



**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 29 JANUARY 2024 at 7:02 PM**

PRESENT	Cr. Kris Bolam (Chair) Cr. Glenn Aitken Cr. David Asker Cr. Sue Baker Cr. Claire Harvey Cr. Brad Hill Cr. Suzette Tayler
APOLOGIES:	Cr. Nathan Conroy (Mayor) leave of absence Cr. Liam Hughes (Deputy Mayor) apology
ABSENT:	Nil.
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Ms. Kim Jaensch, Director Corporate and Commercial Services Ms. Angela Hughes, Director Communities Mr. Vishal Gupta, Acting Director Infrastructure and Operations Mr. Eddie Cheng, Acting Director Customer Innovation and Arts Ms. Brianna Alcock, Manager Governance Mr. Sam Clements, Manager Development Services Ms. Fiona McQueen, Manager Community Relations Mr. Nathan Upson, Manager People and Culture Ms. Tenille Craig, Team Leader Governance Ms. Poonam Kothari, Governance Officer Mr. Connor Rose, Systems Support Officer Mr. Jeremy O'Rourke, Supervising Technician Mr. Josh Lacey, Supervising Technician
EXTERNAL REPRESENTATIVES:	Nil

The Chief Executive Officer, Mr Phil Cantillon, opened the Meeting with the following statement:

“Before we continue I will make a brief statement, Cr Tayler will make the Councillor statements and then I will call for a motion for a temporary chair.

I am opening the meeting today because both Mayor and Deputy Mayor are unable to attend this meeting.

As you may be aware our Mayor Nathan Conroy has been preselected as a liberal candidate for the Federal seat of Dunkley and has taken a leave of absence from 5:00pm on 16 January 2024 until the day on which the results of the by-election, scheduled on 2 March 2024, are announced.

Deputy Mayor, Cr Liam Hughes is an apology for tonight.

I also welcome our new Councillor Glenn Aitken who is with us tonight. He took an oath of office as a councillor on 19 January 2024.

This meeting is being live streamed for public viewing in accordance with section 66 of the Local Government Act 2020. In the event Council encounters technical issues with the streaming, the meeting will be adjourned for up to 30 minutes until the matter is resolved. If the matter cannot be resolved, the meeting will be postponed to another evening.”

COUNCILLOR STATEMENT

Councillor Suzette Tayler made the following statement:

“All members of this Council pledge to the City of Frankston community to consider every item listed on this evening’s agenda:

- Based on the individual merits of each item;*
- Without bias or prejudice by maintaining an open mind; and*
- Disregarding Councillors’ personal interests so as to avoid any conflict with our public duty.*

Any Councillor having a conflict of interest in an item will make proper, prior disclosure to the meeting and will not participate or vote on the issue.”

PRAYER

Councillor Suzette Tayler read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor Suzette Tayler acknowledged the Bunurong People of the Kulin Nation – the Traditional Custodians of the land on which we stand, and paid respect to Elders past, present and future. Respect was also extended to Elders of other communities who may have been present.

Chairperson’s initials

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Chairperson's initials.....

APPOINTMENT OF TEMPORARY CHAIR**Council Decision****Moved: Councillor Asker****Seconded: Councillor Tayler**

That pursuant to Rule 87 of the Council's Governance Rules, Council determines to appoint Cr Bolam as the temporary chairperson for this Council meeting.

The CEO declared Cr Bolam as being appointed the temporary chairperson for this Council meeting.

Councillor Bolam assumed the Chair and addressed the Councillors.

1. APOLOGIES**Apology****Council Decision****Moved: Councillor Aitken****Seconded: Councillor Tayler**

That Council:

1. Notes Mayor Councillor Nathan Conroy has requested for leave of absence from 5:00pm on 16 January 2024 until the day on which the results of the by-election at Dunkley are announced (Saturday 2 March) and will be an apology for the upcoming meetings until 2 March 2024; and
2. Notes Deputy Mayor Liam Hughes is an apology for the meeting tonight.

Carried Unanimously**2. COUNCILLOR APPRECIATION AWARDS**

Nil

3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**Council Decision****Moved: Councillor Harvey****Seconded: Councillor Baker**

That the minutes of the Council Meeting No. CM19 held on 11 December 2023 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

Chairperson's initials

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil

5. PUBLIC QUESTION TIME

One (1) person submitted three (3) questions with notice to Council and no questions were received without notice. At the request of the Chair, the Chief Executive Officer read the questions and provided responses to the questions received.

