRO, MDS, PO, SCOMPO, SEHO, SENFO, EHO | |
| s 279 | Power to amend a notice | COMPO, CP, CSC, CSM, EHC, IRO, MDS, PO, SCOMPO, SEHO, SENFO, EHO | |
| s 358 | Functions of the Environment Protection Authority | COMPO, CP, CSC, CSM, EHC, IRO, MDS, PO, SCOMPO, SEHO, SENFO, SPC, SPIO, TLPI, CEO, DCOMM, EHO, CMD | |
| s 359(1)(b) | Power to do all things that are necessary or convenient to be done for or in connection with the performance of the Environment Protection Authority's functions and duties and to enable the Authority to achieve its objective. | COMPO, CP, CSC, CSM, EHC, IRO, MDS, PO, SCOMPO, SEHO, SENFO, | |

| Environment Protection Act 2017 | | | |
|---------------------------------|--|---|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | SPC, SPIO, TLPI, CEO, DCOMM,EHO, CMD | |
| s 359(2) | Power to give advice to persons with duties or obligations | COMPO, CP, CSC, CSM, EHC, IRO, MDS, PO, SCOMPO, SEHO, SENFO, SPC, SPIO, TLPI, CEO DCOMM, EHO, CMD | |

Executive Summary

12.7 Instrument of Appointment and Authorisation

Enquiries: (Brianna Alcock: Corporate and Commercial Services)

Council Plan

Level 1:

6. Progressive and Engaged City

Level 2:

6.5 Support transparent and evidenced based decision making through sharing council data and clear reporting on our measures of success to the community

Purpose

To appoint Council officers for the purpose of enforcing the *Planning and Environment Act 1987* and the *Local Government Act 2020*.

Recommendation (Director Corporate and Commercial Services)

That Council:

1. Appoints the officers listed in the Instrument of Appointment and Authorisation, pursuant to the provisions of Section 147 (4) of the *Planning and Environment Act 1987* and the *Local Government Act 2020*;
2. Authorises for the Instruments of Appointment and Authorisation to be signed and Sealed; and
3. Resolves that the Attachments be retained as 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)). These grounds apply because the Instruments includes personal information of the officers which, if released would breach privacy obligations.

Key Points / Issues

- Section 147(4) of the *Planning and Environment Act 1987* (P&E Act) and section 313 of the *Local Government Act 2020* (LG Act) require that officers must be formally appointed as 'authorised officers' to enable them to administer and enforce the provisions of the P&E Act.
- Council's lawyers have reviewed the provisions of these Acts in regards to the delegation of powers and have concluded that authorisation of officers cannot be delegated by the Chief Executive Officer. Council's Lawyers are of the view that officers required to be authorised under these Acts must be authorised by resolution of Council.
- It is recommended that Council appoints the officers listed in the attached instruments of Appointment and Authorisation, and authorises the Instruments to be signed and sealed.

Financial Impact

There are no financial implications associated with this report.

Consultation

1. External Stakeholders

Not applicable.

12.7 Instrument of Appointment and Authorisation**Executive Summary****2. Other Stakeholders**

The authorisation of the officers listed for consideration have been discussed with the relevant Manager.

Analysis (Environmental / Economic / Social Implications)

There are no environmental or social implications associated with this report.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

All matters relevant to the Charter of Human Rights and Responsibilities have been considered in the preparation of this report and are consistent with the standards set by the Charter.

Legal

Officers are required to be appointed as authorised officers under Section 147(4) the *Planning and Environment Act 1987* and section 313 of the *Local Government Act 2020*, to enable them to legally enforce and administer the Acts.

Policy Impacts

There are no Policies that impact the decision of this report.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

Failure to provide authorisations would result in officers not being able to enforce or administer the law.

A suite of authorisations have been developed by Maddocks Lawyers and are used by most councils across Victoria. Authorisations for other officers in the same or similar roles have been in place for many years without undue issues.

There are a range of checks and balances undertaken to ensure these powers are exercised appropriately. When no longer required these powers are revoked to ensure good governance practices are being maintained and the risks associated with inappropriate use are reduced.

Conclusion

Officers must be formally appointed as 'authorised officers' to enable them to administer and enforce the provisions of the Planning and Environment Act 1987 and Local Government Act 2020.

It is recommended that Council appoints the officers listed in the attached instrument of Appointment and Authorisation, and authorises the Instrument to be signed and sealed.

ATTACHMENTS

Attachment A: s11a Instrument of Appointment and Authorisation for Coordinator Major Developments - **CONFIDENTIAL**

Attachment B: s11a Instrument of Appointment and Authorisation for Statutory Planner - **CONFIDENTIAL**

Executive Summary

12.8 Draft Revised Risk Management Policy

Enquiries: (Danielle Watts: Corporate and Commercial Services)

Council Plan

Level 1:

Level 2:

6. Progressive and Engaged City

6.2 Enhance strategy, policy and plan development and identify alignment to allow for prioritisation of services that are efficient, well planned, accessible and meet community needs

Purpose

To seek Council's support to publicly exhibit the Draft Revised Risk Management Policy for a period of 4 weeks.

Recommendation (Director Corporate and Commercial Services)

That Council:

1. Notes the Draft Revised Risk Management Policy (the Policy);
2. Endorses the Policy to be publicly exhibited for a period of 4 weeks; and
3. Seeks a report back to enable Council to consider any feedback received and adopt the policy.

Key Points / Issues

- The Risk Management Policy was last reviewed and adopted by Council in February 2019.
- The Policy has a life cycle of four years which is aligned to the term of the Council Plan and is now due for review.
- There has been no material change to the Policy as there has been no material amendments to the supporting framework, such as ISO 31000: 2018 – Risk Management – Guidelines.
- The draft revised Policy was tabled with the Audit and Risk Committee (the Committee) at its meeting in November 2021. The Committee requested that the Policy be assessed and aligned as required to the governance principles outlined in the Local Government Act 2020 and to reflect the Audit and Risk Committee Charter, in particular, Section 5 'Responsibilities', approved in August 2020.
- The proposed Policy, incorporating the feedback from the Committee is included in this report as Attachment A.

Financial Impact

There are financial costs, however, these costs will be accommodated within existing budgets.

Consultation

1. External Stakeholders

The Policy will be placed on public exhibition and community feedback invited. The Policy will be made available on Council's Engage Frankston platform.

12.8 Draft Revised Risk Management Policy**Executive Summary****2. Other Stakeholders**

The Audit and Risk Committee has provided input to the Policy.

Analysis (Environmental / Economic / Social Implications)

The Policy sets out Council's commitment to managing risk which is aimed at ensuring that significant or unacceptable negative impacts on the environment and community at large are eliminated or minimised and that opportunities are pursued for the best outcomes for the community and future generations.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

The Policy is not created in order to comply with any statutory obligation, however, it is considered best practice for such a policy to exist. The Policy be assessed and aligned as required to the governance principles outlined in the Local Government Act 2020

Policy Impacts

Public exhibition of the Policy will be undertaken consistent with Council's Community Engagement Policy 2021 and supporting Framework.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

A clear and detailed Policy outlines the organisations overall commitment to its risk management practices and outlines the roles and expected standards with regard to the management of risk.

Conclusion

Council's Risk Management Policy is due for review and has been amended to reflect and align with changes to key supporting documents.

It is recommended that Council notes the Policy and endorses it to be publicly exhibited.

ATTACHMENTS

Attachment A: [↓](#) Risk Management Policy

Risk Management Policy

(REM number)

[Use this template if you are writing a Policy – a policy is a high level statement that sets out rules to follow in a given situation]

1. Purpose and Intent

Frankston City Council acknowledges risk will manifest in the pursuit of achieving strategic outcomes and opportunities that present from time to time. It acknowledges that it has an obligation to ensure that it:

- creates and protects value in the organisation by managing risks;
- makes decisions;
- sets and achieves objectives and;
- improves performance.

2. Scope

Frankston City Council is committed to risk management as an integral part of its corporate governance and operations. In managing such risks and assessing opportunities, Council acknowledges that well informed decisions must be made.

In order to achieve this, decisions are to be made in accordance with the relevant law ¹and in accordance with the overarching governance and supporting principles of the Local Government Act 2020.

This policy is developed having regard to the framework set out in the International Standard for risk management ISO 31000: 2018.


3. Definitions

Risk - 'The chance of something happening that will have an impact on initiatives, service performance standards or community wellbeing'. Noting that:

- 'something happening' is the event
- 'chance' is the likelihood of it occurring
- 'impact' is the consequence or impact if it occurs

Risk Management – describes the planned and systematic approach used to identify, analyse and evaluate the business risk facing Frankston City Council.

¹ Local Government Act 2020 – Section 9 (2)(a)



Risk Management Framework – set of components that provide the foundations and organisational arrangement for designing, implementing, monitoring, reviewing and continually improvement risk management throughout the organisation.

Compliance – adhering to the requirements of laws, industry and organisational standards and codes, principles of good governance and accepted community and ethical standards.²

Business Continuity – approach adopted to managing disruption-related risk.³

Fraud – dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity.⁴

Corruption – the misuse of public power or position⁵

Integrity and Ethical behaviours – encompasses the spirit of the law and the organisation's culture and key moral principles that are consistent with society value that is guide day –to-day decision making processes when conflicting obligations and responsibilities arise.

4. Authorisation

This Policy is managed by the Procurement, Property and Risk Department, and is approved by Frankston City's Mayor and Council's Chief Executive Officer (CEO):

Mayor, Frankston City

CEO, Frankston City Council

in accordance with Frankston City Council resolution at its Ordinary Council meeting of xxxx.

5. Policy

Frankston City Council acknowledges risk will manifest in the pursuit of achieving strategic outcomes and opportunities that present from time to time. It acknowledges that it has an obligation to ensure that it:

- creates and protects value in the organisation by managing risks;
- makes decisions, with priority to be given to achieving the best outcomes for the Frankston municipality, including future generations;⁶
- sets and achieves objectives and;

² 'Compliance' as defined by AS/NZS 3806:2006 – Compliance Programs

³ 'Business Continuity' as defined by AS/NZS 5050:2010 – Business continuity – managing disruption-related risks

⁴ 'Fraud' as defined by AS/NZS 8001 Fraud and Corruption control

⁵ Corruption' - <https://www.ibac.vic.gov.au/reporting-corruption/what-can-you-complain-about/what-is-corruption>

⁶ Local Government Act 2020 – Section 9 (2)(b)

- improves performance by pursuing innovation and ensuring that planning and the delivery of services to the community is in accordance with the service performance principles.⁷

It also acknowledges that managing risk:-

1. Requires an iterative and an integrated approach to strategic planning, monitoring and performance reporting is to be adopted and strategic planning must identify and address the risk to effective implementation;⁸
2. Requires making informed decisions;
3. Is part of governance and leadership and fundamental to managing the organisation at all levels;
4. Is part of all activities and includes interaction with our community;
5. Considers the external and internal context, including human behaviour and cultural factors;
6. Extends to include the social, economic and environmental sustainability of the municipal district, including mitigation planning for climate change risks, is to be promoted; and⁹
7. Requires the ongoing financial risks to be monitored and managed prudently having regard to economic circumstances, acknowledging that 'financial risks' relates to the financial viability of Council, the management of current and future liabilities of the Council and the beneficial enterprises of the Council.¹⁰

6. Roles and responsibilities

Council

Review the Risk Management Policy as required and provide adequate budgetary provision for risk management strategies to be implemented.

