



**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 31 JANUARY 2022 at 7.05PM**

PRESENT	Cr. Nathan Conroy (Mayor) Cr. Suzette Tayler (Deputy Mayor) Cr. Kris Bolam Cr. David Asker (via zoom) Cr. Sue Baker (via zoom) Cr. Claire Harvey (via zoom) Cr. Brad Hill (via zoom) Cr. Liam Hughes (via zoom) Cr. Steven Hughes (via zoom)
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Ms. Kim Jaensch, Chief Financial Officer (via zoom) Ms. Angela Hughes, Director Communities (via zoom) Mr. Doug Dickins, Acting Director Infrastructure and Operations (via zoom) Ms. Shweta Babbar, Director Customer, Innovation and Arts (via zoom) Ms. Brianna Alcock, Manager Governance and Information Ms. Clare Warren, Manager City Futures (via zoom) Ms. Tammy Ryan, Manager Arts and Culture (via zoom) Ms. Tenille Craig, Coordinator Governance (via zoom) Ms. Rebecca Swann, Councillor Support Officer (via zoom) Mr. Josh Lacey, Supervising Technician Mr. Jeremy O'Rourke, Supervising Technician Mr. Connor Rose, Desktop Support Officer (via zoom)
EXTERNAL REPRESENTATIVES:	Nil.

MAYOR'S STATEMENT

This meeting is being live streamed for public viewing in accordance with section 66(3) 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

Deputy Mayor, Councillor Tayler made the following statement:

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

Chairperson's initials

- *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

Deputy Mayor, Councillor Tayler read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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1. PRESENTATION TO COMMUNITY GROUPS

Cr Bolam presented a Certificate of Appreciation to the Victorian Multicultural Sports Association for their continuous work within the sporting community of Frankston including working as volunteers, supporting and participating in all abilities football, raising funds for fire victims and distribution of food and clothing during lock downs.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Council Meeting No. CM22 held on 6 December 2021.

Council Decision

Moved: Councillor Asker

Seconded: Councillor Tayler

That the minutes of the Council Meeting No. CM22 held on 6 December 2021 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Nil

Councillor Bolam left the chamber at 7:10 pm.

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil

5. PUBLIC QUESTION TIME

Mr. Phil Cantillon acknowledged that one question was received from a resident, but were disallowed for the following reasons:

- Governance Rule 57.1 states that questions may be asked of Council, and may not be directed to individual Councillors. The question was directed to an individual Councillor, and not to the Council.
- Governance Rule 57.8.5 provides that a question may be disallowed if it determined that is aimed at embarrassing a Councillor or a member of Council staff. It was considered that the question was aimed at embarrassing a Councillor.

6. HEARING OF PUBLIC SUBMISSIONS

Councillor Bolam returned to the chamber at 7:12 pm.

Mr. Peter Anscombe made a submission to Council regarding Item 11.2: Planning Reforms Introduced by the Victorian Government.

7. ITEMS BROUGHT FORWARD

Nil

8. PRESENTATIONS / AWARDS

Mr Phil Cantillon acknowledged and congratulated Peninsula Leisure and staff, who were finalists in 12 categories in the recent Aquatics and Recreations Victoria 2021

Chairperson's initials

Gala Industry Awards. It was recognised that one staff member was awarded Personal Trainer of the Year and PARC was awarded Health Club of the Year.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

10. DELEGATES' REPORTS

Nil

11. CONSIDERATION OF CITY PLANNING REPORTS**11.1 Statutory Planning Progress Report - November and December 2021**

(SC Communities)

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

That Council:

1. Receives the Statutory Planning Progress Reports for the months of November and December 2021; and
2. Resolves for Attachment C - Applications of Councillor Interest to 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)(g)*). These grounds apply because it contains private development information and would, if prematurely released, impact the reputation of Councillors and Council.

