



COUNCIL MEETING AGENDA 2020/OM12 Monday 31 August 2020 Being held online via Zoom

In accordance with the Minister's Good Practice Guidelines, from 1 May 2020 until 1 November 2020, Councils can conduct virtual meetings which must be streamed live through its website. Frankston City will continue to stream its Ordinary and Special Meetings.

During 1 May 2020 to 1 November 2020, all meetings will be closed to the public. If circumstances change, updates will be provided.

Verbal Submissions

If you have registered or intend to register to speak to an item on the Council Meeting Agenda, speakers now only have the option of making a verbal submission via telephone. Officers will make contact and the speaker will be greeted by the Chair who will invite the speaker to make their verbal submission.

There are no changes to the limit on speakers i.e. the limit is still a maximum of 10 speakers and it will be at the discretion of the Chair, if further speakers are permitted. Speakers still have 3 minutes to address Council, with the exception of S223 submitters who will receive 5 minutes.

Questions with/without notice

If you wish to submit questions with or without notice, the same timeframes apply. It is strongly encouraged to submit questions via email or on-line by the specified timeframes. If you still prefer to submit these in person, a box will be placed at the front entrance in the Civic Centre only. It should be noted that the questions, including responses will not be read by the CEO at the Council Meeting. All questions will be taken on notice and a written response will be provided within 5-7 business days.

Live streaming is available from the below link:

<https://www.facebook.com/FrankstonCityCouncil>



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. **The Ordinary Meeting 2020/OM10 has been moved to the Frankston Arts Centre, Cnr Young & Davy Streets, Frankston due to the COVID-19 crisis and to support the State/Federal Government directive to adhere to social distancing.**

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.

Governance Local Law No. 1 – Meeting Procedure

34. Chair's Duty

Any motion which is determined by the Chair to be:

- (1) *defamatory of or embarrassing to any Councillor, member of Council staff or other person;*
- (2) *abusive or objectionable in language or nature;*
- (3) *a direct negative of the question before the Chair;*
- (4) *vague or unclear in intention;*
- (5) *outside the powers of Council; or*
- (6) *irrelevant to the item of business on the agenda and has not been admitted as Urgent Business, or purports to be an amendment but is not, must not be accepted by the Chair.*

88. Chair May Remove

- (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, or cause the removal of any object or material that is deemed by the Chair as being objectionable or disrespectful.*
- (2) *Any person removed from the meeting under sub-clause 0 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, all meetings are closed to the public. Residents can watch Council Meetings via online live streaming until further notice. Thank you for understanding and support.

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.

Every care will be taken to maintain privacy. Council officers or members of the public 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.

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.

The Formal (Ordinary) 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), or on our website www.frankston.vic.gov.au

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 Council Meeting cont.....

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 an Ordinary Meeting of the Council will be held online via Zoom on 31 August 2020 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

We respectfully acknowledge that we are situated on the traditional land of the Boon Wurrung and Bunurong in this special place now known by its European name, Frankston. We recognise the contribution of all Aboriginal and Torres Strait Islander people to our community in the past, present and into the future.

BUSINESS**1. PRESENTATION TO COMMUNITY GROUPS**

1.1 Tribute to Wirilda Primary School

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM11 held on 10 August 2020.

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 TOWN PLANNING REPORTS

11.1 Town Planning Application No. 5/2020/S173 - 325 Nepean Highway Frankston - To amend Section 173 Agreement AF878327C4

11.2 Frankston Planning Scheme Amendment C140 - Green Wedge Management Plan 2019 - Report on public exhibition and submissions; and request to the Minister for Planning to appoint an Independent Planning Panel to consider submissions.39

12. CONSIDERATION OF REPORTS OF OFFICERS

12.1 Council Resolution Status Update for 31 August 202065

12.2 Update on Coronavirus (COVID-19) - 31 August 2020.....73

12.3 Record of Assemblies of Councillors92

12.4 Minutes of Committee meetings represented by a Councillor Delegate 109

12.5 Minutes of the Frankston Arts Board - July 2020 and transition for the Board as an Arts Advisory Committee112

12.6 Confirmation of Minutes for the Frankston Cemetery Trust held on Monday 10 August 2020..... 123

12.7	Adoption of Public Interest Disclosure Policy.....	125
12.8	Adoption of 2020/21 Procurement Policy	135
12.9	Implementation of Local Government Act 2020: Adoption of Council Expenses Policy and Public Transparency Policy	196
12.10	Implementation of Local Government Act 2020: adoption of draft Governance Rules.....	231
12.11	Adoption of Governance Local Law 2020.....	301
12.12	Community Engagement Plan: Sustainable Economy and Skilled Community Workforce Policies and Strategies.....	313
12.13	Frankston Arts & Culture Strategy 2020 - 2023.....	323
12.14	Delegated Powers - Miscellaneous Grants Program Q4 2019/20 Report and Standing Grants Program 2020/21 Supplementary Report.....	342
12.15	Membership to Cities Power Partnership program	350
12.16	Annual Volunteer Awards 2020	356
12.17	Council's Action Plan for Municipal Monitor's recommendations	359
12.18	Clublinks - Operation of the Social Golf Club at Centenary Park Golf.....	372
12.19	Appointment of Chairperson to the Audit and Risk Committee.....	375
12.20	Award of Contract 2019/20 -106 - Road Renewal - In Situ Pavement Stabilisation and Associated Works.....	377
12.21	Award of Contract 2019/20-94 - Road Renewal - Asphalt Resurfacing and Associated Works.....	381
13.	RESPONSE TO NOTICES OF MOTION	
13.1	Response to 2019/NOM53 - Councillor Code of Conduct	385
14.	NOTICES OF MOTION	
14.1	2020/NOM19 - Public Toilet Action Plan	388
15.	REPORTS NOT YET SUBMITTED	
	Nil	
16.	URGENT BUSINESS	
17.	CONFIDENTIAL ITEMS	
C.1	Issuing Invest Frankston Business Grants 2020-2021	390
C.2	Major Local Community Events Grant Outcome.....	390
C.3	Letter of Support - McClelland Sculpture Park + Gallery	391
C.4	Appointment of Directors - Peninsula Leisure Pty Ltd	391
C.5	CEO Performance Review.....	391
C.6	Debrief of Ordinary Council Meeting.....	391