Audit and Risk Committee

Effective management and monitoring of the :-


- Risk management framework;
- Risk appetite statement and alignment with risk profile;
- Risk profile and changes occurring ;
- Risk treatment plans for significant risks and timeliness of mitigating actions and progress against those plans;
- Annual insurance programme;
- Compliance Management process through the review of systems and processes for monitoring compliance with relevant legislation and regulations and monitoring compliance with various Codes of Conduct to Councillors, employees and contractors;

⁷ Local Government Act 2020 – Section 9 (2)(e) and Local Government Act 2020 – Section 106

⁸ Local Government Act 2020 – Section 85

⁹ Local Government Act 2020 – Section 9(2)(c)

¹⁰ Local Government Act 2020 – Section 101

- 
- Approach to Business Continuity planning arrangements, including whether business continuity and disaster recovery plans have been regularly updated and tested;
 - Fraud Prevention policies and controls and reports of actual or suspected instances of fraud and corruption;
 - Adequacy and effectiveness of key policies, systems and controls for providing a sound internal control environment ;
 - Internal Audit Charter to determine that it provides an appropriate functional and organisational framework to ensure it operates effectively and without limitations; and
 - The performance and subsidiary company's.

Chief Executive Officer

Has the ultimate responsibility for ensuring that risks are actively managed, that an adequate framework exists and risk is embedded across the organisation and within significant corporate processes.

Management

Promote a positive risk culture and ensure that risks within their jurisdiction are identified, assessed and managed in accordance with the Risk Management Framework

Staff

Understand and apply the Risk Management Policy and Risk Management Framework and actively contribute to the management of risks within the scope of their work and to report unmitigated risks in a timely manner.


7. Policy non-compliance

Non-compliance with this Policy has the potential to adversely impact the organisation or the community in the following areas:-

- | Corporate | Community |
|---|---|
| <ul style="list-style-type: none">• Reputation• Financial / Capital Works | <ul style="list-style-type: none">• Health Community• Stronger Families |
| <ul style="list-style-type: none">• People and Public• Legal / Compliance• Environment• Assets• Service / Performance | <ul style="list-style-type: none">• Safe Community• Community Strength• Sustainable Economy• Skilled Community• Sustainable Environment |

8. Related documents

- Local Government Act 2020
- Public Interest Disclosure Act 2012

- 
- Independent Broad-based Anti-corruption Commission Act 2011
 - ISO 31000: 2018 – Risk Management - Guidelines
 - Frankston City Council Plan 2021-2025
 - Councillor Code of Conduct
 - Audit and Risk Committee Charter – 10 August, 2020
 - Staff Code of Conduct
 - Risk Management Framework
 - Fraud Corruption and Prevention Plan

9. Implementation of the Policy

This Policy (in conjunction with other Related Documents) will be published on Council's website and intranet, so that it can be used by Council officers to inform decisions about managing risks. Managers, Coordinators and Team Leaders will be responsible for educating their staff about this policy.

10. Document History

| Date approved | Change Type | Version | Next Review Date |
|-------------------|----------------------|---------|------------------|
| 29 May, 2012 | Initial adoption | 1.0 | |
| 24 March, 2014 | Revision | 1.1 | |
| 18 February, 2019 | Review and amendment | 2.0 | 2021 |

Executive Summary

12.9 Draft Data Exchange Policy 2022-2026

Enquiries: (Scott Morrow: Customer Innovation and Arts)

Council Plan

Level 1:

Level 2:

6. Progressive and Engaged City

6.5 Support transparent and evidenced based decision making through sharing council data and clear reporting on our measures of success to the community

Purpose

To present Council with the draft Data Exchange Policy 2022–2026 for consideration and endorsement for public exhibition.

Recommendation (Director Customer Innovation and Arts)

That Council:

1. Notes the draft Data Exchange Policy 2022 – 2026 (Policy) and endorses the draft Policy to be publicly exhibited for a period of four weeks from 4 April to 2 May 2022; and
2. Seeks a report back by no later than June 2022 to adopt the Policy, taking into account any feedback received by the community.

Key Points / Issues

- This policy assists Council with its desire to become a more transparent organisation. The birth of this was in the Accountability and Transparency Report of 2018.
- The policy aims to give confidence to Council that data will be released in a safe and secure manner with due consideration given to the risks and benefits associated with the release.
- Council's journey into becoming a smart city requires that they not only collect more data to inform their decisions but to also share as much of this asset as possible for community benefit.
- Once endorsed, the draft Data Exchange Policy 2022–2026 will be placed on public exhibition for a period of four weeks before being presented back to Council for formal adoption at a Council Meeting no later than June 2022.
- Once formally endorsed the draft Data Exchange Policy 2022–2026 will be placed on the policy register and will be revised in June 2026, or earlier if deemed necessary by Council or the Executive Management Team.

Financial Impact

There are no financial implications associated with this report.

Consultation

1. External Stakeholders

The draft Policy was peer reviewed by one independent external provider prior to being presented to Council.

12.9 Draft Data Exchange Policy 2022-2026**Executive Summary****2. Other Stakeholders**

Councillors were informed of the draft policy via memo in March 2021 with a request to submit their feedback on the policy prior to it being presented at a Council Meeting for endorsement of public exhibition.

Some of the internal stakeholders including the Governance and Information Technology teams have been consulted while preparing the draft policy.

The Policy will be publicly exhibited on the *Engage Frankston* dashboard from 4 April until 2 May and community feedback will be considered prior to adoption of this policy.

Analysis (Environmental / Economic / Social Implications)

There are no environmental impacts associated with this report or the attached policies.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

There are some legal or statutory obligations associated with this report or the attached policies. Council when using the draft policy must give consideration to:

- Data Sharing Act 2017 (Vic)
- Freedom of Information Act 1982 (Vic)
- Health Records Act 2001 (Vic)
- Local Government Act 2020 (Vic)
- Privacy Act 1988 (Cth)
- Privacy and Data Protection Act 2014 (Vic)
- Public Records Act 1973 (Vic)

Policy Impacts

There are no impacts on other policies within Council though it does refer to many including and gives consideration to the existing:

- Privacy Policy
- Public Transparency Policy
- Records Management Policy

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

Non-acceptance of this policy has the potential to negatively impact the reputation of Council and the municipality, and could potentially result in individual Councillors bringing Council into disrepute.

12.9 Draft Data Exchange Policy 2022-2026**Executive Summary****Conclusion**

It is recommended that Council review and endorse the draft Data Exchange Policy 2022 – 2026 for a four week public exhibition period.

ATTACHMENTS

Attachment A: [↓](#) Draft Data Exchange Policy 2022 - 2026

Data Exchange Policy 2022 - 2026

Draft

A4615564

1. Purpose and Intent

This Policy is intended to facilitate the controlled collection of **data** and proactive release of **Council data** as appropriate to provide benefit to **Council** and the community, while meeting legal and contractual obligations. There is an increasing mandate for local government to provide greater transparency to the community and deliver more value, and one way to do this is through the release and sharing of **Council data**. This Policy supports Council's obligation under section 3(2) of the Freedom of Information Act for the proactive release of information.

2. Scope

This Policy covers all **Council data**, except:

- **data** which **Council** does not own the copyright to or has **no right to share**
- internal working documents of **Council** such as drafts, working notes, and rough calculations
- **data** that is in an **unstructured** format
- **data** that is legislated to be shared or reported
- **data** that is shared for law enforcement purposes

This Policy also covers the sharing of **data** with Council by other organisations when that data is not already in the public domain.

3. Definitions

Classified as Public Data Council with a confidentiality Business Impact Level of Minor (1) that has been approved under this Policy for unlimited public release.

Confidential Information As defined in the Local Government Act 2020 (Vic). This means the following:

- (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
- (b) security information, being information that if released is likely to endanger the security of Council property or the safety of any person;
- (c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values;
- (d) law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;
- (e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;




- (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
- (g) 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;
- (h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);
- (i) internal arbitration information, being information specified in section 145;
- (j) Councillor Conduct Panel confidential information, being information specified in section 169;
- (k) information prescribed by the regulations to be confidential information for the purposes of this definition;
- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

| | |
|-------------------------------|---|
| Council | means Frankston City Council. |
| Council data | means data created or collected by Council or on behalf of Council by a contracted service provider. |
| Data | means any facts, statistics, instructions, concepts or other information in a structured form that is capable of being communicated, analysed or processed (whether by an individual or by a computer or other automated means). |
| Data owner | defined as the Council Manager responsible for that service or department that the data relates to. |
| Data quality statement | An associated statement with published data that highlights any known issues with the data that is published to give users context on how to work with the data. |
| Data sharing body | As defined in the Data Sharing Act 2017 (Vic). This means: <ul style="list-style-type: none">(a) a public service body; or(b) a public entity; or(c) Victoria Police; or(d) any of the following prescribed by the regulations for the purposes of this paragraph—<ul style="list-style-type: none">(i) a body established or appointed for a public purpose by or under an Act; |



- (ii) a body established or appointed for a public purpose by the Governor in Council, or by a Minister, otherwise than under an Act;
- (iii) a person holding an office or position established by or under an Act (other than the office of member of the Parliament of Victoria) or to which the person was appointed by the Governor in Council, or by a Minister, otherwise than under an Act.

| | |
|--------------------------------|--|
| EMT | Executive Management Team |
| EMT or its Delegate | The group or position who will determine which data will be made available under this policy and how. |
| Health Information | <p>As defined in the Health Records Act 2001 (Vic). This means:</p> <ul style="list-style-type: none">a) information or an opinion about:<ul style="list-style-type: none">i. the physical, mental or psychological health (at any time) of an individual; orii. a disability (at any time) of an individual; oriii. an individual's expressed wishes about the future provision of health services to him or her; oriv. a health service provided, or to be provided, to an individual.b) that is also personal information; orc) other personal information collected to provide, or in providing, a health service; ord) other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances; ore) other personal information that is genetic information about an individual in a form which is or could be predictive of the health (at any time) of the individual or of any of his or her descendants. <p>but does not include health information, or a class of health information or health information contained in a class of documents, that is prescribed as exempt health information for the purposes of this Act generally or for the purposes of specified provisions of this Act.</p> |
| Machine-readable format | As defined by the Open Council Data Standards, spatial data containing lines and polygons this would be GeoJSON with latitude and longitude given in decimal degrees (EPSG:4326), for all other spatial data (point datasets) and those containing no spatial data CSV is the specified format. |
| Metadata | means descriptive information about the content, context, structure and management of data . |
| No right to share | Council has access to many datasets but some of them cannot be shared with the public or other entities due to copyright or licensing restrictions. |



Personal Information As defined in the Privacy and Data Protection Act 2014 (Vic). This means information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information of a kind to which the Health Records Act 2001 applies.

Note: These defined terms appear throughout the Policy in ***bold italic font***.

4. Authorisation

This Policy is managed by the Manager Business Transformation, and is approved by Frankston City's Mayor and Council's Chief Executive Officer (CEO):

Mayor, Frankston City


CEO, Frankston City Council

in accordance with Frankston City Council resolution at its Council meeting of xxxx.