Carried Unanimously

11.2 Planning Reforms Introduced by the Victorian Government*(CW Communities)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Baker**

That Council:

1. Notes that the Planning Reforms commenced in 2019 by the Victorian Government and are ongoing with a number of VC Planning Scheme Amendments prepared and approved by the Minister for Planning between September 2019 and December 2020;
2. Notes the proposed changes may have major implications as they would reduce Council and community input into process and decision making. In particular, the potential to remove Council as the planning authority for priority areas, specifically the Frankston Metropolitan Activity Centre;
3. Notes the Strategic Planning Unit will continue to monitor any future reforms and brief Councillors on changes that have a significant impact for Council and the community; and
4. Writes to the Minister for Planning, the Shadow Minister for Planning and State Member for Frankston to outline Council's reservations regarding the current proposed planning reforms, and advise of the opportunity to work with Council, as Council is proactively strengthening its capacity to assess and decide major planning applications in the Frankston Metropolitan Activity Centre Structure Plan area. Council is keen to work together with the Minister of Planning and DELWP on these planning reforms.

Carried Unanimously

12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Council Resolution Status Update for 31 January 2022**

(BA Corporate and Commercial Services)

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

That Council:

1. Receives the Notice of Motion Report for 31 January 2022;
2. Notes there are no open Urgent Business items, as such this report has not been included;
3. Notes there are three Notice of Motion actions that have been reported as being complete;
 - 2021/NOM5 – Greening of Residential Nature-Strips
 - 2021/NOM9 – Councillor Call-In Protocol
 - 2021/NOM10 – National Asbestos Awareness Week 2021
4. Notes there are no reports that will be delayed in its presentation to Council;
5. Notes, since the Council Meeting held on 6 December 2021, 66 resolutions have been completed, as listed in the body of the report; and
6. 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.

Carried Unanimously

12.2 Chief Executive Officer's Quarterly report - October to December 2021 period

(PC Chief Executive Office)

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

That Council:

1. Notes the Chief Executive Officer's Report;
2. Notes the 'public' version of the Chief Executive Officer's Quarterly Report for the period October to December 2021 (attachment A), which will be made available after this meeting through Council's website; and
3. Resolves for attachment B to be retained confidential, as it contains Council business information, security information and information prescribed by the regulations to be confidential information and would, if prematurely released impact on Council's reputation and ability to function to its fully capacity.

Carried Unanimously

12.3 Frankston Arts Advisory Committee Report

(TR Customer Innovation and Arts)

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

That Council

1. Receives the Minutes of the Frankston Arts Advisory Committee meeting of 30 November 2021;
2. Endorses the preferred Evelyn Street Park Sculpture concept design, noting that Council officers are continuing discussions with the preferred artist to refine the scale of the artwork to meet the specifications required for the location for the artwork installation; and
3. Resolves attachment A – Frankston Skate Park and Evelyn Park Sculpture concepts – to remain confidential on the grounds it contains personal information, being the artist’s intellectual property (*Local Government Act 2020, s.3(1)(f)*). These grounds apply because the artists have not provided consent of release of their intellectual property prior to confirmation of a contract.

Carried

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

Against the Motion: Cr Steven Hughes

Abstained: Cr Liam Hughes

12.4 Outcomes of the Audit & Risk Committee Meeting - 19 November 2021

(SW Corporate and Commercial Services)

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

That Council:

1. Receives the unconfirmed minutes of the Audit and Risk Committee meeting held on 19 November 2021; and
2. Resolves the attachment remains confidential indefinitely on the grounds that it as it contains details of existing audits and other information which includes Council business information, security information, law enforcement information, legal privileged information, personal information, private commercial information and confidential meeting information (*Local Government Act 2020, s.3(1)(a), (b), (d), (e), (f), (g) and (h)*). Premature release of this information would impact the status of the audits and compromise the ability for future audits to be properly undertaken.