Phil Cantillon
CHIEF EXECUTIVE OFFICER

27/08/2020



Executive Summary**11.1 Town Planning Application No. 5/2020/S173 - 325 Nepean Highway Frankston - To amend Section 173 Agreement AF878327C**

Enquiries: (Stuart Caldwell: Communities)

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.2 Development and Housing
Priority Action	1.2.3 Ensure built form, displays architectural excellence and embodies creative urban design

Purpose

This report considers the merits of the planning application to amend the Section 173 Agreement AF878327C affecting the land at 325-Nepean Highway Frankston

Recommendation (Director Community Development)

That Council resolve not to give 'in principle' support to amend Section 173 Agreement AF878327C encumbering the land at 325 Nepean Highway Frankston.

Key Points / Issues

- It is proposed to amend the Section 173 Agreement registered on title of the lots that make up 325 Nepean Highway under Section 187A of the Planning and Environment Act 1987.
- Before proceeding with notice and a full consideration of the amendment, Council must consider if it gives 'in principle' support to the amendments sought.
- The purpose of the Agreement is to restrict tenancy of the development to ensure no long term permanent occupation within the site.
- The owners corporation of the development has requested an amendment to the wording of the Section 173 Agreement to allow permanent residents over the age of 50, with a variety of exemptions to this requirement.
- The proposal is being reported to Councils as the proposal is to amend a Section 173 Agreement and due to longstanding Councillor and community interest in the site.

For further information, please refer to the officer's assessment contained within this report.

Financial Impact

The fee paid for this application is \$659. The average cost to process a planning application is \$2,265. This represents a difference in this case of \$1,606, however, these costs can be accommodated within existing budgets.

Consultation1. External Referrals

No external referrals are required for this application.

2. Internal Referrals

No internal referrals are required for this application.

11.1 Town Planning Application No. 5/2020/S173 - 325 Nepean Highway Frankston - To amend Section 173 Agreement AF878327C**Executive Summary****3. Other relevant parties / stakeholders**

N/A

Notification of Proposal

No notification of the proposed amendment to the Section 173 Agreement as the recommendation is to not give in principle support to the amendment.

Analysis (Environmental / Economic / Social Implications)

The proposed amendment to the Agreement has the potential to disadvantage persons who would be permitted to reside permanently in accommodation that was considered at VCAT was not suitable for such use and is only presently used for temporary accommodation.

Legal / Policy / Council Plan Impact**Charter 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

Council has assessed the amendment to the Section 173 Agreement in accordance with the relevant sections of the *Planning and Environment Act 1987*.

Policy Impacts

The decision of VCAT in its original determination of the proposal is relevant to the determination whether to support the amendment.

Officer's Declaration of Interests

Under Section 80C of the *Local Government Act 1989*, officers providing advice or a report to Council must disclose any direct or indirect interest they have in a matter.

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

Risk Mitigation

There are no risk implications.

Conclusion

Overall it is considered that in principle support to amend the Section 173 Agreement on title should not be given.

11.1 Town Planning Application No. 5/2020/S173 - 325 Nepean Highway Frankston - To amend Section 173 Agreement AF878327C

Executive Summary

ATTACHMENTS

Attachment A: [↓](#) Locality Map

Attachment B: [↓](#) Locality Map (Aerial)

Attachment C: [↓](#) Existing Section 173 Agreement

Attachment D: [↓](#) Applicants Explanation of Proposed Changes

11.1 Town Planning Application No. 5/2020/S173 - 325 Nepean Highway Frankston - To amend Section 173 Agreement AF878327C

Officers' Assessment**Summary**

Existing Use	Former Ambassador motel, currently used as dwellings for temporary accommodation
Site Area	96615 square metres
Proposal	To amend Section 173 Agreement AF878327C which is encumber on the title of the development at 325 Nepean Highway Frankston
Site Cover	N/A
Permeability	N/A
Zoning	Mixed Use Zone
Overlays	<ul style="list-style-type: none"> • Design and Development Overlay Schedule 5 • Parking Overlay Schedule 1
Neighbourhood Character Precinct	N/A
Reason for Reporting to Council	Application to Amend Section 173 Agreement and Councillor interest

Background**Subject Site**

The subject site is located on the east side of the Nepean Highway in Frankston and was formerly occupied by a number of two and three storey buildings which comprised the 'Ambassador Motel'.

The existing development was created in accordance with the permit issued for the site.

The north east corner of the site remains vacant.

Locality

Surrounding properties to the north and south are developed with older style single and double storey flats. The land to the east is developed with a single storey multi dwelling development.

Site History

Previous planning permit applications for the site include:

- Planning Permit No. 050430 was issued on 27/1/2006 and allows the 'Development and use of the land for 110 dwellings and office(s), reduction in the carparking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for loading/unloading bay, in accordance with the endorsed plan/s.' An amended permit was issued 31/10/2007.

11.1 Town Planning Application No. 5/2020/S173 - 325 Nepean Highway Frankston - To amend Section 173 Agreement AF878327C**Officers' Assessment**

Condition 4 of Planning Permit No.050430 required that a Section 173 Agreement was entered into which specified that any dwelling must not be used as a principal place of residence.

- Council considered a report on Notice of Motion 1316 at its Ordinary Meeting of 20 November 2017 in relation to the Ambassador site, and adopted a resolution which 'Supports the retention of the current conditions that require tenancies to be used only for temporary accommodation (and not be a principal place of residence).'
- An application to amend the permit to delete condition 4 was considered and refused by Council at its Ordinary Meeting of 13 March, 2018. A subsequent application for review of Council's decision at the VCAT was struck out by the VCAT as being misconceived.