5. Policy

5.1 Controlled Access

- 5.1.1 **Council** may make copies of **Council data** available under this Policy if the release is consistent with **Council's** legal obligations.
- 5.1.2 Access to **Council data** that is not approved under this Policy may be granted through a request made under the Freedom of Information Act 1982 (Vic).
- 5.1.3 **Council data** which has been **classified as Public** and approved to be open data under this Policy will be easy to find and accessible in **machine-readable formats** that promote its reuse.
- 5.1.4 Any **Council data** which is proposed to be shared with an individual or entity outside Council or made public under this Policy will be submitted to **EMT or its Delegate** for assessment.
- 5.1.5 **EMT or its Delegate** will assess all **Council data** proposed to be released and decide whether or not to make the data available for release.
- 5.1.6 **EMT or its Delegate** will determine whether **Council data** should be shared under this Policy, taking into account all relevant considerations, including but not limited to:
 - a) the risk of releasing the **data** in accordance with **Council's** Risk Management practices and **Council's** Business Impact Level Table;
 - b) the nature of the **data** and the purpose for which the data was collected by **Council**;

- 
- c) the views of the **data owner** who has responsibility for the **data**;
 - d) whether or not the **data** includes any **confidential information** or information that Council has **no right to share**
 - e) the potential for the **data** to be used for non-ethical purposes, including the risk of data re-identification for de-identified **personal information**;
 - f) all other relevant consequences and benefits of making the **data** available;
 - g) the audience which would likely have access to the **data**; and
 - h) compliance with Council's Privacy Policy and applicable Privacy legislation if the **data** includes any **personal information or health information**.

5.1.7 **EMT or its Delegate** will document all assessments made under this Policy and keep them in Council's records to help justify the release of **Council data**.

5.2 Availability and Licensing

5.2.1 EMT or its Delegate may determine the terms and conditions on which Council data approved for sharing will be made available. If the data is deemed to be public then where possible, Creative Commons Attribution 4.0 International (CC-BY) or similar flexible license, allowing for unrestricted reuse by the public, is recommended.

5.3 Publishing of Public Data

Council may publish copies of **Council data classified as Public**, where the data is not already publicly available.

5.3.1 **Council data** which is made available to the public under this policy may be published at:

- a) Frankston's website www.frankston.vic.gov.au;
- b) The Australian Government open data portal www.data.gov.au;
- c) The Victorian Government data directory www.data.vic.gov.au; or
- d) Another suitable online location.

5.3.2 Where possible, automatic publishing tools will be used to keep published **data** current. Where automated publishing tools are not used, published **data** will be reviewed for currency.

5.3.3 **Council** will take reasonable steps to maintain the **data** and its quality to ensure that others can have confidence in the insights and decisions that they make on the basis of **Council data**. **Council** will be upfront about the quality of its **data** through an associated **data quality statement** published with its data. Users of the **data** can then take that into account when working with **Council data**.



5.4 Data Sharing Agreements for Non-Public Data

- 5.4.1 Council will take reasonable steps to ensure that **data** shared under this Policy is managed securely and in line with **Council's** legal obligations, including – where appropriate and necessary to do so – by entering into contractual arrangements with other parties (such as Data Sharing Agreements) which specify:
- the timeframe for access to the **data**;
 - where and how the **data** will be stored;
 - arrangements for access to the **data**;
 - permitted uses of the **data**;
 - whether the **data** will be destroyed after a given timeframe and if so how; and
 - data** security measures.
- 5.4.2 Where external **data** is shared with **Council**, **Council** will at a minimum uphold the standards we expect of other parties we share **data** with as well as conditions imposed or agreed with the **data sharing body**.
- 5.4.3 **Council** will only collect non-public external data containing **Personal Information** if it is permitted to collect it under **Council's** Privacy Policy and Privacy legislation.

5.5 Standards, Metadata and Administration

- 5.5.1 **Council** will follow Australian Open Council Data Standards and industry best practice relating to the release of **data** and accountability for that release. **Metadata** will be provided to inform users of the context and any gaps or limitations in the **data**.
- 5.5.2 **Council** will maintain a central register listing all **data** that is approved for release.

6. Roles and Responsibilities

EMT or its delegate is:

- Responsible for ensuring that they are familiar with the requirements of this Policy;
- Accountable for **Council's** overall compliance with this Policy;
- Responsible for ensuring that **Council** meets all its legal obligations relating to the sharing of **data**;
- Responsible for maximising the value of its **data** and the benefit to **Council** and community through sharing; and
- Responsible for assessing and advising on proposals for the release of **Council data**.

Data owners are:

- Responsible for ensuring that they are familiar with the requirements of this Policy;
- Accountable for the **data** quality and ensuring that it is fit for purpose;
- Accountable for changes affecting the **data** and notification of affected parties;

- Responsible for the security classification assigned to their **data** and who has what access; and
- Responsible for referring requests or proposals for the release of **Council data** to **EMT or its Delegate**.

Manager Business Transformation is:

- Responsible for providing clarification or advice about the interpretation of this Policy; and
- Responsible for ensuring Data Sharing Agreements for non-public **data** are established, legally binding and provide adequate cover for **Council**.

Coordinator Digital and Data is:

- Accountable for maintaining a central Register of all shared **data**; and
- Responsible for providing clarification or advice about the interpretation of this Policy.

Coordinator Freedom of Information and Privacy is:

- Responsible for providing clarification or advice about **Council's** privacy and FOI legislation obligations.

All other staff are:

- Responsible for referring any requests or proposals for the release of **Council data** to the **Data owner**. If the data owner is not known, advice should be sought from the Coordinator Digital and Data.


7. Policy Non-compliance

Failure to comply with this Policy may constitute a breach of the Staff Code of Conduct, legislative requirements such as (but not limited to) the Privacy and Data Protection Act 2014 (Vic), legislation specifically associated with the relevant **data**, and Data Sharing Agreements with other entities.

Non-compliance with this Policy has the potential to negatively impact financially, and on the reputation of the relevant individuals, and of **Council**.

8. Related Documents

- Data Sharing Act 2017 (Vic)
- Freedom of Information Act 1982 (Vic)
- Health Records Act 2001 (Vic)
- Local Government Act 2020 (Vic)
- Privacy Act 1988 (Cth)
- Privacy and Data Protection Act 2014 (Vic)
- Public Records Act 1973 (Vic)
- Privacy Policy
- Public Transparency Policy
- Records Management Policy

- 
- Australian Government Open Data portal www.data.gov.au
 - Best Practice Guide to Applying Data Sharing Principles <https://www.pmc.gov.au/resource-centre/public-data/data-sharing-principles>
 - Creative Commons Attribution 4.0 International www.creativecommons.org/licenses/by/4.0/
 - Data on the Web Best Practices <https://www.w3.org/TR/2017/REC-dwbp-20170131/>
 - Open Council Data www.opencouncildata.org
 - Open Council Data Standards <https://standards.opencouncildata.org/>
 - OVIC Business Impact Level Table <https://ovic.vic.gov.au/resource/vpdsf-business-impact-level-table-v2-0/>
 - Victorian Government Data Directory www.data.vic.gov.au
 - Victorian Government Data Directory Metadata <https://www.enterprisesolutions.vic.gov.au/wp-content/uploads/2018/09/IM-STD-09-Victorian-Government-Data-Directory-Metadata-Standard2.pdf>
 - Victorian Government Data Exchange Framework <https://www.vic.gov.au/data-policies-and-standards#data-exchange-framework>

9. Implementation of the Policy

This Policy (in conjunction with other Related Documents) will be made available on **Council's** website and intranet so that it can be used by employees of **Council**, including contractors and agency and/or labour hire staff engaged by **Council**, to understand the requirements for how **data** can be exchanged.

10. Document History

| Date approved | Change Type | Version | Next Review Date |
|---------------|-------------|---------|------------------|
| TBC | New | 1 | June 2026 |

Executive Summary**12.10 Frankston E-Bike trial update and E-Scooter trial option**

*Enquiries: (Patrick Dillon: Customer Innovation and Arts)
(Scott Morrow: Customer Innovation and Arts)*

Council Plan

| | |
|----------|---|
| Level 1: | 4. Well Planned and Liveable City |
| Level 2: | 4.2 Improve connectivity and movement and provide transport choices to the community, including walking trails and bike paths |

Purpose

To seek endorsement for Council to express interest in the next round of E-Scooter trial locations as part of State Government's E-Scooter trials across Victoria and to provide an update on E-Bike trial within the municipality.

Recommendation (Director Customer Innovation and Arts)

That Council:

E-bikes:

1. Receives the status update on the progress of the E-bike trial; and
2. Notes that a further progress report on the E-bike trial will be presented to Council at its meeting on the 3 October 2022.

E-scooter:

1. Notes that currently the use of E-scooters is prohibited by Victorian Government legislation and the Victorian Government has adopted temporary legislation to allow E-scooter trials across local government areas in the City of Melbourne, City of Yarra, City of Port Phillip and City of Ballarat;
2. Supports participation in the next group of local government areas to undertake the commercial use of E-scooters within the municipality as part of the State Government trial; and
3. Seeks to jointly work with the local state MP, Paul Edbrooke, to bring to the attention of the Minister for Transport, Ben Carroll MP, Council's readiness to participate in the E-scooter trial.

Key Points / Issues

- A peddle assisted E-Bike trial commenced across the City of Frankston on 21 January 2022, consisting of 150 E-Bikes. Please refer to the officer's assessment for further information.
- This trial is being run at no cost to Council.
- The trial runs for twelve months. Upon its conclusion Council will consider its future direction in micro mobility which will include feedback from community consultation.
- Overall, there has been a very positive response and uptake from the community with only minor anti-social behaviour reported in relation to the use of the service.
- Feedback from Victoria Police, Vicinity and Karingal shopping centre has also been positive with no major issues reported.

12.10 Frankston E-Bike trial update and E-Scooter trial option**Executive Summary**

- E-Bikes provide a raft of economic, community, social, accessibility and environmental benefits. These benefits can be further enhanced by the use of E-Scooters.
- Currently the use of E-Scooters is prohibited by state legislation, however State Government has adopted changes to transport legislation to allow E-Scooter trials across the following LGA's
 - City of Melbourne
 - City of Yarra
 - City of Port Phillip
 - City of Ballarat
- Council has the opportunity to request to be part of the next group of trial LGA's (estimated to be reviewed in June 2022). To do this Council must take the following three steps;
 - Support trial of commercial E-Scooters within the municipality as part of a State Government trial;
 - Provide a report to State Government that supports Frankston's inclusion in the trial including info around how city hubs such as Frankston are unique and are currently not catered for in the trial and other reasons why Frankston presents as a great trial site;
 - Work jointly with the local state MP, Paul Edbrooke, to bring this to the attention of the Minister for Transport, Ben Carroll MP, directly. Through this engagement, Council must indicate that it is ready and willing to facilitate and run the trial operation in its municipality.
- Should Council be successfully chosen as an additional trial location, Council would undertake a competitive tender process. This process would allow Council to set out all of its requirements pertaining to safety, risk mitigation, operation model etc.
- Council would also be required to make changes to the Local Law 3.16 relating to the definition of motorised vehicles and their permitted use.

Financial Impact

There are no financial implications associated with this report.

Consultation**1. External Stakeholders**

Council officers have consulted with a range of key stakeholders including Victoria Police, Vicinity, Karingal Shopping Centre, Monash University and Peninsula Health. If successful in being selected as a further trial location these key stakeholders would form part of an ongoing working group providing valuable input into the trial.

Council officers have also received feedback from a number of residents on the trial with the majority of residents extremely happy with the prompt service response to complaints and/or queries. Complaints were centralised around E-bikes being left in a non-parking station area. Once Council officers explained the operating model and that these E-bikes were not abandoned they were supportive of the trial and

12.10 Frankston E-Bike trial update and E-Scooter trial option**Executive Summary**

interested in seeing the final findings and further consultation prior to any long term decisions being made.

2. Other Stakeholders

Council officers have consulted with the key internal stakeholders who were also part of the internal group that worked on the E-Bike trial. This group would also form a key part of the ongoing working group for the trial.