The questions received with notice and responses will be provided in the Minutes of the next Council Meeting.

6. HEARING OF PUBLIC SUBMISSIONS

Nil

7. ITEMS BROUGHT FORWARD

Items Brought Forward

Council Decision

Moved: Councillor Baker

Seconded: Councillor Harvey

That Item 12.1 - Oath of Office be brought forward.

Carried Unanimously

12.1 Oath of Office

(BA Corporate and Commercial Services)

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

That Council:

1. Notes Cr Aitken took the Oath of Office on the Bible, as administered by the Acting Chief Executive Officer, on 19 January 2024;
2. Notes Cr Aitken through taking the Oath of Office committed to:
 - a. Undertake the duties of the office of Councillor in the best interests of the municipal community;
 - b. Abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct;
 - c. Faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested under the Local Government Act 2020 and any other Act to the best of his skill and judgement; and
3. Receives the Oath of Office signed and dated by Cr Aitken before the Acting Chief Executive Officer.

Carried Unanimously

8. PRESENTATIONS / AWARDS

The Chief Executive Officer acknowledged that Peter Ward, Team Leader Meals on Wheels, received the prestigious Outstanding Contribution Award from Meals on Wheels Australia.

The Award highlights Peter's long-standing dedication and leadership since joining the service in 1987 as a chef, eventually becoming Team Leader in 2015. CEO commended Peter for his exceptional service, both within Meals on Wheels and to the broader community, congratulating him on his well-deserved recognition. The Chair, Cr Bolam, also expressed appreciation to Peter Ward for his contributions.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Petition - Council should leave Australia Day alone

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Tayler

That, in accordance with clause 58.11.1 of the Council's Governance Rules, the petition that "Council should leave Australia Day alone", containing approximately 4700 signatures, be received.

Carried Unanimously

10. DELEGATES' REPORTS

Cr Sue Baker provided a verbal report on her attendance at the Victorian Local Government Association (VLGA) fast track program titled "Civility in Local Government", held in November 2023. She outlined the program focused on engaging and equipping councillors and local government executives with knowledge and skills to enhance their competencies within the community. The event's theme centred on civility in local government, stemming from a Victorian government review into council culture commissioned in 2022. The interim report highlighted the need for support infrastructure to improve council behaviour, ethics, leadership, and sector-wide improvements.

The Victorian Minister for Local Government, Honourable Melissa Horne MP, announced proposed changes based on the interim report, including additional mandatory training, a model code of conduct for all councils, and more effective enforcement powers. The program facilitated discussions between delegates, the minister, and experts on managing civil society, emphasizing the urgency of addressing these issues for local communities. Panel discussions covered topics such as depolarizing conversations, improving civil discourse at public meetings, and cultural intelligence in leadership.

Cr Baker expressed appreciation for the opportunity to attend the program and acknowledged the insights gained from the discussions and presentations.

Verbal Delegation Report -

Council Decision

Moved: Councillor Harvey

Seconded: Councillor Aitken

That the verbal report, provided by Cr Sue Baker on her attendance to the Civility in Local Government conference, be accepted.

Carried Unanimously

11. CONSIDERATION OF CITY PLANNING REPORTS**11.1 Statutory Planning Progress Report for November and December 2023**

(SC Communities)

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

That Council:

1. Receives the Statutory Planning Progress Report for the months of November and December 2023;
2. Notes in both the months of November and December, 82% of applications determined were within the statutory timeframe, above the target of 70%; and
3. Resolves that Attachment C (Major Development Updates) and Attachment D (General Planning Applications of Councillor Interest Updates) remain confidential indefinitely on the grounds that it contains land use planning information and private commercial information (*Local Government Act 2020, s.3(1)(c) and (g)*). These grounds apply because it contains private information and would, if prematurely released, impact the reputation of Councillors and Council.

Carried Unanimously

11.2 Frankston Metropolitan Activity Centre Coordination Update (October - December 2023)

(AH Communities)

Council Decision

Moved: Councillor Hill

Seconded: Councillor Asker

That Council:

1. Notes that the FMAC Coordination Group, chaired by the Director Communities, met once during the October to December 2023 quarter; and
2. Notes the key work underway this quarter including Authorisation and Exhibition of the FMAC Structure Plan; consideration of the community needs of the future FMAC community; creation of a City Positioning program to promote the FMAC as a place to invest, develop, live and enjoy; and continued work on the creation of the Nepean Boulevard.