Carried Unanimously

12.5 Audit and Risk Committee - Chairperson's second half-yearly report to Council in 2021

(KJ Corporate and Commercial Services)

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

That Council:

1. Receives the Chairperson's second half-yearly report for 2021;
2. Acknowledges the work undertaken by the Audit and Risk Committee over the second six months of 2021, and the contribution it has made to the proper functioning of the Council and Management; and
3. Resolves for the attachment, *Audit and Risk Committee - Chairperson half-yearly report 2021*, to remain confidential indefinitely on the grounds that it contains details of existing audits and other information which includes Council business information, security information, law enforcement information, legal privileged information, personal information, private commercial information and confidential meeting information (*Local Government Act 2020, s.3(1)(a), (b), (d), (e), (f), (g) and (h)*). Premature release of this information would impact the status of the audits and compromise the ability for future audits to be properly undertaken.

Carried Unanimously

12.6 Appointment of Independent Member to the Audit and Risk Committee

(SW Corporate and Commercial Services)

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

That Council:

1. Acknowledges the nine years of service of Neil Greenaway as Chair of the Audit and Risk Committee and expresses their appreciation of his contribution to monitor, review and advise the Council on the standard of its financial control, risk management and corporate governance.
2. Appoints Ms Trudy Ararat to the Audit and Risk Committee for a three (3) year term, expiring on 31 December 2024; and
3. Resolves the attachment remains confidential indefinitely on the grounds that it contains personal information (*Local Government Act 2020* s.3(1)(f)). These grounds apply because it would breach Privacy Laws if the information was prematurely released.

Carried Unanimously

12.7 2021-2022 Mid-Year Budget Review

(SW Corporate and Commercial Services)

Recommendation (Chief Financial Officer)

That Council:

1. Endorses the proposed amendments to the 2021-2022 Adopted Budget resulting in a cash surplus of \$230,000;
2. Endorses the proposed budget amendments to the major projects:
 - Jubilee Park Indoor Multipurpose Netball Complex
 - Kevin Collopy Pavilion Upgrade
 - Pat Rollo Reserve Pavilion Upgrade
 - Lloyd Park Football Pavilion Upgrade
3. Endorses the allocation of funding for Councillor referred items;
 - Volunteer Awards \$10,000 (recurrent);
 - Frankston Life Christmas lunch incorporated into the standing grants program \$10,000 (one off);
 - City centre and Boardwalk cleaning resource and vehicle (recurrent) \$74,000 operating and (one-off) \$60,000 capital;
 - Destination and event portfolio resource \$32,753 (one off); and
 - \$20,000 (one off) to prepare high-quality concept drawings to present to the Frankston Revitalisation Board in relation to the Beach Street / McMahons Road Underpass.

These items will be funded from within the existing operating budget.
4. Notes the key dates for the 2022-2023 Budget process.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Hill

That Council:

1. Endorses the proposed amendments to the 2021-2022 Adopted Budget resulting in a cash surplus of \$230,000;
2. Endorses the proposed budget amendments to the major projects:
 - Jubilee Park Indoor Multipurpose Netball Complex
 - Kevin Collopy Pavilion Upgrade
 - Pat Rollo Reserve Pavilion Upgrade
 - Lloyd Park Football Pavilion Upgrade
3. Endorses the allocation of funding for Councillor referred items;
 - Volunteer Awards \$10,000 (recurrent);
 - Frankston Life Christmas lunch incorporated into the standing grants program \$10,000 (one off);
 - City centre and Boardwalk cleaning resource and vehicle (recurrent) \$74,000 operating and (one-off) \$60,000 capital;
 - Destination and event portfolio resource \$32,753 (one off);

These items will be funded from within the existing operating budget.
4. Commits \$20,000 to the 2021/2022 Midyear Budget to prepare high-quality concept drawings to present to the Frankston Revitalisation Board in relation to the Beach Street / McMahons Road Underpass. The intention of this action is to persuade the State Government / Frankston Revitalisation Board to fund a major aesthetic upgrade of the asset in question via its annual funding allocation (2022/2023 allotment). Drawings and planning is to include:

Chairperson's initials

- Replacing the exterior of the perspex sound-wall facing both sides of Beach Street with a graffiti proof and more aesthetically appealing solution i.e. synthetic green;
- Removing the slate/concrete in the underpass and replacing it with bark and appropriate plants;
- Installation of LED lighting as per the treatment at the Frankston Dandenong Road West Underpass;
- Installation of artistic murals on both sides of the underpass per the treatment at the Frankston Dandenong Road East and Frankston Dandenong Road West underpasses; and
- Public consultation on the sought works.