Proposal

This report relates to the request by the applicant for deletion of Clause 3.1 in Agreement – AF878327C and replacement with alternative wording under Section 173 of the Planning and Environment Act 1987. The relevant section of the agreement reads as follows:

The agreement requires that any dwelling must not be used as a principle place of residence, specifically:

3 Owners Covenants**3.1 The Owner covenants and agrees that no dwelling allowed by the Permit on the Land will be used as a principal place of residence, without the further written consent of Council.**

The land owner seeks to amend the Section 173 Agreement by replacing the above section 3.1 with the following words:

'The Owner covenants and agrees that no dwelling on the Land will accommodate persons who are under the age of 50 years (other than siblings, spouses or descendants of land owner/s or principal tenants)'

Notification of Proposal

No notification has been given as the request relates to an agreement between Council and the owners of the land. At this time Council is required to consider whether it will support the proposal 'in principle'.

Discussion

The owner has submitted the relevant documentation pursuant to Section 178A (1) of the Planning and Environment Act 1987 with the request to amend the Section 173 Agreement. Section 178B requires Council to give consideration to the following matters to amend an agreement.

- (1) In considering a proposal under section 178A to amend an agreement, the responsible authority must consider—
 - (a) the purpose of the agreement; and
 - (b) the purpose of the [amendment](#); and
 - (c) whether any change in circumstances necessitates the [amendment](#); and
 - (d) whether the [amendment](#) would disadvantage any person, whether or not a party to the agreement; and
 - (e) the reasons why the responsible authority entered into the agreement; and

11.1 Town Planning Application No. 5/2020/S173 - 325 Nepean Highway Frankston - To amend Section 173 Agreement AF878327C

Officers' Assessment

- (f) if the [amendment](#) is to remove [land](#) from the application of the agreement, whether the [land](#) is subject to any further liability under the agreement; and
- (g) any relevant [permit](#) or other requirements the [land](#) is subject to under the [Subdivision Act 1988](#) ; and
- (h) any other prescribed matter.

A detailed assessment is as follows:

In considering a proposal under Section 178A of the Act to amend an agreement, the responsible authority must consider:	Officer assessment and comment
<ul style="list-style-type: none"> ▪ The purpose of the agreement 	<p>The purpose of the agreement was to ensure that the intended use of the land was that of serviced apartments and was not for permanent long term residential accommodation. The specific purpose of the agreement was;</p> <ul style="list-style-type: none"> • to place a level of contractual control on the duration of tenure by imposing a restriction against the parent lot, against permanent long term accommodation subject to further approval by Council, and • to warn prospective purchasers of the lots that the dwellings are not to be used as principle place of residence. <p>These matters collectively suggest that the underlying purpose of the Agreement is for Council to continue to impose some level of planning control on the Land for an indefinite period, over and above that provided by the Scheme on the basis that the accommodation provided was not suitable for permanent long term accommodation.</p>
<ul style="list-style-type: none"> ▪ The purpose of the amendment 	<p>The purpose of the amendment is to:</p> <ul style="list-style-type: none"> • limit the age of “qualifying occupants” to a minimum age of 50 years in an effort to reduce the anti-social behaviour of its occupants having attracted media attention and that of agencies including Victoria Police, Country Fire Authority, Ambulance Victoria and Council; • allow “qualifying occupants” to reside permanently; and

11.1 Town Planning Application No. 5/2020/S173 - 325 Nepean Highway Frankston - To amend Section 173 Agreement AF878327C

Officers' Assessment

	<ul style="list-style-type: none"> remove Council's control by deleting "without the further written consent of council"
<ul style="list-style-type: none"> Whether any change in circumstances necessitates the amendment 	<p>The applicant has submitted that the Owners Corporation formed the view that:</p> <p>"...the most problematic occupants are unemployed male and female ages under 40 ; and</p> <p>"...restricting owner occupants and or future principle tenants to 50 years or older will result in a more mature community and therefore a reduction of anti-social behaviour, improved security and the momentum required to ensure that the community areas and dwellings alike are enhanced overtime contributing to improved amenity for all.</p> <p>Beyond these statements, no suitable justification of a change in circumstance has been submitted.</p> <p>No supporting documentation has been submitted as to what other changes are proposed to improve the arrangement on site to address the shortcoming of the site for long term accommodation.</p>
<ul style="list-style-type: none"> Whether the amendment would disadvantage any person, whether or not a party to the agreement 	<p>As the purpose behind the amendment it is considered that the proposed amendment has the potential to cause disadvantage to persons who would now be permitted to reside permanently in accommodation that the Tribunal considered was not suitable for such use, irrespective whether or not they are a party to the Agreement.</p>
<ul style="list-style-type: none"> The reasons why the responsible authority entered into the agreement 	<p>The agreement was entered into to restrict the duration of tenure of residents. The Tribunal required for Council to enter into an agreement with the applicant as a condition of permit. It is noted that the tribunal member stated in its decision that <i>"...however, I am uneasy about the prospect of what are essentially purpose built motel units becoming permanent accommodation. Although some may be used for student accommodation it is more likely that a relatively high proportion would be used for short term and holiday accommodation. I am not convinced that</i></p>