Carried Unanimously

12.2 Governance Matters Report for 29 January 2024*(BA Corporate and Commercial Services)***Council Decision****Moved: Councillor Hill****Seconded: Councillor Aitken**

That Council:

Council Resolution Status

1. Receives the Council Resolution Status update, including:
 - a. Notice of Motion Cost Summary and Notice of Motion Report for 29 January 2024;
 - b. Notes there are no open Urgent Business actions;
 - c. Notes there are no Notice of Motion actions reported as complete by officers;
 - d. Notes since the Council Meeting, held on 11 December 2023, 35 resolution actions have been completed, as listed in the body of the report;
 - e. Notes that the Letter Under Seal to Cr Nathan Conroy in recognition of his service as Mayor during the previous Mayoral Term has been delayed from its presentation in December 2023 and will be presented at a future Councillor Briefing or function in 2024;

Councillor Briefings

2. Receives the record of Councillor Briefing meetings held since the date of last Council Meeting held on 11 December 2023 as listed in the body of the report;

External and Internal Committee Meetings Update

3. Notes Council at its meeting held on 20 November 2023 resolved that where it is not otherwise already reported, the highlights of activities from external and internal Committees, where a Councillor is a delegate, will be reported to Council via this report from time to time;
4. Receives the highlights of activities of external and internal Committees meetings held during the quarter October – December 2023;

Audit and Risk Committee Minutes

5. Receives the confirmed minutes of the Audit & Risk Committee meeting held on 13 October 2023;
6. Receives the unconfirmed minutes of the Audit & Risk Committee meeting held on 1 December 2023;

Contract CN11161 - Signalisation Upgrade of Wells Road and Bardia Avenue

7. Notes that Contract CN11161 – Signalisation Upgrade of Wells Road and Bardia Avenue was awarded to Healey Infrastructure Pty Ltd (ABN 41 059 504 111) under the Chief Executive Officer's delegation (up to \$1 million + GST), for a total estimated contract value of \$987,295.70 (exclusive of GST) and authorises the Chief Executive Officer to approve any contract variations should the amount exceed \$1 million; and
8. Resolves Attachment C, E and F 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)).

Carried Unanimously

Chairperson's initials

12.3 Chief Executive Officer's quarterly report - October - December 2023 period

(PC Chief Executive Office)

Recommendation (Director Chief Executive Office)

That Council:

1. Notes the Chief Executive Officer's Report and any updates on previous recommendation actions provided within the report;
2. Notes that Mayor Cr Nathan Conroy has given notice of his intended candidacy in the Dunkley by-election;
3. Approves his request for a leave of absence from 5:00pm on 16 January 2024 until the day on which the results of the by-election (Saturday 2 March) are announced;
4. Notes the 'public' version of the Chief Executive Officer's Quarterly Report for the period October to December 2023 (attachment A), which will be made available after this meeting through Council's website;
5. Notes reduction of decisions being made in Closed Council in this reporting quarter (2 – 2023/24) with a result of 2%;
6. Notes its prior resolution at the 1 May 2023 Council Meeting, requiring that a future quarterly Chief Executive Officer report be provided on an indefinite basis, which for all intents and purposes has been a great success for its breadth and commentary of the substantial progress being made by Council, along with the integrity and wider transparency it provides of the Council and its operations;
7. Resolves Attachment B, *Confidential Chief Executive Officer's report for October to December 2023 period*, be retained as confidential indefinitely, on the grounds that it contains information that is confidential pursuant to the Local Government Act 2020, section 3(1) (a), (d), (e), (f), (g), (h) (i) and (j) and would, if released, reduce Council's ability to properly perform its functions; and
8. Resolves Attachment C, *Frankston City Council – Councillor Conduct Matters Table as at December 2023*, be retained confidential until the date of this Council meeting on the grounds that it contains information that is confidential pursuant to the *Local Government Act 2020, section (j)* and would be released with the minutes of this meeting and placed on Council's Transparency Hub to meet the requirements of the resolution passed on 2 October 2023 from part 4.b)ix. of the 2023/NOM6 - *Accountability Transparency Reform (ATR) III*.