Analysis (Environmental / Economic / Social Implications)

The expected economic benefits include but are not limited to:

- Improved north/south and east/west connectivity connection to strip centres and Frankston foreshore;
- Creation of a further 20-25 local jobs (subject to fleet size and demand) to help manage the ground and warehouse operations;
- Reduced financial costs relating to reliance on owning and running multiple private vehicles;
- Flexible transport options for businesses and employees;
- Cost effective commuter transport options, particularly for low-income earners and students, from both improved east/west connectivity to north/south public transport corridors;
- Reduced demand on on-street parking at strip centres which promotes easier access for people outside short trip catchment area.

The expected community and social benefits would:

- Provide a safer option for pedestrians traveling between key community education, health and shopping hubs during low light times of day;
- Promote engagement with the business community on e-scooters and the impact to their businesses, particularly along the strip centres;
- Make key community health and education infrastructure more accessible and connected;
- Encourage open feedback from the community on e-scooters as well as general feedback on transport in the City of Frankston;
- Provide a legal alternative to private e-scooter devices which are currently being used in the City of Frankston based on observed behaviours.

The expected environmental benefits include:

- A strong environmental benefit delivered from the trial of e-scooters, driven by their low emission nature. From rider research conducted by local e-scooter operators, e-scooter trips often replace car journeys (40-55% depending on the city). Across a 12 month trial of 250 e-scooters this would be an estimated 410,000km of car trips replaced, based on average e-scooter usage seen across other trial sites, assisting to replace more than 65 tonnes of CO2 emissions (based on an average e-scooter journey of 2.5km, 4 trips per

12.10 Frankston E-Bike trial update and E-Scooter trial option**Executive Summary**

device per day, and 160g of CO2 saved per KM of travel compared to a conventional car ride).

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

Should Council be successful in becoming a trial location for E-Scooters a change to the local laws will need to be undertaken relating to the definition of a motorised vehicle.

Policy Impacts

No Council policies relate to this report.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

Working closely with Neuron mobility a thorough risk assessment would be undertaken should Council support the recommendations outlined in this report. This risk assessment would directly feed into a subsequent tender for the supply of commercial E-Scooters for the trial period including such categories as rider safety, pedestrian safety and privacy obligations.

Conclusion

Council's support of the current E-Bike trial has had very encouraging early adoption and success as an alternative transport option within Frankston City. To further this exploration in alternative transport Council has the option to express interest in participating in the State Government E-Scooter trial. The State Government run E-Scooter trial is currently underway across four prominent LGA's.

ATTACHMENTS

Nil

12.10 Frankston E-Bike trial update and E-Scooter trial option

Officers' Assessment

Background

At its briefing on the 29th September 2021, Council supported the trial of peddle assisted E-bikes across the municipality to help inform future Council direction on micro mobility.

The trial commenced on the 21st of January 2022 with 150 peddle assisted E-bikes deployed across 22 locations within the municipality. The trial is being conducted at no cost to council and will help inform the demand, desire and future requirements for micro mobility and community consultation on the matter.

The trial has gathered support from local MP's and to date has had overall positive feedback from the community.

The trial has brought the economic benefit of 12 local jobs to Frankston in the form of 12 ground operators and warehouse mechanics.

To date (as off the 14th March 2022) there has been;

- 9,368 users signed up to the program
- 10,632 trips
- Average trip rating of 4.4/5
- 634 weekly and monthly passes purchased

This equates to an amazingly busy start to the service in Frankston as per Neuron (the trial operator)

Trends so far show a strong preference for the second half of the week with Saturdays the most popular day which is almost double that of Mondays

Top Stations - Trip Start

| Station Name | Deployments | Trip Starts | Avg. Mileage (km) | Trip Ends | Trip Starts per Deployment |
|----------------------------|-------------|-------------|-------------------|-----------|----------------------------|
| Null | Null | 6,946 | 2.351 | Null | Null |
| Sofia Frankston | 146 | 308 | 2.940 | 150 | 2.109589041 |
| Strike Wells St | 217 | 306 | 2.903 | 80 | 1.410138249 |
| Frankston Railway Station | 211 | 267 | 2.839 | 50 | 1.265402844 |
| Beach St X kananook Blvd | 143 | 190 | 3.764 | 43 | 1.328671329 |
| Addikted to Ink | 160 | 173 | 2.946 | 28 | 1.08125 |
| Wells St | 101 | 170 | 2.251 | 63 | 1.683168317 |
| Poolside Frankston | 87 | 135 | 2.423 | 37 | 1.551724138 |
| Hog's Breath Cafe Karingal | 104 | 124 | 3.132 | 9 | 1.192307692 |
| Foot Reserve | 74 | 114 | 2.362 | 19 | 1.540540541 |
| Overport Rd X Humphires Rd | 70 | 107 | 3.704 | 22 | 1.528571429 |

To date the majority of trips actually start when an E-bike is not deployed to a station (Station Name = Null)

Top Stations - Trip End

| Station Name | Deployments | Trip Starts | Avg. Mileage (km) | Trip Ends | Trip Starts per Deployment |
|----------------------------|-------------|-------------|-------------------|-----------|----------------------------|
| Sofia Frankston | 146 | 308 | 2.940 | 150 | 2.109589041 |
| Strike Wells St | 217 | 306 | 2.903 | 80 | 1.410138249 |
| Wells St | 101 | 170 | 2.251 | 63 | 1.683168317 |
| Frankston Railway Station | 211 | 267 | 2.839 | 50 | 1.265402844 |
| Beach St X kananook Blvd | 143 | 190 | 3.764 | 43 | 1.328671329 |
| Poolside Frankston | 87 | 135 | 2.423 | 37 | 1.551724138 |
| Addikted to Ink | 160 | 173 | 2.946 | 28 | 1.08125 |
| Broughton Reserve | 42 | 98 | 2.677 | 26 | 2.333333333 |
| Foot Street Bakery | 51 | 101 | 2.182 | 24 | 1.980392157 |
| Overport Rd X Humphires Rd | 70 | 107 | 3.704 | 22 | 1.528571429 |

**12.10 Frankston E-Bike trial update and E-Scooter trial option
Officers' Assessment**

Sofia Frankston due to its location at the beach makes it a very spot for trip starts and ends as of riders tend to ride along the coast from there.

As part of the launch of E-bikes Neuron set up a marquee at Monash Peninsula Campus to promote the use of E-bikes with students during the O-week on the 25th February. Students were given a chance to try out the bikes within campus. Students and faculties from Monash can now take advantage of University pricing which gives a 20% discount on weekly and monthly passes.

Further positive discussions have been had with Peninsula Health with E-bikes being stationed a Frankston public hospital as well as discussion with Chisholm and Vicinity with an aim to continue the growing calibration with Council.

In the same briefing, Council also supported Council officers investigating the potential for E-Scooters to be trialled in Frankston.

Currently legislation prohibits the use of E-Scooters on roads however State Government are trialling changes in the legislation to investigate the impact of E-Scooters on the transport landscape across Victoria.

Four LGA's have been selected for the trial which commenced in December 2021;

- City of Ballarat
- City of Melbourne
- City Yarra
- City of Port Phillip

Early reports both from the operators and Victoria Police are positive with a strong update of the trial.

State Government have indicated they will review the trial at the six month mark and look at potentially expanding the trial to other valuable LGA's to further their research.

This report is seeking Council support to put Frankston forward as potential trial location should State Government decide to expand the trial.

Issues and Discussion

The City of Frankston would be an attractive location for State Government to extend the trial to with its Central Activity Area, proximity to public transport such as the Metro train, its coastal appeal and ongoing parking and congestion issues.

Trialling E-scooters would also further enhance Council's reputation as a progressive future focused environmentally minded Council looking to find alternative solutions to state wide issues.

A trial would also position Council well for potential future funding requests in relation to improved infrastructure pertaining to micro mobility.

Consideration would need to be given to the safety concerns relating to wide scale use of E-Scooters and the associated education requirements for riders.

Furthermore current infrastructure limitations and community interest would need to be considered.

Options Available including Financial Implications

There are no financial implications associated with the report.

Executive Summary**12.11 Award of Contract CN10718 - Debt Collection Services**

*Enquiries: (Danielle Watts: Corporate and Commercial Services)
(Simone Wickes: Corporate and Commercial Services)*

Council Plan

- | | |
|----------|--|
| Level 1: | 6. Progressive and Engaged City |
| Level 2: | 6.1 Ensure sustainable financial management and the strategic allocation of resources to deliver planned infrastructure and services |

Purpose

To seek and obtain Council approval to award Contract CN10718 to **Recoveries and Reconstruction (Aust) Pty Ltd** for the delivery of Council's Debt Collection Services.

Recommendation (Director Corporate and Commercial Services)

That Council:

1. Awards the contract CN10718 – Debt Collection Services to **Recoveries and Reconstruction (Aust) Pty Ltd** for \$2,247,768 GST exclusive for an initial 2 year term with the provision for two further 1 year extensions, noting that this is a schedule of rates contract;
2. Authorises the Chief Executive Officer to sign the contract;
3. Notes any contract variations will be assessed and approved by the relevant officer under the provisions set out in Council's Procurement Policy, noting that this is a schedule of rates contract;
4. Delegates approval of contract extensions to the Director Corporate and Commercial Services based on the contractors' successful performance; and
5. Resolves attachments A and B to this report be retained confidential on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage, pursuant to the *Local Government Act 2020 s3(1)(g)*.

Key Points / Issues

On 29 June 2020, in response to the Covid-19 pandemic, Council adopted an amended Rates and Charges Hardship Policy, which included a resolution to:

'Withhold all new legal action on outstanding accounts, where legal costs would be incurred by the ratepayer for a period of time as determined by Council.'

Council has not engaged in any debt recovery since this time.

Background

Council outsources the task of debt recovery for delinquent rates and sundry debtor accounts to professional debt collection agents. The previous contract expired on 31 October 2021.

If Council resumes recovery of delinquent accounts, due to the potential contract value, Council is required to engage a service provider via a public tender process, in order to comply with its Procurement Policy.

12.11 Award of Contract CN10718 - Debt Collection Services**Executive Summary**

In June 2021, Procurement Australia facilitated a public tender for the provision of Debt Collection Services. The panel contract (2310/0643) commenced in November 2021 for a period of two years, with two options to extend for a period of one year each.

Tender Process

The Request for Tender was advertised in the Sydney Morning Herald on Tuesday, 8 June 2021 and in the Herald Sun on Wednesday, 9 June 2021

The tender closed at 3pm, Wednesday 30 June 2021, AEST, and a total of 16 submissions were received.

Of the 16 submissions, 7 were deemed suitable to provide Debt Collection Services under the Panel arrangement.

For a detailed summary of the evaluation, please refer to Attachment 1 (Procurement Australia Tender Evaluation Report).

Evaluation

Council officers have reviewed the tendered rates and services offered by panellists appointed to the Procurement Australia panel.

Recovery and Reconstruction (Aust) Pty Ltd (R&R) are recommended as the preferred panellist to be engaged for these services.