11.1 Town Planning Application No. 5/2020/S173 - 325 Nepean Highway Frankston - To amend Section 173 Agreement AF878327C

Officers' Assessment

	<p><i>this would sit well with permanent occupation by the financially less well off.</i></p> <p><i>On balance I think that there should be a restriction requiring that dwellings not be used as principle place of residence and that the restriction should be imposed via a s173 agreement. The registration of that agreement on title(s) will at least warn prospective purchasers of the restriction.”</i></p> <p>The underlying purpose of the Agreement is to enable Council to continue to impose some level of planning control on the land for an indefinite period, over and above that provide by the scheme on the basis that the accommodation provided was not provided for permanent long term accommodation.</p> <p>The amendment to the agreement would defeat this underlying purpose and the Tribunals objectives in issuing the permit subject to the requirement for an agreement to be entered into. The proposed amendment would have the effect of changing the nature of the use of the land, as was considered to be appropriate by the Tribunal.</p>
<ul style="list-style-type: none"> ▪ If the amendment is to remove land from the application of the agreement, whether the land is subject to any further liability under the agreement 	<p>Not applicable as the application does not propose to remove land.</p>
<ul style="list-style-type: none"> ▪ Any relevant permit or other requirements the land is subject to under the Subdivision Act 1988; and 	<p>Planning Permit 050430, which required the inclusion of a Section 173 Agreement over the land.</p>
<ul style="list-style-type: none"> ▪ Any other prescribed matter. 	<p>None</p>

Frankston Planning Scheme

Section 180 of the Planning and Environment Act states:

An agreement must not require or allow anything to be done which would breach a planning scheme or a Planning Permit.

11.1 Town Planning Application No. 5/2020/S173 - 325 Nepean Highway Frankston - To amend Section 173 Agreement AF878327C

Officers' Assessment

<p>Will the proposal require or allow anything to be done which would breach a planning scheme or planning permit?</p>	<p>The proposal would not be prohibited under the planning scheme.</p>
<p>Pursuant to Section 178C of the <i>Planning and Environment Act 1987</i> Notice of the proposal is required to be undertaken.</p>	<p>Notice was not undertaken as the proposal is not supported and Council must in the first instance form an 'in principle' view.</p>
<p>Pursuant to Section 178E of the <i>Planning and Environment Act 1987</i> Council can amend a Section 173 Agreement</p> <p>Whether there or not there are objections/submissions made under section 178D, and following consideration of matters in section 178B, Council can decide whether to amend, end, or, refuse to amend or end the agreement.</p>	<p>Notice was not undertaken as the proposal is not supported and Council must in the first instance form an 'in principle' view.</p>

Conclusion

As outlined above it is considered that the amendment to the agreement not be given in principal support.

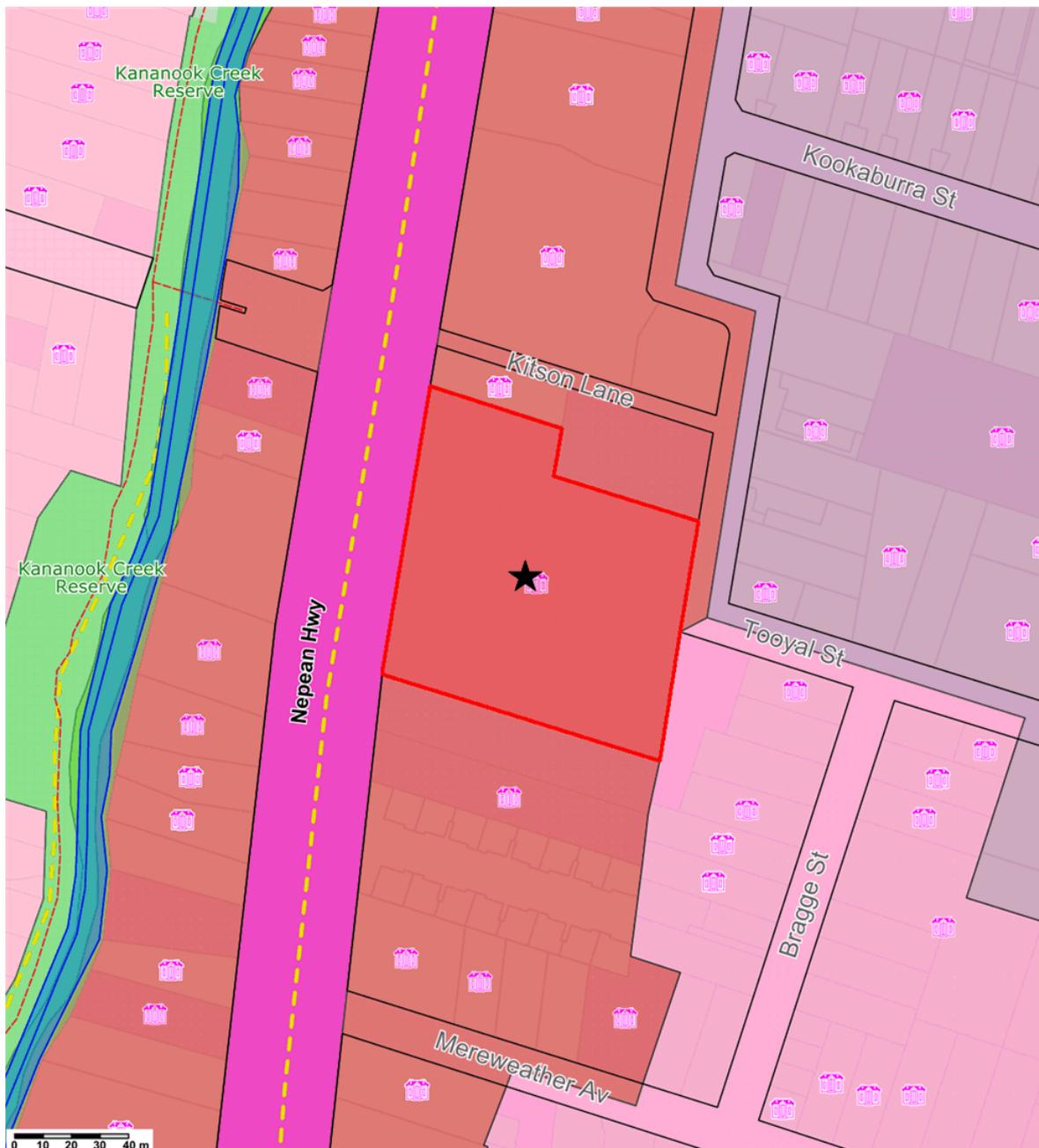
Recommendation (Director Communities)

That Council resolve to advise the requestor that it does not support the proposal to amend the Agreement AF878327C on the following grounds:

1. There has been no change in circumstance to necessitate the amendment.
2. The agreement does not need to be amended to achieve the desired outcome of allowing occupation by those over 50.
3. The agreement is still required to achieve the underlying purpose.
4. There would be persons who would be disadvantaged from the ending of the agreement.
5. The amendment removes Council's contractual control by deleting the words "without the further written consent of Council".