Motion

That Council:

1. Notes the Chief Executive Officer's Report and any updates on previous recommendation actions provided within the report;
2. Notes that Mayor Cr Nathan Conroy has given notice of his intended candidacy in the Dunkley by-election;
3. Approves his request for a leave of absence from 5:00pm on 16 January 2024 until the day on which the results of the by-election (Saturday 2 March) are announced;
4. Notes the 'public' version of the Chief Executive Officer's Quarterly Report for the period October to December 2023 (attachment A), which will be made available after this meeting through Council's website;

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5. Notes reduction of decisions being made in Closed Council in this reporting quarter (2 – 2023/24) with a result of 2%;
6. Notes its prior resolution at the 1 May 2023 Council Meeting, requiring that a future quarterly Chief Executive Officer report be provided on an indefinite basis, which for all intents and purposes has been a great success for its breadth and commentary of the substantial progress being made by Council, along with the integrity and wider transparency it provides of the Council and its operations;
7. Resolves Attachment B, *Confidential Chief Executive Officer's report for October to December 2023 period*, be retained as confidential indefinitely, on the grounds that it contains information that is confidential pursuant to the Local Government Act 2020, section 3(1) (a), (d), (e), (f), (g), (h) (i) and (j) and would, if released, reduce Council's ability to properly perform its functions; and
8. Directs the Chief Executive Officer to ensure that all bespoke park benches on Wells Street are to be routinely oiled/lubricated, cleaned and specifically maintained;
9. Resolves Attachment C, Frankston City Council – Councillor Conduct Matters Table as at December 2023, be retained confidential until the date of this Council meeting on the grounds that it contains information that is confidential pursuant to the Local Government Act 2020, section (j) and would be released with the minutes of this meeting and placed on Council's Transparency Hub to meet the requirements of the resolution passed on 2 October 2023 from part 4.b)ix. of the 2023/NOM6 - Accountability Transparency Reform (ATR) III.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Harvey

That Council:

1. Notes the Chief Executive Officer's Report and any updates on previous recommendation actions provided within the report;
2. Notes that Mayor Cr Nathan Conroy has given notice of his intended candidacy in the Dunkley by-election;
3. Approves his request for a leave of absence from 5:00pm on 16 January 2024 until the day on which the results of the by-election (Saturday 2 March) are announced;
4. Notes the 'public' version of the Chief Executive Officer's Quarterly Report for the period October to December 2023 (attachment A), which will be made available after this meeting through Council's website;
5. Notes reduction of decisions being made in Closed Council in this reporting quarter (2 – 2023/24) with a result of 2%;
6. Notes its prior resolution at the 1 May 2023 Council Meeting, requiring that a future quarterly Chief Executive Officer report be provided on an indefinite basis, which for all intents and purposes has been a great success for its breadth and commentary of the substantial progress being made by Council, along with the integrity and wider transparency it provides of the Council and its operations;
7. Resolves Attachment B, *Confidential Chief Executive Officer's report for October to December 2023 period*, be retained as confidential indefinitely, on the grounds that it contains information that is confidential pursuant to the Local Government Act 2020, section 3(1) (a), (d), (e), (f), (g), (h) (i) and (j) and would, if released, reduce Council's ability to properly perform its functions; and

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- 8. Directs the Chief Executive Officer to ensure that all bespoke park benches on Wells Street are to be routinely oiled/lubricated, cleaned and specifically maintained;
- 9. Resolves Attachment C, Frankston City Council – Councillor Conduct Matters Table as at December 2023, be retained confidential until the date of this Council meeting on the grounds that it contains information that is confidential pursuant to the Local Government Act 2020, section (j) and would be released with the minutes of this meeting and placed on Council's Transparency Hub to meet the requirements of the resolution passed on 2 October 2023 from part 4.b)ix. of the 2023/NOM6 - Accountability Transparency Reform (ATR) III.