R&R have been Council's incumbent service provider for this service since 2015. Their service provision offers:

- Free of charge Final Notices issued by post each year to ratepayers with overdue rates. This is a direct savings to Council of approximately \$7,000 per annum.
- Cost free SMS and Email follow up.
- R&R only charge fees that are applied as per the Magistrates Court Scale of Costs, which in turn are fully recoverable from the debtor.
- No charge for Solicitor prepared Necessary Certificates at time of lodgement of Complaint documents. This results in minimum savings to ratepayer of \$104 in legal fees.
- No charge for attempted service of documents. If service determined by mail then only cost of mail is charged.
- No charge for Title and Business Searches
- All parties involved in the delivery of services are employed in house and there is no outsourcing of work, which further protects the privacy of Council ratepayers.
- R&R are a Local Government focused debt recovery business that deliver a highly skilled call centre where the staff are knowledgeable in Council's individual requirements and trained in identifying the signs of financial hardship.
- Easy to use information portal with real time live updates of R&R communications with ratepayers, including that of field process servers. This is a great benefit when handling complaints and talking to ratepayers and having the most up to date information available.
- R&R Financial Guarantee that Council will not be out of pocket due to legal recovery process, which includes:

12.11 Award of Contract CN10718 - Debt Collection Services**Executive Summary**

- Free of charge legal advice provided by Solicitor or Barrister on rates-related matters. This is most beneficial in some complex matters such as deceased estates, Company wind-up and sale of land matters
- Free of charge legal representation in defended matters including mediation. Fees will only be charged where costs are awarded by the Court which in turn are fully recoverable from the debtor.
- Full refund of all legal costs to ratepayer in situations of confirmed financial hardship ensuring that the debtor receives some additional financial relief through the refund process and Council is not out of pocket.
- Full refund of legal costs in cases where Council may have been at fault – such as Council identifies a naming/addressing error processed by Council after litigation has proceeded
- All charges billed and/or refunded easily reconciled Monthly

Disclosures of Conflicts of Interest in Relation to Advice Provided in this Report

No person involved in the evaluation of tenders declared a direct or indirect interest requiring disclosure.

No person involved in the preparation or approvals of this report declared a direct or indirect interest requiring disclosure.

Contract Value

Whilst the contract is based on a schedule of rates, the estimated value of the contract over the maximum four (4) year term, based on past usage and current delinquent accounts is \$2,247,768 (exclusive of GST).

Term of the Contract

The contract term will align with the Procurement Australia panel, being a period of two years from 1 November 2021 to 31 October 2023. The contract will include two options of one year each, to be exercised at Council's sole discretion subject to satisfactory performance of the contractor.

Policy Considerations

This procurement activity complies with Council's Procurement Policy.

Collaboration

Section 109(2) of the Local Government Act 2020 requires that any report to Council that recommends entering into a procurement agreement must include information in relation to any opportunities for collaboration with other Councils or public bodies.

Procurement Australia contracts are collaborative across Local Government. Accessing these arrangements increase the buying power of Local Government by aggregating spend to ensure value for money.

Financial Implications

Evaluation indicates a total potential contract value of approximately \$2,247,768 exclusive of GST.

In most cases, these legal and administration costs are passed on to the debtor or property owner, and as such are recoverable by Council.

12.11 Award of Contract CN10718 - Debt Collection Services**Executive Summary**

In some cases, legal costs may be written off and the associated costs will be borne by Council, however this is generally less than \$5,000 ex GST per annum. Funding is available from the Revenue Services operational budget to cover these costs.

Legal/Statutory Implications

It was a mandatory requirement that panellists comply with ACCC / ASIC Debt Collection Guidelines for Collectors and Creditors.

Environmental/Sustainability Impacts

Environmental impacts were considered as part of the evaluation criteria in the assessment of the Panel arrangement.

Buy Local Impacts

This contract was not suitable for consideration of Buy Local impacts.

ATTACHMENTS

Attachment A: Procurement Australia Tender Evaluation Report -
CONFIDENTIAL

Attachment B: Recovery and Reconstruction (Aust) Pty Ltd Schedule of Rates -
CONFIDENTIAL

Executive Summary**13.1 Response to NoM 2022/NOM3 - Council's funding strategy towards the Barretts Road (North Section) Sealing and Construction**

*Enquiries: (Doug Dickins: Infrastructure and Operations)
(Isuru Thilakaratne: Infrastructure and Operations)
(Shekar Atla: Infrastructure and Operations)*

Council Plan

Level 1:

6. Progressive and Engaged City

Level 2:

6.1 Ensure sustainable financial management and the strategic allocation of resources to deliver planned infrastructure and services

Purpose

To provide options to Council on a funding strategy for sealing and construction of Barretts Road (North Section) in response to a Notice of Motion.

Recommendation (Director Infrastructure and Operations)

That Council:

1. Notes this report relating to options for a funding strategy for sealing and construction of Barretts Road (north section);
2. Notes the five options outlined in the report:
 - Option 1 – Special Charge Scheme for Barretts Road north section from Robinson Road to 120 Barretts Road (approx. 1200 metres).
 - Option 2 – Barretts Road north section from Robinson Road to 120 Barretts Road (approx. 1200 metres) fully funded by Council.
 - Option 3 – Barretts Road from Robinsons Road to just past Lawton Reserve on-street parking (approx. 560 metres) fully funded by Council.
 - Option 4 – Advocate for external funding to fully fund both sections of Barretts Road from Robinsons Road to Golf Links Road (approx. 1800 metres).
 - Option 5 – Advocate for external funding for unsealed road package.
3. Adopts a funding strategy being a combination of Option 5 (five) and Option 2 (two) for construction of Barretts Road. This funding strategy is intended to provide certainty to property owners in the north section of Barretts Road that they will not be required to contribute to the cost of construction of the north section of Barretts Road, should external advocacy efforts be unsuccessful;
4. After considering over-riding issues in this report, seeks to fund construction of Barretts Road (north section) through external funding or Council funding (if required), and does not initiate formal processes for declaration of a special charge scheme. This decision is considered by Council to be a decision which:
 - a. is consistent with, and does not depart from, the Council's 'Contributory Schemes Policy 2019';
 - b. identifies relevant "over-riding issues" applicable to and in relation to the case-specific construction of Barretts Road; and
 - c. has no future precedential effect so as, in any way, to fetter the future exercise of Council's discretions under the Policy in respect of any future road construction special charge schemes;
5. Supports Council-led advocacy to State and Federal Governments for

13.1 Response to NoM 2022/NOM3 - Council's funding strategy towards the Barretts Road (North Section) Sealing and Construction**Executive Summary**

construction of local roads seeking:

- a. As highest priority, \$4M for construction of Barretts Road, Langwarrin South, in its entirety from Robinsons Road to Golf Links Road;
 - b. As a further package, \$11M for construction of Stotts Lane north from Baxter-Tooradin Road, Frankston South; McKays Road, Langwarrin; Kelvin Grove, Langwarrin; West Road, Langwarrin South; and Frankston-Dandenong Road - Service Road between Mountain View Crescent and Centenary Street, Seaford; and
 - c. Considers that external funding for construction of these roads is not inconsistent with its Contributory Schemes Policy;
6. Notes the total project cost for construction of Barretts Road (north section) from Robinson Road to 120 Barretts Road (approx. 1200 metres) of \$2.1M, which is already funded by \$50K in the adopted budget in 2021/22 and a further \$1.56M in the draft Long Term Infrastructure Plan for 2022/23; and

Commits an additional Council contribution up to \$490K to offset the property owner contribution at the mid-year budget review in 2022/23 in the event that external advocacy efforts during 2022 are unsuccessful.

Key Points / Issues

- At its meeting on 21 February 2022, Councillor Liam Hughes tabled a Notice of Motion regarding Council's funding strategy towards the Barretts Road (North Section) Sealing and Construction. Council resolved:
"That Council receives a report to the 4 April 2022 Council Meeting that outlines funding options to deliver the sealing and construction of the north section of Barretts Road, Langwarrin South (from Robinsons Road to almost 200 metres beyond Clemac Close), including a preferred option, in my view, to fully fund its construction. It is anticipated the project would be referred to the 2022/23 budget process for inclusion in the capital works program."
- Council officers have been working on a proposal to construct Barretts Road dating back to 2004 when a survey of property owners at the time indicated there was insufficient support for the project to proceed as a Special Charge Scheme.
- In August 2016 a petition was received by Council seeking construction of Barretts Road. In considering the matter, on 18 July 2016 Council resolved, in part, the following:
 1. *"Undertakes the Barretts Road construction proposal as two separate projects due to the further investigation and likely costs required to complete the southern section of the road.*
 2. *Sends the draft letters attached to this report to all property owners in Barretts Road which:*
 - *Seeks feedback from owners in the northern section of road on Council's proposal to commence the Scheme process for the northern section; and*
 - *Informs owners in the southern section of Council's decision".*
- Council officers have been working with property owners in Barretts Road to further develop the project as a Special Charge Scheme and determine level of support.

13.1 Response to NoM 2022/NOM3 - Council's funding strategy towards the Barretts Road (North Section) Sealing and Construction**Executive Summary**

- The most recent meeting was held on-line on 26 October 2021 at which officers presented the proposal and addressed a number of questions from the property owners. The proposed action from this meeting was to present a report to Council in March 2022 seeking Council to consider resolving Intent to Declare a Special Charge Scheme.
- Several property owners had expressed concern about the individual contribution to the project, how it related to through traffic and use of Lawton Reserve, and the ability to pay for the project should it be adopted.
- Five funding options were explored in response to the Notice of Motion to deliver the sealing and construction of the north section of Barretts Road, Langwarrin South (from Robinsons Road to almost 200 metres beyond Clemac Close) are presented for consideration by Council. Summarised below:
 - Option 1 – Special Charge Scheme for Barretts Road north section from Robinson Road to 120 Barretts Road (approx. 1200 metres).
 - Option 2 – Barretts Road north section from Robinson Road to 120 Barretts Road (approx. 1200 metres) fully funded by Council.
 - Option 3 – Barretts Road from Robinsons Road to just past Lawton Reserve on-street parking (approx. 560 metres) fully funded by Council.
 - Option 4 – Advocate for external funding to fully fund both sections of Barretts Road from Robinsons Road to Golf Links Road (approx. 1800 metres).
 - Option 5 – Advocate for external funding for unsealed road package (preferred by officers).

Financial Impact

There are financial implications associated with the five options presented in this report. These implications are discussed in this report, however are summarised below:

- Option 1 - Council continues with the Special Charge Scheme process. The total project cost is \$2.1M, which is already funded by \$50K in the adopted budget in 2021/22 and a further \$1.56M in the draft Long Term Infrastructure Plan for 2022/23.
- Option 2 – Council fully funds construction of Barretts Road which will require a total project cost of \$2.1M of Council funds, which is already funded by \$50K in the adopted budget in 2021/22 and further \$1.56M in the draft Long Term Infrastructure Plan in 2022/23 with the additional \$490,000 to be funded by Council at the mid-year budget review in 2022/23.
- Option 3 – Council fully funds construction of Barretts Road to Lawton Reserve only. This is estimated to be \$1,000,000 and can be accommodated within the funding of \$1.56M in the draft Long Term Infrastructure Plan.
- Option 4 – Council advocate for funding of \$4M to State and Federal Government for construction of Barretts Road in its entirety. If successful this option would construct the road at no cost to Council and realise savings within the Long Term Infrastructure Plan.

13.1 Response to NoM 2022/NOM3 - Council's funding strategy towards the Barretts Road (North Section) Sealing and Construction**Executive Summary**

- Option 5 – Council advocate for funding of \$15M to State and Federal Government for construction of a package of local roads. If successful this option would construct the roads at no cost to Council and realise savings within the Long Term Infrastructure Plan.

In considering lifecycle cost for a road, maintenance costs will be reduced through construction of the road however this reduction in maintenance costs may not offset the initial construction and sealing costs. However a constructed and sealed road will provide a better level of service for property owners and the community.

Consultation

- **External Stakeholders**

Council has been consulting with property owners of Barretts Road for some time now, most recently since the Council resolution in 2016 to continue with engagement in relation to the north section of Barretts Road.

Council also sought community input into the Contributory Schemes Policy review in 2019. At that time Council sent letters to all property owners on unsealed roads.

- **Other Stakeholders**

Internal stakeholders have been consulted from a range of Council departments including Operations, Capital Works Delivery, Sustainable Asset, Finance & Corporate Planning and Engineering Services.