Town Planning Application 5/2020/S173 – 325 Nepean Hwy Frankston

Subject site ★



Disclaimer

Contains Council information © Frankston City Council. Reproduced by permission from the Business and Information Technology Department, Frankston City Council 2020. Contains VicMap information © State of Victoria, Department of Environment, Land, Water and Planning, 2020. Reproduced by permission.

This material may be of assistance to you but Frankston City Council, the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or consequences which may arise from your relying on any information contained in this material.

You are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited and must be used for personal use only.

The information contained herein must not be used in any manner that could breach any criminal, federal, state or local law.

Projection: GDA94 / MGA zone 55

Scale: 1:1859

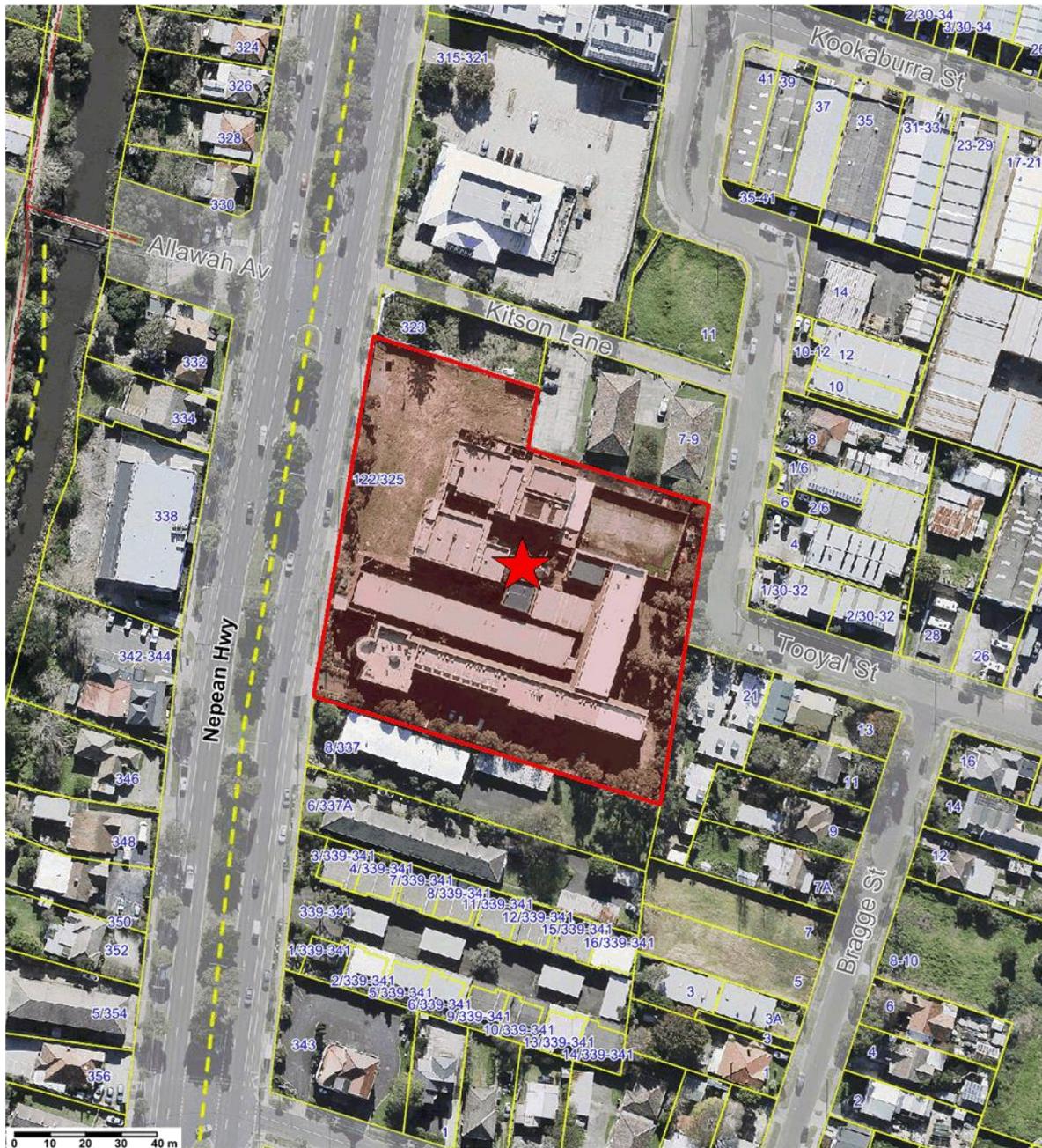
Date Printed: 6/08/2020

Time Printed: 11:53 AM

Issued by: Leah Horne



Town Planning Application 5/2020/S173 – 325 Nepean Hwy Frankston
 Subject site ★



<p>Disclaimer Contains Council information © Frankston City Council. Reproduced by permission from the Business and Information Technology Department, Frankston City Council 2020. Contains VicMap information © State of Victoria, Department of Environment, Land, Water and Planning, 2020. Reproduced by permission. This material may be of assistance to you but Frankston City Council, the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or consequences which may arise from your relying on any information contained in this material. You are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited and must be used for personal use only. The information contained herein must not be used in any manner that could breach any criminal, federal, state or local law.</p>	<p>Projection: GDA94 / MGA zone 55 Scale: 1:1487 Date Printed: 6/08/2020 Time Printed: 12:10 PM Issued by: Leah Horne</p>		
--	---	--	--



Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Victorian Land Registry Services.