Carried Unanimously



Councillor Conduct Matters

Type	Status	Date Application resolved by Council	Applicant	Respondent	Decision tabled in Council Meeting	Decision	Notes	Cost to Council* *Excludes Officer time	Link to published Determination
Internal Arbitration	Complete	1-Mar-21	Council by resolution	Cr Steven Hughes	30-Aug-21	Four findings of misconduct One month suspension	In the published determination the Arbiter cited that Cr Hughes was found to have engaged in four instances of misconduct by breaching the Councillor Code of Conduct. The Arbiter gave a period of one month's suspension (maximum allowed).	\$7,724	https://www.localgovernment.vic.gov.au/_data/assets/pdf_file/0023/175802/Minutes-of-Frankston-Council-meeting-held-on-Monday-30-August-2021.pdf
Councillor Conduct Panel	Complete	Application by Councillor on 1 Dec 2021	Cr Steven Hughes	Cr Kris Bolam	15-Aug-22	Application dismissed	In the published determination the Panel dismissed the Application. The allegations made by Cr Hughes against Cr Bolam were dismissed. Council resolved an urgent business item on 15 August 2022 to reimburse Cr Bolam \$4300 for legal expenses he incurred as the Respondent.	\$28,340	https://www.localgovernment.vic.gov.au/_data/assets/pdf_file/0029/188156/Hughes-Bolam-CCP-2021-7-Councillor-Conduct-Panel-Determination-and-Statement-of-Reasons-for-Decision-29-July-2022.pdf
Mediation	Complete	Not available	Group of Councillors	Cr Steven Hughes	4-Oct-22	Mediation was unresolved.	When Council resolved to make an Application for Internal Arbitration on 6 June 2022, Cr Hughes agreed to participate in mediation. The mediation was unresolved and Council proceeded with the Application for Internal Arbitration.	\$15,027	Not applicable
Internal Arbitration	Complete	6-Jun-22	Council by resolution	Cr Steven Hughes	30-Jan-23	Four findings of misconduct One month suspension Written apology to Council staff	In the published determination the Arbiter found that Cr Hughes failed to comply with the prescribed standards of conduct in the Councillor Code of Conduct. The Arbiter's findings outlined these were breached in respect of four allegations. There was no finding of misconduct in response to the remaining (4) allegations and these were dismissed. The Arbiter gave a period of one month's suspension (maximum allowed) and ordered a written apology to staff.	\$11,127	https://www.localgovernment.vic.gov.au/_data/assets/pdf_file/0024/193137/Frankston-City-Council-and-Hughes-IAP-2022-21.pdf
Councillor Conduct Panel	Complete	3-Oct-22	Council by resolution	Cr Steven Hughes	6-Sep-23	Serious misconduct finding Reprimanded Three month suspension	In the published determination the Councillor Conduct Panel found Cr Hughes engaged in serious misconduct and was ordered to be reprimanded (a professional censure, signalling that the conduct is condemned) and suspended from the office of Councillor for a period of three calendar months commencing after the meeting of Council at which the decision was tabled. The decision was subsequently tabled and an extra meeting of Council was held on 6 September 2023. Cr Hughes is due to return to the office of Councillor on 5 December 2023.	\$28,340	https://www.localgovernment.vic.gov.au/_data/assets/pdf_file/0023/201695/Frankston-City-Council-and-Hughes-CCP-2022-14-Councillor-Conduct-Panel-Determination-and-Statement-of-Reasons-for-Decision-31-August-2023.pdf
Councillor Conduct Panel	On hold	20-Feb-23	Council by resolution	Cr Steven Hughes	Not yet available	Not yet available	On hold. Cr Steven Hughes resigned from the office of Councillor on 11 December 2023. Awaiting further Panel Directions.	Not yet available	
Cost year to date								\$90,560	

12.4 Transport initiatives for submission to Federal Government*(FM Customer Innovation and Arts)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Notes the electrification of the rail line beyond Frankston has been a long-standing priority for Frankston City Council and Mornington Peninsula Shire;
2. Notes the former Federal Government made an election commitment of \$225 million in July 2018 towards electrification of the rail line from Frankston Station to Baxter Station. This funding commitment was further supported by the Federal Opposition and an equal \$225 million funding commitment from the Victorian Opposition in July 2018;
3. Notes that a preliminary business case investigating the rail electrification project was developed by the Victorian Government, and released in November 2020 where the project costs were found to be higher than current funding commitments and initial cost estimates;
4. Notes the Victorian Government to date has not supported the Frankston to Baxter rail electrification project;
5. Notes conversations with former Federal Member for Dunkley occurred throughout 2022 and 2023 whereby options for reallocating the \$225 million of funding towards a range of transport initiatives was raised by Council should the rail electrification project not proceed;
6. Notes that in May 2023 the Australian Government commissioned an Independent Strategic Review of the Infrastructure Investment Program, which included the \$225 million 'Frankston to Baxter rail upgrade' project;
7. Notes that in November 2023 the Australian Government's Independent Strategic Review recommended the 'Frankston to Baxter rail upgrade' project will 'not receive Australian Government funding at this time', with the former \$225 million funding commitment no longer allocated in the Federal Budget (*Attachment A - Independent Strategic Review IIP Project Changes Summary*);
8. Notes there are a range of transport initiatives identified in Council's Integrated Transport Strategy, Frankston Metropolitan Activity Centre Structure Plan, Long Term Infrastructure Plan and other strategic documents that are suitable for Australian Government investment with partial or full allocation from the rescinded \$225 million funding commitment;
9. Notes there is a federal by-election expected to occur on Saturday 2 March 2024, a general federal election in early-mid 2025 and a general state election in late November 2026 whereby Council will proactively advocate to State and Federal Government and Opposition on behalf of the Frankston City community;
10. Endorses the following local transport initiatives (full project details listed in *Attachment B: Transport Initiatives List 2024*) for submission to the Australian Government for consideration of future funding alongside Council in order to still deliver important transport improvements across the Dunkley region;
 - a. Major Projects - Total estimated package cost \$90 million;
 - b. Public Transport - Total estimated package cost \$10 million;
 - c. Shared User Paths - Total estimated package cost \$21.85 million;
 - d. Local Area Traffic Management Plans Implementation - Total estimated