Analysis (Environmental / Economic / Social Implications)

This report is intended to discuss options for funding construction of Barretts Road and does not consider broader environment, economic and social implications. However environmental considerations have influenced the design of the road to minimise the impact on vegetation and habitat along the road. Economic and social consideration relating to benefits to residents, property owners and users of the soccer facility have been incorporated into the contributory Scheme process. This process has identified benefits including dust reduction, improved property appearance and increased property value.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

All matters relevant to the Charter of Human Rights and Responsibilities have been considered in the preparation of this report and are consistent with the standards set by the Charter.

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

This matter has regard to Council's Contributory Schemes Policy. Council has an obligation to consider this policy to ensure it is being applied fairly and consistently, noting that Council may consider there are over-riding issues to allow some deviation from the policy.

Policy Impacts

As noted above, this matter is being considered having regard to Council's Contributory Schemes Policy.

13.1 Response to NoM 2022/NOM3 - Council's funding strategy towards the Barretts Road (North Section) Sealing and Construction**Executive Summary**Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

There are risks associated with unsealed roads relating to dust generated during maintenance of unsealed roads and from general use of the road.

This matter is not an issue particular to Frankston but is applicable to most Councils. There has been some investigation into this matter by other Councils. A report conducted by Shire of Campaspe commented "there is little evidence to suggest that the road making material and the unsealed roads pose an unacceptable health risk to people living in the Shire".

As Council has a Contributory Schemes Policy it is required to consider this policy. Barretts Road is identified in the policy and ranked as a high priority, priority 3. Council should therefore determine if there are any overriding issues which would justify the project being removed from the requirements of the policy.

Whilst the policy is intended to guide the outcome and is a flexible tool that does not bind Council to a course of action, there is general expectation and a legal requirement to ensure the policy is applied fairly and consistently.

There is potential for reputational and political risk associated with funding unsealed roads and the expectation generated within the community based upon Council's decision in particular the future of Special Charge Schemes.

Conclusion

This report has presented five options for Council consideration, for funding Barretts Road sealing and construction. Council officers preferred option is to support Council-led advocacy for funding of \$15M to State and Federal Governments for construction of a package of local roads including Barretts Road from Robinsons Road to Golf Links Road, Stotts Lane north from Baxter-Tooradin Road, McKays Road, Kelvin Grove and West Road.

Officers note that should external funding not be forthcoming for this project, that Council should reconsider this matter having regard to any additional information available.

ATTACHMENTS

Nil

13.1 Response to NoM 2022/NOM3 - Council's funding strategy towards the Barretts Road (North Section) Sealing and Construction Officers' Assessment**Background**

Council officers have been investigating and engaging with property owners in Barretts Road for some time now in relation to construction of the road. This dates back to 2004 when a survey of property owners determined that there was insufficient support to construct the road as a Special Charge Scheme taking into consideration Council's Contributory Schemes Policy.

The project gained further momentum in 2016 when a petition was received by Council requesting that the road be constructed. At its meeting on 18 July 2016 Council considered a report relating to this petition and resolved, in part;

“That Council

- 1. “Undertakes the Barretts Road construction proposal as two separate projects due to the further investigation and likely costs required to complete the southern section of the road.*
- 2. Sends the draft letters attached to this report to all property owners in Barretts Road which:*
 - Seeks feedback from owners in the northern section of road on Council's proposal to commence the Scheme process for the northern section; and*
 - Informs owners in the southern section of Council's decision”.*

Design of the project has commenced and initial consultation meetings with property owners continued. A survey in 2017 indicated the following support for the project as a Special Charge Scheme:

| | Number | % |
|-------------------------|--------|--------|
| Number of Properties | 40 | |
| Responses in favour | 22 | 55 % |
| Responses in opposition | 9 | 22.5% |
| Responses unsure | 2 | 5 % |
| No response | 7 | 17.5 % |

A further public meeting of property owners was proposed but has been delayed due to the impacts of Covid-19. The meeting was held remotely on 26 October 2021. Officers presented to the property owners and responded to a number of questions raised. Further responses were provided to property owners through a letter sent to all following the meeting.

Issues and Discussion

- Special Charge Scheme

Special Charge Schemes are used by a large number of Councils as a mechanism to spread the financial burden of constructing unsealed roads.

The Local Government Act 1989 provides Council with the ability to introduce a Special Charge Scheme whereby landowner contributions can be sought for infrastructure improvements such as roads, footpaths and drainage. Such landowner funded schemes have been in place for many years.

13.1 Response to NoM 2022/NOM3 - Council's funding strategy towards the Barretts Road (North Section) Sealing and Construction
Officers' Assessment

Properties which contribute are those properties which are identified as receiving special benefit from the works, i.e, a benefit which is over and above that obtained by persons who have not been included in the scheme.

Council makes a contribution on behalf of the broader community where others will also receive some benefit from the works, such as a road that provides access to a facility or to a number of other roads which, generates a higher volume of traffic. Council contribution will also reflect use of the road by through traffic.

The formal statutory process of the Local Government Act 1989 provides opportunity for landowners to make submissions/objections where a landowner has issues associated with the proposal. Formal notices are provided to all landowners as part of the statutory process. At this time, landowners may make a written submission/objection to Council. Those making submission may appear before Council to be heard in support of their submission.

Following consideration of any submissions received, Council will then determine whether to proceed with the special charge. All landowners are further notified of Council's decision.

If Council resolves to proceed with the special charge, a person may then apply to the Victorian Civil and Administrative Tribunal for a review of Council's decision.

- Contributory Schemes Policy

In constructing a road on the prioritised list of roads, Council is obliged to consider the Contributory Schemes Policy, and ensure the policy is applied fairly and consistently. The Contributory Schemes Policy, in its Appendix, contains a list of roads within Frankston prioritised in accordance with a range of criteria to indicate priority for implementation of construction through a Special Charge Scheme.

Construction of Barretts Road (or any other road on the list) through a Special Charge Scheme is consistent with Council's policy and with previous practice within Frankston and across Victoria.

For Council to deviate from this policy it should consider and determine if there are any specific overriding issues which would justify the project being removed from the requirement. An example may be circumstances where the cost for implementing and managing a scheme may outweigh the contribution to be received if the contribution is small. This could be the case for Stotts Lane.

Council could amend the prioritised road list in the Contributory Schemes Policy and adopt the revised policy. This may require community consultation.

Should Council construct a road not in line with Contributory Schemes Policy it would not necessarily create a legal precedent for future or previous projects.

However expectation would be created in the community that future roads could also be constructed without use of the Special Charge scheme processes. This may represent a reputational and political risk to Council.

Whilst there would be no legal basis for seeking recompense for previous schemes, contributors may feel unfairly treated and seek/demand Council reimburse them.

13.1 Response to NoM 2022/NOM3 - Council's funding strategy towards the Barretts Road (North Section) Sealing and Construction Officers' Assessment

- Unconstructed Roads and Dust

Council has over 30kms of unconstructed and/or unsealed roads. This is a relatively small length of road compared to some other Councils

It is not uncommon for complaints to be received regarding dust created on these unsealed roads by traffic, whether it be from local traffic or other traffic. Dust complaints are much more common during the drier months.

Council provides dust suppression treatments to most of its unconstructed roads. In 2021/22 two applications were applied in November and March to Barretts Road. This represents a higher level of service for dust suppression treatment than some other Councils in Victoria.

The product used provides a solid wearing surface on the road and reduces dust. However the road may become slippery if dust suppressant is overused or applied too frequently. The surface may also become slippery in winter months if overused or applied incorrectly.

By constructing a road, through Special Charge Scheme or other funding method, Council can be seen to be addressing dust concerns.

Several other Councils have investigated dust concerns of residents in recent years. Bass Coast Shire Council through an EPA review concluded "The assessment concluded the health risk to residents from occasional exposure to road dust would be considered low".

Shire of Campaspe has done a hazard assessment of dust on unsealed roads and found "there is little evidence to suggest that the road making material and the unsealed roads pose an unacceptable health risk to people living in the Shire"

- Lifecycle Costs

An unsealed road requires regular grading, potholing and dust suppression, whereas a sealed and constructed road requires patrol and pothole repairs from time to time. However a sealed roads also require resurfacing approximately every 20 years to maintain the surface and prevent water ingress into the pavement. Through appropriate and timely maintenance routine and periodic maintenance a road may be expected to last up to 100 years.

In considering lifecycle cost for a road, maintenance costs will be reduced through construction of the road however this reduction in maintenance costs may not offset the initial construction and sealing costs. However a constructed and sealed road will provide a better level of service for property owners and the community.

Options Available

- Option 1 – Special Charge Scheme for Barretts Road north section from Robinson Road to 120 Barretts Road (approx. 1200 metres)

This option is for Council to continue with the process for funding construction of the north section of Barretts Road through declaration of a Special Charge to benefitting properties. Benefitting properties are properties on Barretts Road and Clemac Close, which uses Barretts Road to access properties. The declaration of a special charge would be made pursuant to section 163 of the Local Government Act.

13.1 Response to NoM 2022/NOM3 - Council's funding strategy towards the Barretts Road (North Section) Sealing and Construction
Officers' Assessment

Council has adopted a Contributory Schemes Policy initially in 1996, with the latest revision adopted in 2019. Implementation of a Special Charge Scheme for this road would be seen to be in accordance with Council's adopted policy and past practice. Barretts Road is ranked priority 3 in the prioritised list of unsealed roads in the Contributory Schemes Policy 2019.

Not only is the use of special Charge Schemes consistent with Council's policy, it is also a well-used practice in Frankston and many other municipalities in Victoria.

Traffic studies conducted for two weeks during the soccer season in 2019 have found that traffic accessing Lawton Reserve contributed to 58% of traffic using Barretts Road and that a further 18% of traffic was through traffic travelling from Golf Links Road to Robinsons Road. Local traffic contributed 24% of traffic on the road. Apportionment of costs to properties considered the road usage by local traffic, through traffic and traffic associated with Lawton Reserve.

There is an established and statutory process for submissions and objections to both Council and VCAT through the process of declaring and implementing a Special Charge Scheme. This process will also determine support or otherwise for the project

Should a scheme be implemented, property owners will have an option to pay their contribution in 40 quarterly instalments over 10 years. If hardship cases were identified these could be considered by Council in the same way it considers hardship for general rates.

- Option 2 – Barretts Road north section from Robinson Road to 120 Barretts Road (approx. 1200 metres) fully funded by Council

In this option Council would contribute the entire cost of the project and cease the current process for using a special charge to assist in funding Barretts Road from Robinsons Road to just past Clemac Close.

Properties on Barretts Road and Clemac Close, which uses Barretts Road for access would have the benefits of a constructed road, including reduction of dust, better wearing surface, improved appearance of property and increased property value.

Property owners and the community may see this as precedent for Council funding construction of all unsealed roads and create expectation and increased demand for other roads, although it would not necessarily create a legal precedent for future projects. Property owners may have an expectation that further roads will be funded through a similar process. Noting that Council has approximately 30.4km of unsealed roads and 1.8 km of unsealed lanes, it may cost in excess of \$60 million to construct all these roads

This option would address resident perception that the Council owned soccer facility is causing the dust and associated road. However these concerns could be addressed by constructing the road from Robinsons Road to Lawton Reserve only or by constructing Barretts Road in its entirety. Further the Special Charge process has considered community benefit and special benefit to properties in apportioning costs.

Given that it is currently proposed Council contribute 76% of the costs of the project as result of traffic generated by the soccer club and through traffic and other general community benefits. The costs charged under a special charge scheme is only 24%, or less of the project cost. Council may consider it not be

13.1 Response to NoM 2022/NOM3 - Council's funding strategy towards the Barretts Road (North Section) Sealing and Construction Officers' Assessment

worthwhile to devote wider resources to commence and implement the statutory process for a special charge scheme for the construction of Barretts Road.