Document Type	Instrument
Document Identification	AF878327C
Number of Pages (excluding this cover sheet)	7
Document Assembled	03/02/2020 11:56

Copyright and disclaimer notice:

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Victorian Land Registry Services Pty. Ltd. ABN 86 627 986 396 as trustee for the Victorian Land Registry Services Trust ABN 83 206 746 897 accept responsibility for any subsequent release, publication or reproduction of the information.

The document is invalid if this cover sheet is removed or altered.

Delivered by LANDATA®, timestamp 03/02/2020 11:56 Page 1 of 7

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Victorian Land Registry Services Pty. Ltd. ABN 86 627 986 396 as trustee for the Victorian Land Registry Services Trust ABN 83 206 746 897 accept responsibility for any subsequent release, publication or reproduction of the information.



AF878327C



Planning and Environment Act 1987

APPLICATION BY A RESPONSIBLE AUTHORITY FOR THE MAKING OF A RECORDING OF AN AGREEMENT

Privacy Collection Statement

The information under this form is collected under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes in the Victorian Land Registry

Lodged by:

Name: ZERVOS LAWYERS
Phone: 9865 8900
Address: Suite 103, Level 1, 9-11 Claremont Street, South Yarra
3141
Ref: 12227B
Customer Code: 7308

The Authority having made an agreement referred to in section 181(1) of the **Planning and Environment Act 1987** requires a recording to be made in the Register for the land.

Land: Volume 9556 Folio 208
Authority: Frankston City Council, Civic Centre, Corner Young & Davey Streets, Frankston 3199

Section and Act under which agreement made: Section 173, Planning & Environment Act 1987.

A copy of the Agreement is attached to this Application.

Signature for the Authority:

Name of Officer: GEORGE MODRICH (full name)
A/CEO

Date: 30 May 2008

AF878327C

30/05/2008 \$97 173



**RYSSAL-ONE PTY LTD
(ACN 006 196 667)**

(Owner)

- and -

FRANKSTON CITY COUNCIL

(Council)

SECTION 173 AGREEMENT

325-335 NEPEAN HIGHWAY, FRANKSTON, 3199

Ref: 60055

2

AF878327C



SECTION 173 AGREEMENT

325-335 NEPEAN HIGHWAY, FRANKSTON, 3199

DATED: 30 May 2008

PARTIES:

1. Ryssal-One Pty Ltd (ACN 006 196 667) care of Phlorides Gallo & Associates, Level 1, 113A High Street, Preston 3072 ("**Owner**")
2. Frankston City Council of Civic Centre, Davey Street, Frankston 3199 ("**Council**")

RECITALS:

- A. The Owner is registered as the proprietor of an estate in fee simple of the Land.
- B. Council is the Responsible Authority of the Scheme, being a scheme approved under the Act.
- C. Council issued a Permit No. 050430 allowing for the development and use of the Land for 109 Dwellings and Office(s), reduction in the carparking requirements pursuant to Clause 52.05 of the Scheme, alteration of access to Nepean Highway, and waiver of the requirements relating to loading/unloading bay, in accordance with the Endorsed Plans. This Permit is subject to condition 4 which requires the owner to enter into an Agreement with Council pursuant to Section 173 of the Planning and Environment Act ("the Act"). A copy of the Permit is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.
- D. Pursuant to an Order made by the Victorian Civil and Administrative Tribunal on 29 October 2007 the Planning Permit was amended so as to allow for the development and use of land for 110 dwellings and offices. A copy of the Permit is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.
- E. The Act provides that a responsible authority may enter into an agreement with an owner of land in the area covered by the Scheme and that such agreement may, amongst other things, provide for the following:-
 - (a) the prohibition, restriction or regulation of the use and development of the land; and
 - (b) the conditions under which the land may be used or developed for specified purposes.
- F. The Council and the Owner have agreed that without restricting or limiting their respective powers to enter into this Agreement and insofar as it can be treated this Agreement shall be an Agreement under Section 173 of the Act.

3



- G. The parties enter into this Agreement:
- (i) To give effect to the requirements of the Permit; and
 - (ii) To achieve and advance the objectives of planning in Victoria and the objectives of the Scheme in respect of the Land.
- H. The Permit was issued at the direction of the Victorian Civil and Administrative Tribunal (**Tribunal**) in Tribunal Proceeding P2566/2005. The Owner represented before the Tribunal that the intended use of the Land for which planning permission was sought was that of serviced apartments and, importantly, was not for permanent long term residential accommodation.

Operative provisions

1. In this Agreement unless inconsistent with the context or subject matter -

"Act" means the Planning & Environment Act 1987 or any modification, amendment or re-enactment thereof.

"Agreement" means this agreement and any agreement executed by the parties expressed to be supplemental to this agreement.

"Endorsed Plans" means the plan(s) endorsed with the stamp of Council from time to time as the plan which forms part of the Permit. A copy of the endorsed Plans is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

"Land" means the all that piece of land situated and known as 325-335 Nepean Highway, Frankston in the State of Victoria and being the land more particularly described in Certificates of Title Volume 9556 Folio 208.

"Lot" means a lot on the endorsed Plans.

"Mortgagee" means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Land or any part of it.

"Owner" means the person registered or entitled to be registered by the Registrar of Titles from time to time as the proprietor of an estate in fee simple of the Land or any part of it and includes a Mortgagee-in-possession.

"Party or Parties" means the Owner and Council under this Agreement as appropriate.

"Permit" means Planning Permit No 050430 issued by the Responsible Authority on 27 January 2006.

A handwritten signature in black ink, consisting of a stylized, cursive name.

4

AF878327C



"Scheme" means the Frankston City Council Planning Scheme.