Chairperson's initials.....

- package cost \$4.4 million;
 - e. Construction of new roads - Total estimated package cost \$19.4 million (approximately 150 sections, or 38kms, of new and missing links of footpath);
 - f. Construction of new paths - Total estimated package cost \$6.125 million (approximately 67 unsealed roads, or 30.5kms);
 - g. Precinct Beautification works - Total estimated package cost \$7.59 million;
 - h. Bicycle Lanes - Total estimated package cost \$8 million;
11. Advocates to the Australian Government and Opposition for a funding commitment towards local transport improvements across Frankston City, noting their desire following the Independent Strategic Review to equally share funding onus with other levels of government; and
12. Notes that Mornington Peninsula Shire Council is currently investigating local transport initiatives for submission alongside Frankston City Council, with joint advocacy to the Australian Government to occur.

Carried Unanimously

12.5 2019 Work Ready Program update
*(NU Customer Innovation and Arts)***Council Decision****Moved: Councillor Hill****Seconded: Councillor Harvey**

That Council:

1. Notes the success and impact of the Work Ready program;
2. Notes the review and future development of the program taking place in 2024 and the presentation of all findings, updated program outline and requirements at the 3 June 2024 Council meeting following the review completion; and
3. Endorses the graduation ceremonies to involve Councillors commencing in 2024.

Carried Unanimously*Meeting was adjourned at 8.24 pm*

The meeting resumed at 8.32 pm

12.6 Award of Contract CN11226 - Pit Construction and Pipe Laying Panel

(BH Infrastructure and Operations)

Council Decision

Moved: Councillor Baker

Seconded: Councillor Tayler

That Council:

1. Awards contract CN11226 – Pit Construction and Pipe Laying Panel for an initial two (2) year term with the provision for a further two (2) X two (2) year extension options at Councils sole discretion, noting this is a Schedule of Rates contract with a potential contract value of an estimated \$1,617,102 (exclusive of GST) to:
 - a) Accomplished Plumbing Services Pty Ltd trading as APS Drainage and Civil; ACN 151 075 875;
 - b) Parkinson Group (VIC) Pty Ltd; ACN 168 742 925;
 - c) Comar Constructions Pty Ltd; ACN 082 210 231; and
 - d) All Water Waste Pumping Solutions Pty Ltd trading as AWS Civil; ACN 079 889 142.
2. Authorises the Chief Executive Officer to execute and sign the contract;
3. Authorises the Chief Executive Officer to approve contract variations;
4. Authorises the Director Infrastructure and Operations to approve the extensions of the contract subject to the satisfactory performance of the contractor(s); 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)*.

Carried Unanimously

12.7 Award of Contract CN11236 - Wayfinding and Corporate Signs Panel

(BH Infrastructure and Operations)

Recommendation (Director Infrastructure and Operations)

That Council:

1. Awards contract CN11236 – Wayfinding and Corporate Signs Panel for an initial two (2) year term with the provision for a further three (3) X two (2) year extension options at Councils sole discretion with a potential contract value of an estimated \$2,196,295 (exclusive of GST) to:
 - a) Icon Creations Pty Ltd; ACN 151 075 875;
 - b) Trustee for The Haugen Family Trust trading as Summerhill Maintenance Services Pty Ltd; ACN 106 631 212;
 - c) The Blueprint Concepts Pty Ltd trading as Blueprint Concepts Pty Ltd; ACN 131 813 968;
 - d) Mishka Family Trust trading as LF Signs Group Pty Ltd; ACN 138 642 832; and
 - e) Burst Group Pty Ltd trading as Burst Brand Activations; ACN 611 116 888.
2. Authorises the Chief Executive Officer to execute and sign the contract;
3. Authorises the Chief Executive Officer to approve contract variations;
4. Authorises the Director Infrastructure and Operations to approve the extensions of the contract subject to the satisfactory performance of the contractor(s); 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)*.