Further Council may consider that there may, in the conceivable future be further development of the Lawton Reserve facility to generate additional traffic above that considered through the traffic survey.

For these and other social, political and reputational reasons and considerations, Council may, as a case-specific decision, make a decision not to proceed with a special charge scheme for the construction of Barretts Road and to otherwise fully fund the construction costs for Barretts Road itself. In making this decision, and for the avoidance of any present or future doubt, it must be recognised that this is confined only to Barretts Road (north section) and has no, and is not intended to have any, wider application.

- Option 3 – Barretts Road from Robinsons Road to just past Lawton Reserve on-street parking (approx. 560 metres) fully funded by Council

To address the view of property owners that the issues on Barretts Road are caused by the use of Lawton Reserve, Council could construct the road to Lawton Reserve only.

Whilst this issue would address any concerns from property owners up to Lawton Reserve, there are additional properties beyond Lawton Reserve which would not receive the benefit of a constructed road. Further property owners in Clemac Close would still need to negotiate an unconstructed road.

As Council has a Contributory Schemes Policy it is required to consider this policy. Barretts Road is identified in the policy and ranked as a high priority, priority 3. Council should therefore determine if there are any overriding issues which would justify the project being removed from the requirements of the policy.

Whilst the policy is intended to guide the outcome and is a flexible tool that does not bind Council to a course of action, there is general expectation and a legal requirement to ensure the policy is applied fairly and consistently.

Given that it is currently proposed Council contribute 76% of the costs of the project as result of traffic generated by the soccer club and through traffic and other general community benefits. The costs charged under a special charge scheme is only 24%, or less of the project cost. Council may consider it not be worthwhile to devote wider resources to commence the statutory process for a special charge scheme for the construction of Barretts Road.

Further Council may consider that there may, in the conceivable future be further development of the Lawton Reserve facility to generate additional traffic above that considered through the traffic survey.

For these and other social, political and reputational reasons and considerations, Council may, as a case-specific decision, make a decision not to proceed with a special charge scheme for the construction of Barretts Road and to otherwise fully fund the construction costs for Barretts Road itself. In making this decision, and for the avoidance of any present or future doubt, it must be recognised that this is confined only to Barretts Road (north section) and has no, and is not intended to have any, wider application.

This option could be implemented within Council's existing Long Term Infrastructure Plan.

13.1 Response to NoM 2022/NOM3 - Council's funding strategy towards the Barretts Road (North Section) Sealing and Construction
Officers' Assessment

- Option 4 – Advocate for external funding to fully fund both sections of Barretts Road from Robinsons Road to Golf Links Road (approx. 1800 metres)

Council could advocate to State and Federal Governments for funding through opportunities created in the current election cycle. If successful, this would see construction of Barretts Road with little or no contribution from Council or property owners.

Construction of the road is dependent upon successful advocacy.

Property owners and the community may see this as precedent for Council funding construction of all unsealed roads and create expectation and increased demand for other roads, although it would not necessarily create a legal precedent for future projects.

In considering construction of other roads, Council would be required to consider its Contributory Schemes Policy to ensure it is being fairly and consistently applied. However the ability to seek and obtain external funding for any one or more particular roads would not be considered divergence from the policy.

- Option 5 - Advocate for external funding for unsealed road package

With the current election cycle there presents an opportunity for Council to advocate to State and Federal governments for funding for a package of roads which could be implemented within the next three to four years.

Having consideration to the priority listing in Contributory Schemes Policy, resident concerns and emerging community issues, a package of roads could include the following roads:

- Barretts Road (Both north and south sections) – Highest Priority
- Stotts Lane,
- McKays Road
- Kelvin Grove
- West Road
- Frankston-Dandenong Road - Service Road

If successful this option would see Council delivering sealing and construction of a number of projects in conjunction with a funding partner. These roads would be constructed with little or no contribution from Council or property owners.

Construction of this package is dependent upon successful advocacy.

Should the advocacy be unsuccessful, Council could then reconsider the matter to determine the proposed funding option for construction of Barretts Road (north section).

Property owners and the community may see this as precedent for external funding construction of all unsealed roads and create expectation and increased demand for other roads, although it would not necessarily create a legal precedent for future projects.

In considering construction of other roads, Council would be required to consider its Contributory Schemes Policy to ensure it is being fairly and consistently applied. However the ability to seek and obtain external funding for any one or more particular roads should not be seen as inconsistent with the policy.

13.1 Response to NoM 2022/NOM3 - Council's funding strategy towards the Barretts Road (North Section) Sealing and Construction**Officers' Assessment**

The resource requirements associated with each option are noted in this report in financial considerations.

14.1 2022/NOM4 - Nat's Track

On 23 February 2022 Councillor Bolam gave notice of his intention to move the following motion:

That Council:

1. Notes \$30,000 currently allocated in the Annual Budget 2021/2022 to provide an artistic mural on a private wall in the Seaford Town Centre as nominated by Cr Bolam;
2. Further notes that the allocated funds referred to in Item 1 are no longer required as the site owner has erected private advertising signage on the formerly vacant wall;
3. Reallocates \$10,000 from the current \$30,000 allocation to conclude Council's contribution to the upgrade works to Nat's Track, notably:
 - a) the installation of six decorative art piece, before the May opening, to be affixed to the upgraded fence line adjoining Monterey Secondary College.
 - b) the installation of seven decorative art piece, before the May opening, to be affixed to the upgraded fence line adjoining the Peninsula Kingswood Golf Club.
 - c) the donation of up to \$4000 worth of trees to the Monterey Secondary College to plant on their site, along or near to the track. These trees are to be planted before the May opening.
 - d) Contribution to the official event to unveil the upgraded track to be held in May 2022.
4. Writes to the Peninsula Kingswood Golf Club to thank them for their significant contribution to Nat's Track through:
 - a) Upgrade of their fence adjoining the track
 - b) Contribution to and support of the stakeholder group
 - c) In-kind support in facilitating the decoration of the planter boxes to be installed along the track and to be maintained by students of Monterey Secondary College.
5. Writes to the National Golf Club to:
 - a) thank them for their contribution to Nat's Track to date.
 - b) enquire as to when they will complete the upgrade of their fence along the length of the track to match the upgraded fencing already in place.
 - c) Advise that Council will consider providing financial assistance to the National Golf Club when their upgraded fencing is complete to assist in the installation of decorative art pieces along this fencing.
6. Reallocates \$20,000 from the current \$30,000 allocation towards the 2021/22 Capital Works Program for beautifying the following power/electrical boxes:
 - Dandenong Road East / Fletcher Road 1x
 - Frankston Dandenong Road / Excelsior Drive 1x
 - Ballam Park Cranbourne Road 1x
 - Seaford Road 1x
 - Railway Parade 2x

14.1 2022/NOM4 - Nat's Track

- Hartnett Drive / Seaford Road 1x
- Skye Road 1x
- Karingal Drive 1x
- Nepean Highway / Seaford Road (Safeway) 1x
- Frankston Dandenong Road / Skye Road Underpass 1x
- Beach Street / McMahons Road Underpass 1x
- any overhead expenses relating to current electric boxes receiving beautification treatment per Annual Budget 2021/2022

COMMENTS BY Director Communities

| Question for Consideration | |
|--|---|
| 1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager? | YES Comments: There have been a number of conversations and meetings with the Director Communities and Director Infrastructure and Operations regarding this NoM. |
| 2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months? | YES Comments: Nil. |
| 3. Is the NoM clear and well worded? | YES Comments: Nil. |
| 4. Is the NoM capable of being implemented? | YES Comments: The Director Communities and Director Infrastructure and Operations have confirmed that the timeframes required in Items 3 and 6 of the NoM are achievable with the associated (proposed) reallocation of funds from the adopted 2021/22 budget to these items. |
| 5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation? | NO Comments: It has been established through conversations and meetings leading up to this NoM what is required if the NoM becomes a Council resolution. |
| 6. Is the NoM within the powers of a municipal Council? | YES Comments: Nil. |

14.1 2022/NOM4 - Nat's Track

| Question for Consideration | |
|---|--|
| 7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible? | YES Comments: Nil. |
| 8. Is the NoM consistent with all relevant legislation? | YES Comments: Nil. |
| 9. Is the NoM consistent with existing Council or State policy or position? | YES Comments: The NoM seeks to conclude Council's financial contribution to the Nat's Track project in Frankston North, as well as to add to the list of power/electrical boxes to be beautified in the municipality. |
| 10. Is the NoM consistent with Council's adopted strategic plan? | YES Comments: Nil. |
| 11. Can the NoM be implemented without diversion of existing resources? | YES Comments: there will be some diversion of existing resources in the form of officer time. However the funds proposed to be reallocated to the specific works required by Items 3 and 6, will make these works achievable within the required timeframes. |
| 12. Can the NoM be implemented without diversion of allocated Council funds? | NO Comments: The NoM seeks to reallocate funds in the adopted 2021/22 budget from a project in Seaford where the funds are no longer required, to two projects comprising final works to Nat's Track and beautification works to power/electrical boxes. |
| 13. Are funds available in the adopted budget to implement the NoM? | YES Comments: See comments in the above box. |
| 14. What is the estimated cost of implementing the NoM? | YES Year 1: \$30,000 (total) Recurring: \$ Nil Comments: Nil. |

ATTACHMENTS

Nil

14.2 2022/NOM5 - Rate Reduction Relief for Frankston Residents

On 21 January 2022 Councillor Steven Hughes gave notice of his intention to move the following motion:

That Council guarantee a reduction in rates for the financial year 2022/23 as part of the ongoing development of the next financial year budget.

| Rating Type | | Required adjustment to rates percentage from adopted 2022/23 Budget |
|--------------------------------|--|---|
| General | A decrease of at least 5 per cent | -5.00% |
| Commercial | A decrease of at least 1 per cent | -1.00% |
| Industrial | No change | 0% |
| Farm | No change | 0% |
| Vacant | An increase of no more than 5 per cent | 5.00% |
| Derelict | An increase of no more than 5 per cent | 5.00% |
| Acacia Heath | A decrease of at least 5 per cent | -5.00% |
| Retirement Villages | A decrease of at least 1 per cent | -1.00% |
| Rateable recreation properties | No change | 0% |
| Rate by agreement | No change | 0% |

- Rate capped increase of 1.75 per cent for 2022-2023 recommended by the State Minister is not to be implemented;
- Waste charges are to continue being charged at full cost recovery;
- Other fees and charges to be amended based on 2021-2022 method or percentage and are not to be increased any further to offset the reduction of rate revenue.

The above adjustments are to be implemented based on the following conditions:

- The underlying result for 2022-2023 is required to run at a surplus even with the removal of the rate cap of 1.75 per cent and adjustments highlighted in the table above;
- The reduction in rate income is offset by the following areas identified by Council officers and Councillors during the 2022-2023 budget process:
 - Operating cost reductions
 - Other income generation opportunities
 - Capital Works reductions
- The following departments are to retain their 2021-2022 allocated budget plus a 1.75 per cent increase (rate cap):
 - Operations Centre
 - Family Health & Support Services
 - Community Safety
 - Waste and Recycling
- The Planning department is to maintain its 2021-2022 budget as a minimum;
- From campaigning and our current dealings with the general public, the number one concern, by a long way, is the cost of rates to the residents;

14.2 2022/NOM5 - Rate Reduction Relief for Frankston Residents

The above Notice of Motion is a reasonable measure for the ratepayers to be relieved of the rate burden. We look forward to working with you to action this.