2. Council agrees to grant the Permit.
3. Owner's covenants
 - 3.1 The Owner covenants and agrees that no dwelling allowed by the Permit on the Land will be used as a principal place of residence, without the further written consent of Council.
 - 3.2 The Owner will do all things necessary to give effect to this Agreement and consents to making application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of the Land in accordance with Section 181 of the Act and do all things necessary to enable Council to do so including signing any further agreement, acknowledgment or document or procuring the consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that section.
 - 3.3 Must do all things necessary including the signing of any further agreements, undertakings, covenants, consents, approvals or other documents necessary for the purpose of ensuring it carries out its covenants, agreement and obligations under this Agreement and to enable the Council to enforce the performance by the Owner of such covenants, agreements and undertakings; and
 - 3.4 Must pay all legal costs (including Council's) in connection with the preparation and execution of this Agreement and lodging of an Application at the Land Titles Office to have a Memorandum of this Agreement entered on the Certificate of Title to the Land.
4. Without limiting the operation or effect of this Agreement, the Responsible Authority hereby consents to the Agreement being cancelled in the event that the Permit is either:
 - 4.1 Cancelled pursuant to Section 177 of the Planning and Environment Act 1987; or
 - 4.2 The Permit is amended to delete any requirement that "any dwelling must not be used as a principal place of residence".
5. Unless otherwise provided in this Agreement, this Agreement commences from the date of this Agreement.
6. In this Agreement unless the context admits otherwise:
 - 6.1 The singular includes the plural and vice versa.
 - 6.2 A reference to a gender includes a reference to each other gender.

A handwritten signature in black ink, consisting of a stylized, cursive name.

5



- 6.3 A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- 6.4 If a party consists of more than one person this Agreement binds them jointly and each of them severally.
- 6.5 A term used in this Agreement has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act it has the meaning as defined in the Act.
- 6.6 A reference to an Act, Regulation or the Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Scheme.
- 6.7 The introductory clauses to the Agreement are and will be deemed to form part of this Agreement.
- 6.8 The Obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to and run at law and equity with the Land provided that if the Land is subdivided, this Agreement must be read and applied so that each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that owner's lot.
7. The Owner further covenants and agrees that the Owner will bring this Agreement to the attention of all prospective purchasers, lessees, mortgagees, chargees, transferees and assigns.
8. Without limiting the operation or effect which this Agreement has, the Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Land which may be affected by this Agreement.
9. Without limiting the operation or effect that this Agreement has, the Owner must ensure that, until such time as a memorandum of this Agreement is registered on the title to the Land, successors in the title shall be required to:
 - 9.1 give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and
 - 9.2 execute a deed agreeing to be bound by the terms of this Agreement.
10. Any time or other indulgence granted by Council to the Owner or any variation of the terms and conditions of this Agreement or any judgement or order obtained by Council against the Owner will not in any way amount to a waiver of any of the rights or remedies of Council in relation to the terms of this Agreement.

A handwritten signature in black ink, consisting of a large, stylized initial 'N' followed by several horizontal strokes.

AF878327C



- 11. If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and the other provision of this Agreement will remain operative.
- 12. It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Land or relating to any use or development of the Land.

Executed as a Deed

Executed by **RYSSAL-ONE PTY LTD**
(ACN 006 196 667) in accordance with
Section 127 of the Corporations Act

Signature of Director

HARRY STAMOULIS

Print name of Director

)
)
)

Signature of Director/Secretary

HELEN STAMOULIS

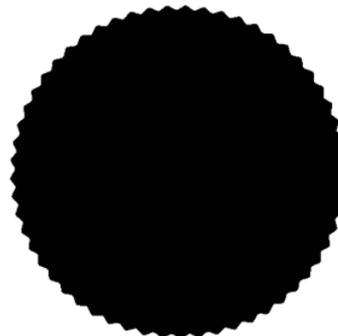
Print name of Director/Secretary

**The Common Seal of the Frankston
City Council** was affixed in the presence
of -

.....

Councillor

.....
Chief Executive Officer



Town Planning & Co. Planning Consultants | t: (03) 8765 2455 e: info@townplanningco.com.au
w: www.townplanningco.com.au i: @townplanningco



Your Vision | Our Purpose

3 February 2020

Frankston City Council
Statutory Planning Unit
Attention: Dr Gillian Kay, Director Community Development

Dear Dr. Kay,

RE: SECTION 178A | APPLICATION TO AMEND SECTION 173 AGREEMENT(S)
325 NEPEAN HIGHWAY FRANKSTON (THE AMBASSADOR)

We act for Owners Corporation Plan No. PS544420S and have been instructed to apply to vary the Section 173 Agreements affecting 109 apartments contained within 160 lots via Strata Plan at 325 Nepean Highway Frankston, pursuant to Section 178A of the Planning & Environment Act 1987.

The requirement for the Agreements was applied by the Tribunal in proceeding P2566/2005 resulting in Planning Permit P050430.

The Land has been subject to much scrutiny and media attention, for reasons understood to by the Owners Corporation, to be directly linked to Section 3.1 of the relevant S173 Agreement stating that: *'The Owner covenants and agrees that no dwelling allowed by the Permit on the Land will be used as a principal place of residence, without the further written consent of Council.'*

This request follows a formal meeting between the Owners Corporation and Councils executive planning & development team early 2019.

It is understood that an 'in principal' agreement was reached in the meeting to vary the Section 173 Agreement/s affecting the land, subject to revised Conditions, resulting in an outcome whereby a proportion of the land owners would qualify for permanent residency, providing surveillance and safety benefits.

Whilst the notion of an 'over 55's' complex was discussed, given the limited amenities servicing the ageing population, including, not limited to, lifts and the like, the Owners Corporation consider an 'over 50's' scenario more appropriate, together with their family members as appropriate.

On 15 July 2019, the Owner Corporation passed a motion to support a variation to the Agreement/s which sought to restrict accommodation to mature persons (over 50) and their siblings, spouses or descendants.