Motion

That Council:

1. Defers consideration of Contract CN11236 Wayfinding and Corporate Signs Panel, until the February 2024 Council Meeting to enable a Councillor Briefing to occur beforehand. This briefing is to include:
 - a) Clarification as to the cost of signs to be installed;
 - b) Style Guide 2022 attached to the adopted Wayfinding strategy (December 2022); and
2. Notes that this may result in a delay in the roll-out of Wayfinding signs in key locations.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Harvey

That Council:

1. Defers consideration of Contract CN11236 Wayfinding and Corporate Signs Panel, until the February 2024 Council Meeting to enable a Councillor Briefing to occur beforehand. This briefing is to include:
 - a) Clarification as to the cost of signs to be installed;
 - b) Style Guide 2022 attached to the adopted Wayfinding strategy (December 2022); and
2. Notes that this may result in a delay in the roll-out of Wayfinding signs in key locations.

Carried

For the Motion: Crs Aitken, Baker, Bolam and Harvey (4)

Against the Motion: Crs Asker, Hill and Tayler (3)

12.8 Award of Contract CN11278 - Ballam Park Athletics Pavilion Refurbishment

(VG Infrastructure and Operations)

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

That Council:

1. Awards contract CN11278 – Ballam Park Athletics Pavilion Refurbishment to South East Building Services Pty Ltd (ACN: 078 407 002) for a total lump sum of \$1,983,695.15 excluding GST;
2. Notes that the grant of \$750,000 through the State Government Sports and Recreation Victoria (SRV) has been made available for the Ballam Park Athletics Pavilion Redevelopment and Extension including athletics track works;
3. Notes the current ongoing annual maintenance costs for existing pavilion facility will likely increase from \$8,500 to an estimated cost of around \$13,000 excluding GST per annum, and as such will require necessary adjustment in 2024/25 operating budget for the Facilities Management;
4. Authorises the Chief Executive Officer to sign the contract;
5. Delegates approval of contract variations within the contingency amount outlined in the confidential attachment to the Chief Executive Officer; and
6. Resolves Attachments A 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)*.

Carried Unanimously

12. RESPONSE TO NOTICES OF MOTION

Nil

13. NOTICES OF MOTION

Nil

14. LATE REPORTS

Nil

15. URGENT BUSINESS**Urgent Business****Council Decision****Moved: Councillor Asker****Seconded: Councillor Aitken**

That the matter concerning the maintenance of Peninsula Link Freeway by Southern Way Holdings Pty Ltd be accepted as Urgent Business.

Carried Unanimously

Urgent Business - Maintenance of Peninsula Link by Southern Way Holdings Pty Ltd**Council Decision****Moved: Councillor Asker****Seconded: Councillor Aitken**

1. Council notes that Southern Way Holdings Pty Ltd – a private entity - financed, designed and built the 27 kilometre four lane Peninsula Link Freeway; and maintains the freeway under a 25 year agreement with the Victorian State Government;
2. Council is to write to Southern Way Holdings Pty Ltd expressing concern with the state of a number of sites along the Peninsula Link arterial where vandalism, wear-and-tear and graffiti have become pronounced (i.e. Cranbourne Road turn-off and the nearby pedestrian bridge) to both road users and people utilising neighbouring walking paths; and
3. In this correspondence, Council is to request that Southern Way Holdings Pty Ltd improve the condition of locations where the above impediments are in existence in a timely and meaningful manner.

Carried Unanimously

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

That the matter concerning the Call for Motion of No Confidence with the Deputy Mayor Liam Hughes be accepted as Urgent Business.