Rationale:

From campaigning and our dealings with the general public the number one concern, by a long way, is the cost of rates to the residents.

The purpose of this NOM is therefore for Council to guarantee a reduction in rates for the financial year 2022/23 as compared to the base level of rates Council levied in 2021-2022. This NOM further assumes that Council will not apply the 1.75 per cent rate increase allowed under the State Government rate cap.

In making these changes which will reduce Council revenue, it is understood that Council will need to reduce expenditure accordingly in order to ensure that Council does not run at a deficit Budget (either on cash basis or an underlying result). These reductions may come in the form of operating services reductions, other income generation or reduced capital spending.

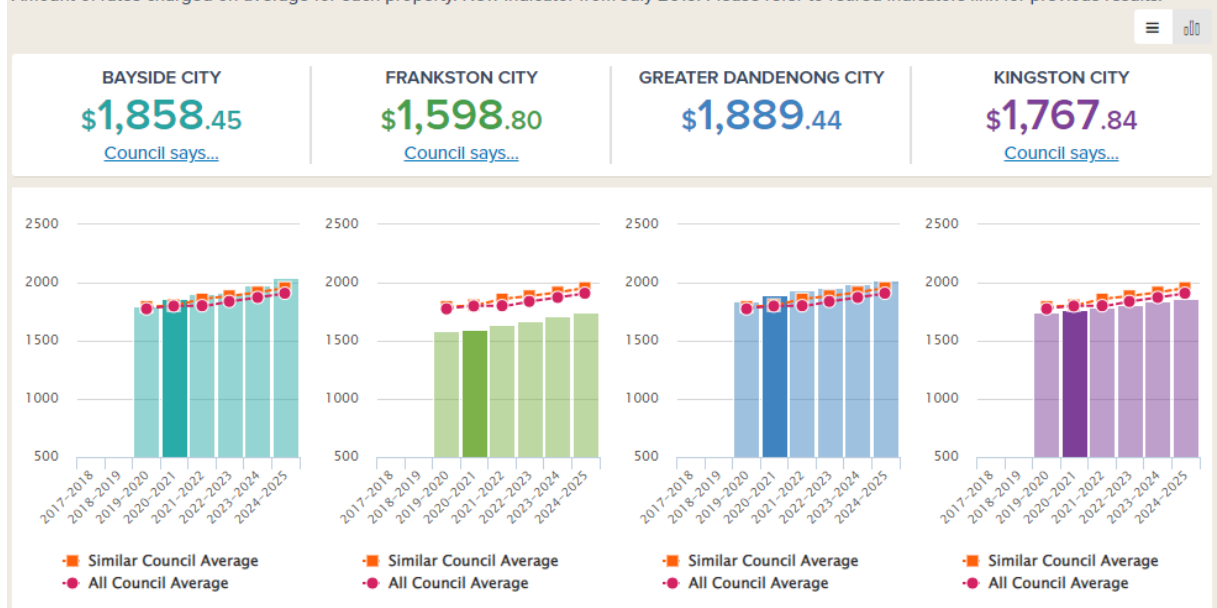
Whilst understanding that Council is yet to conduct a review of the proposed 2022-23 operating budgets, this NOM seeks that the areas of the Operations Centre, Family Health & Support Services, Community Safety and Waste and Recycling increase their operating expenditure in line with the rate cap of 1.75 percent from 2021-22. In addition, the Planning department is not be adversely impacted upon by reductions in operational budgets.

COMMENTS BY Director Corporate and Commercial Services

Frankston City Council rates are not higher than average in comparison to other Metropolitan Councils and are in fact generally lower particularly when comparing rates to other Councils in Melbourne's eastern suburbs.

Average rate per property assessment

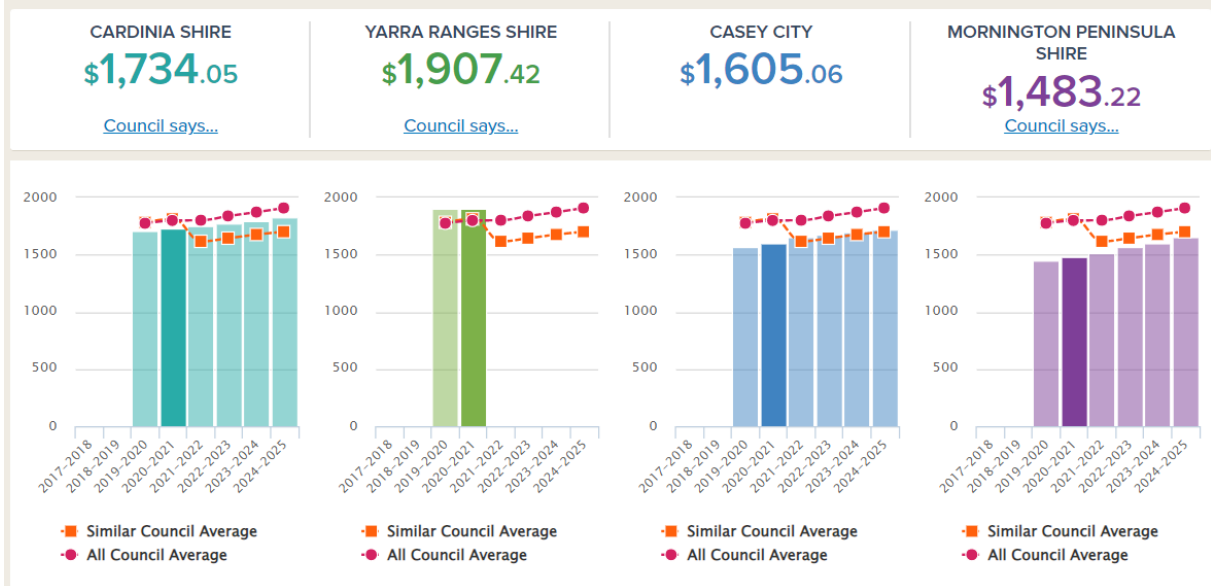
Amount of rates charged on average for each property. New indicator from July 2019. Please refer to retired indicators link for previous results.



14.2 2022/NOM5 - Rate Reduction Relief for Frankston Residents

Average rate per property assessment

Amount of rates charged on average for each property. New indicator from July 2019. Please refer to retired indicators link for previous results.



Source: Know your Council

The average valuation however in Frankston is generally lower than many of these Councils and significantly lower in comparison to inner Melbourne bayside suburbs.

This means that for Frankston City Council to raise a similar amount in rates as other Councils (for it to provide a similar level of local government services) it must use a rate in the dollar which is applied to the valuations.

The implementation of this NOM will essentially reduce Council rates from the 2021-2022 base by approximately 5 per cent. It will also prevent Council from accessing the rate capped increase set by the State Government of 1.75 per cent. This combined variation of 6.75 per cent will not only apply to the 2022-2023 financial year but will form the new base rates moving forward. It will therefore be built into every future financial year and Council will not be able to recover this amount due to the rate cap framework.

Viewed over several financial years, the implications of this NOM are extremely significant and will impact on Councils future ability to both provide services and deliver key community infrastructure projects.

The budget process for the 2022-2023 financial year has commenced and involves robust Councillor review and deliberative community engagement. Council is currently developing its year 2 Council Plan deliverables that will inform the annual budget in order to provide services to address Frankston City community needs, particularly to assist with the recovery from the COVID-19 pandemic.

It is recommended that Council consult with the community and conduct a robust review of the budget prior to supporting an outcome that may be contrary to the views of the community and put at risk Council's ability to meet future community needs.

| Question for Consideration | |
|---|-----|
| 1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager? | YES |

14.2 2022/NOM5 - Rate Reduction Relief for Frankston Residents

| Question for Consideration | |
|--|---|
| 2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months? | YES |
| 3. Is the NoM clear and well worded? | NO Comments: The wording in some sections are confusing for the community to understand. Council officers will work with the relevant Councillors to reword the NoM. |
| 4. Is the NoM capable of being implemented? | YES Comments: Once Council officers re-formulate the wording and provide clarity, it would appear that the NoM could be implemented. However the impacts of implementing this NoM is unclear as Council is yet to participate in the annual budget process whereby Council services and infrastructure delivery will need to be reduced in all future years to implement this NoM . |
| 5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation? | YES Comments: The implementation of this NoM will require a number of meetings with Managers, Directors and Councillors to determine funding of proposed reductions in future income. |
| 6. Is the NoM within the powers of a municipal Council? | NO/YES Comments: At this early stage, officers are unsure whether the NoM is within the powers of a municipal Council. In order to implement this NoM, Council must comply with the requirements of the Local Government Act 2020. |
| 7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible? | NO/YES Comments: At this early stage, officers are unsure whether the NoM is free from overlap with matters for which the State and/or Federal Government are responsible. In order to implement this NoM, Council must comply with the requirements of the Local Government Act 2020. |

14.2 2022/NOM5 - Rate Reduction Relief for Frankston Residents

| Question for Consideration | |
|--|---|
| 8. Is the NoM consistent with all relevant legislation? | NO/YES Comments: At this early stage, officers are unsure of any inconsistencies with relevant legislation. In order to implement this NoM, Council must comply with the requirements of the Local Government Act 2020. |
| 9. Is the NoM consistent with existing Council or State policy or position? | NO Comments: The Financial Plan and Rating and Revenue Strategy have been developed and adopted by Council in the first year of its term. |
| 10. Is the NoM consistent with Council's adopted strategic plan? | NO Comments: The Financial Plan and Rating and Revenue Strategy have been developed and adopted by Council in the first year of its term. |
| 11. Can the NoM be implemented without diversion of existing resources? | NO Comments: In order to implement this NoM, Council will be required to significantly reduce services and infrastructure delivery in future years. |
| 12. Can the NoM be implemented without diversion of allocated Council funds? | NO Comments: Council services and infrastructure delivery will need to be significantly reduced in all future years to implement this NoM. |
| 13. Are funds available in the adopted budget to implement the NoM? | NO Comments: Proposed reductions in income are intended to be implemented in the 2022-2023 budget which has not yet been drafted or adopted by Council. |
| 14. What is the estimated cost of implementing the NoM? | Year 1: Approx. \$5.83M cash deficit Recurring: Accumulated effect each year Comments: Over a 10 year period, the estimated cash deficit will be in excess of \$64.067M |

ATTACHMENTS

Nil

17. CONFIDENTIAL ITEMS

Section 3(1) of the *Local Government Act 2020* enables the Council to close the meeting to the public if the meeting is discussing any of the following:

- (a) Council business information that would prejudice the Council's position in commercial negotiations if prematurely released;
- (b) Security information that is likely to endanger the security of Council property or the safety of any person;
- (c) Land use planning information;
- (d) Law enforcement information;
- (e) Legal privileged information;
- (f) Personal information;
- (g) Private commercial information;
- (h) Internal arbitration information;
- (i) Councillor conduct panel information
- (j) Information prescribed by the regulations to be confidential information for the purposes of this definition;
- (k) Information that was confidential information for the purposes of section 77 of the *Local Government Act 2020*
- (l) A resolution to close the meeting to members of the public pursuant to section 66(2)(a).

Recommendation

That the Council Meeting Council Meeting be closed to the public to discuss the following Agenda items and all documents associated with the consideration and discussion of it, that are designated confidential information by me, pursuant to Section 3(1)) of the *Local Government Act 2020* on the following grounds

C.1 South East Metropolitan Advanced Waste Processing Project

Agenda Item C.1 South East Metropolitan Advanced Waste Processing Project is designated confidential as it relates to contractual matters (s89 2d):

.....
Signed by the CEO