Ascertain from the Department of Transport the ability of the relevant authority to increase both general maintenance and graffiti removal at the site in question.

Where it is not indicated that capacity can be increased, Council is to explore other opportunities with the Department of Transport;

Submits a funding request to the Frankston Revitalisation Board for 2022/2023 funding of LED treatment for the underpass on Frankston Dandenong Road East, as per the approach on Frankston Dandenong Road West. This will ensure parity and complement the significant works undertaken to date to gentrify this precinct; and

5. Notes the key dates for the 2022-2023 Budget process.

Carried

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

Against the Motion: Crs Liam Hughes and Steven Hughes

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

(BA Corporate and Commercial Services)

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

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, Council resolves that:

1. 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, and 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;
 - (iii) Remain in force until Council determines to vary or revoke the Instrument; 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.

Carried Unanimously

12.9 Adoption of Privacy Policy

(BA Corporate and Commercial Services)

Council Decision

Moved: Councillor Hill

Seconded: Councillor Baker

That Council:

1. Notes the draft Privacy Policy was publicly exhibited for six weeks and no community feedback was received; and
2. Adopts the Privacy Policy without changes.

Carried

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

Against the Motion: Nil

Abstained: Cr Steven Hughes

12.10 Destination Events

(TR Customer Innovation and Arts)

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

That Council:

1. Refers funding of \$250,000, in total, for consideration in the 2022-2023 Annual Budget process to develop a *Destination Events Funding Program* that attracts high quality events and builds Frankston City's reputation as an event destination city;
2. Refers funding of \$250,000, in total, for consideration in the 2022-2023 Annual Budget process for artistic programming of Council's existing key events to enable the engagement of high profile artists, enhanced programming and extensive marketing campaigns to increase reputation, audience numbers and visitation;
3. Resolves for the Tourism and Marketing Committee (Committee) to be dissolved and notes that the Mayor, Cr Nathan Conroy, Deputy Mayor, Cr Suzette Tayler and Cr David Asker will no longer be the delegated representatives;
4. Notes the establishment of the internal Destination Development Working Group in place of the Committee and that the Mayor, Cr Nathan Conroy, Deputy Mayor, Cr Suzette Tayler and Cr David Asker be appointed as Councillor representatives; and
5. Notes that a Destination Strategy and calendar of events will be developed to feature key destination events.

Carried

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

Against the Motion: Crs Liam Hughes and Steven Hughes

13. RESPONSE TO NOTICES OF MOTION

Nil

Chairperson's initials

14. NOTICES OF MOTION**14.1 2022/NOM2 - Kananook Station Precinct Advocacy**

(AH Communities)

That Council:

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. Therefore, this reality would likely preclude many people afflicted with disability and/or mobility limitations from utilising this public asset;
 - b) Notes that most elevated railway stations have disability access lifts for public use;
 - 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 is to be provided at the May 2022 Council Meeting in the form of a public report.

Leave of Council

Moved: Councillor Bolam

Seconded: Councillor Tayler

That Cr Bolam be granted leave of Council to amend 2022/NOM2 - Kananook Station Precinct Advocacy.

Carried Unanimously

Due to technical issues the meeting adjourned at 8.28pm

The Meeting resumed at 8.32pm

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Tayler

Chairperson's initials

That Council:

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.

Carried Unanimously

Chairperson's initials

15. LATE REPORTS

Nil

16. URGENT BUSINESS

Nil

Chairperson's initials

17. CONFIDENTIAL ITEMS

Nil Reports

.....
Signed by the CEO

Chairperson's initials

The meeting was closed at 8.43 pm

CONFIRMED THIS

DAY OF

2022

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Nathan Conroy, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday, 31 January 2022, confirmed on Monday, 21 February 2022.

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

Dated this 21st day of February 2022

Chairperson's initials