Carried Unanimously

Urgent Business - Call for Motion of No Confidence with the Deputy Mayor Liam Hughes**Council Decision****Moved: Councillor Baker****Seconded: Councillor Harvey**

That Council

1. Notes Mayor Conroy is approved leave of absence and that Deputy Mayor Liam Hughes is now performing the role of Mayor;
2. Notes that there is uncertainty in the Deputy Mayor's intentions and availability to fulfil the obligations as Deputy Mayor in performing the role of the Mayor during the Mayor's leave of absence, despite undertakings given when elected to the post in November, having failed to communicate with his fellow councillors in performing the role of Mayor, having failed to attend meetings or functions in performing the role of Mayor, and otherwise failed to undertake the leadership role expressed in the *Local Government Act 2020*, hereby expresses its dissatisfaction with his performance and expresses they have no confidence in Cr Hughes at this time;
3. Writes to Deputy Mayor Liam Hughes encouraging him to resign as Deputy Mayor, given his inability to perform his role; and
4. Writes to the Minister for Local Government, expressing concerns with relevant legislation and appraising her of the situation and the unsatisfactory outcomes.

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

That Cr Baker be granted an extension of time.

Carried

For the Motion: Crs Aitken, Asker, Baker, Bolam, Harvey and Hill (6)

Against the Motion: Nil

Abstained: Cr Tayler (1)

The motion was Carried

For the Motion: Crs Aitken, Asker, Baker, Bolam, Harvey and Hill (6)

Against the Motion: Nil

Abstained: Cr Tayler (1)

16. CONFIDENTIAL ITEMS

Nil Reports

Chairperson's initials

QUESTION TIME**Questions received with Notice**

The following questions with notice were received for the Council Meeting 2023/CM19 – 11 December 2023. In accordance with the *Public Submissions and Question Time Policy*, the questions and response(s) are published below:

Dylan Styles**Question 1**

Is clause 2.1(i) of the Community Local Law 2020 operative given section 71(3) of the Local Government Act 2020?

Response

No, this clause is not operative. Council has not utilised this provision of the Local Law since its adoption in 2020. Council is committed to protecting and promoting human rights including by ensuring inclusiveness and accessibility in its delivery of services and facilities.

Question 2

Would Council consider replacing the pride flag outside the Civic Centre with the intersex-inclusive progress pride flag, like at neighbouring Mornington Peninsula Shire?

Response

This may be considered with the next review of Flying of Flags Policy.

Question 3

Will Frankston Council march at Midsumma Pride March next year?

Response

Yes, the Frankston City and Mornington Peninsula LGBTQIA+ Collaborative plan to participate in this event next year.

Ms Alison Cooke**Question 1**

Australia and so the Frankston community, is heading into a period of unprecedented heat driven by climate change and El Nino: how does the council plan to adapt the safety, wellbeing and health strategies for the predicted levels of extreme heat with health experts and other stakeholders?

Response

The Climate Change Strategy, Health and Wellbeing Plan, Urban Forest Action Plan and the Municipal Emergency Management Plan have all identified, planned for and provided mitigation solutions for the increase in expected extreme heat events. These strategies are a whole of community approach identifying the shared responsibility in this space.

We are working in partnership on initiatives such as home adaptation, and are halfway through planting 80,000 trees across the municipality over four years. Our Heatwave Complementary Plan detailing mitigation strategies for the promotion of heatwave awareness and monitoring of Council's community services clients.

Question 2

What process and methodology was adopted in considering the risk posed by heatwaves in the Vulnerability assessment, as part of Council's broader climate strategy (appendix B), and is there a timeline for reviewing and updating this assessment?

Response

The process and methodology are explained in Chapter 6 of the Climate Change Strategy. Heatwave was on the acute impacts assessed. The Strategy was developed using the most up to date data prior to its adoption in April 2023. No immediate review is planned, given its recent adoption. You are welcome to contact Council's City Futures team directly for further detailed information and/or discussion.

Question 3

I am working with a broader group of concerned residents who are interested in knowing more about local heat wave impacts and how to best support and enhance community resilience, and we hope to hold a public event in February 2024: will the council collaborate with us or offer in-kind support to enable residents to learn more about the Council's climate and heatwave plans?

Response

The Climate Sustainability and Emergency Management teams are keen to explore partnerships with community led initiatives. The Climate Change Strategy encourages the community to build skills for emergency preparedness, effective advocacy and develop solutions. Your proposed activity would support the delivery of these actions and Council would welcome further discussion to explore this further.

The meeting was closed to the public at 9.52 pm

CONFIRMED THIS

DAY OF

2024

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Deputy Mayor Liam Hughes, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday, 29 January 2024, confirmed on Monday, 19 February 2024.

.....
(Deputy Mayor Liam Hughes, Chairperson – Council Meeting)

Dated this

day of

2024

Chairperson's initials