On 20 September 2019, Town Planning & Co. met with Councils Senior Project Planner to discuss the Owners Corporation vision of the land and the strategy moving forward. Councils officer was encouraging in response to the proposition, placing emphasis on the fact that the redevelopment of the Site was strongly preferred.

We acknowledge Councils preference for redevelopment. However, due to the unique circumstance presented before us, whereby approximately 80 separate land owners are involved compounded with the fact that the value of the apartments is declining due to its reputation, the redevelopment of the land in the decade to follow is most unlikely.

Accordingly, the solution presented before Council, whilst not without imperfection, is considered an improved response for all parties.

Mindful of the sensitive and political nature of this request, I invite the opportunity to meet with yourself, your executive team, the Councillors and the Owners Corporation as appropriate with view to firm 'wording' to the satisfaction of all parties involved.

Regards,



Melinda Ryan, RPIA
Town Planning & Co. Pty Ltd

**SECTION 178A REQUEST
APPLICATION TO END SECTION 173 AGREEMENT(S)**

LOTS 1 – 160 ON PS544420S
325 NEPEAN HIGHWAY FRANKSTON

Amend the wording at Section 3.1 of the Agreement

From:

'The Owner covenants and agrees that no dwelling allowed by the Permit on the Land will be used as a principal place of residence, without the further written consent of Council.'

To:

'The Owner covenants and agrees that no dwelling on the Land will accommodate persons who are under the age of 50 years (other than siblings, spouses or descendants of land owner/s or principal tenants).'

BACKGROUND

1. Metaxas Architects Pty Ltd were permit Applicant in Planning Application P050430 whereby approval was sought for: *'alterations and additions to existing motel building - change of use from motel to showroom offices and holiday apartments'* at 325 Nepean Highway Frankston (the Land).
2. The Application was heard at the Tribunal on 20 January 2006 pursuant to Section 79 of the Planning and Environment Act 1987 (the Act).
3. In the Order dated 24 January 2006 the Tribunal directed that Planning Permit P050430 (the Permit) be issued, subject to 18 Conditions.
4. The Permit was issued on 27 January 2006 allowing for: *'The development and use of the land for 109 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading / unloading bay, in accordance with the endorsed plans'*.
5. Condition 4 of the Planning Permit reads as follows, emphasis added: *'Prior to the endorsement of the plan, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 and such agreement must require that, without the written consent of the Responsible Authority, any dwelling must not be used as a principal place of residence. The agreement must be registered before any dwelling is occupied. The owner must pay all reasonable costs for the preparation, execution and registration of the Section 173 Agreement'*.

6. The rationale behind Condition 4 is expressed at paragraph 11 of the Tribunals decision. Refer to Appendix 1 and extract below:

'The responsible authority wants to prevent the dwellings proposed being used for permanent accommodation. The condition proposed is that the applicant enters into a s173 agreement pursuant to which the dwellings must not be used for long term accommodation. But what does that mean? What is "long term"? Mr Cicero's submission and Mr McGurn's evidence were that there is no need for any restriction on the use of the dwellings. Mr Cicero opposed the requirement of a s 173 agreement but suggested that if a restriction on occupancy was required it should be in the form of a condition to the effect that no dwelling be used as a permanent place of residence.

The enforcement of such a condition would be difficult and intrusive, but then so would any condition restricting the length of occupancy. Mr McGurn's evidence was that the dwellings would provide a desirable source of low cost housing in the municipality, consistent with the Council's MSS, that the dwellings were generally larger than most student accommodation development which have secured planning approval, particularly the two bedroom dwellings, they are to be self contained, have cooking facilities (but no individual laundry facilities), and would have acceptable amenity levels for short and medium term accommodation such as student accommodation or holiday accommodation. However, I am uneasy about the prospect of what are essentially purpose built motel units becoming permanent accommodation.

Although some may be used for student accommodation it is more likely that a relatively high proportion will be used for short term and holiday accommodation. I am not convinced that this would sit well with permanent occupation by the financially less well off. On balance I think that there should be a restriction requiring that dwellings not be used as a principal place of residence and that the restriction should be imposed via a s173 agreement. The registration of that agreement on title(s) will at least warn prospective purchasers of the restriction.'

ISSUES

7. We submit that the very nature of Condition 4 conflicts with the land use term *dwelling*, of which the Permit was granted. A 'dwelling' as defined in the Victorian Planning Provisions is a residence.
8. Further, the Tribunal member in his commentary implies that '*permanent occupation of the financially less well off*' is expected; and, that the restriction was applied with the intent of warning prospective purchasers [of the fact that the dwellings were not designed with permanent occupation in mind].
9. The Site offers an abundance of communal open space including an indoor swimming pool, tennis court, rotunda area and open gardens.
10. Approximately 50 per cent of the apartments are studio or one bedroom, and approximately 50 per cent of the apartments provide two bedrooms.
11. Over the past decade, or thereabouts, the apartment complex has become notorious for the anti-social behaviour of its occupants attracting volumes of media attention and alarm by agencies including Victoria Police, Country Fire Authority, Ambulance Victoria as well as Frankston City Council.
12. Given the low-cost entry into the apartments, well below average market price, compounded with the restriction preventing owner-occupants or any other permanent resident, the complex attracts, whilst not exclusive to, persons of vulnerable circumstance.
13. As a collective, the owners of the land, represented by the Owners Corporation, believe that the restriction imposed upon the land is a primary factor in this situation.
14. Further to considerable research, the Owners Corporation has determined that the most problematic occupants are unemployed male and female aged under 40.

15. The population of the City of Frankston is ageing^{1, 2} and the average individual income is 8.4% lower than that of the State². Accordingly, the market demands increased dwelling affordability for owner occupants as well as tenants in their mid-life.
16. Upon review of the Census 2016 data² for Frankston, the population over 50 made up a total of 36.1% of the population, compared to the 33.4% average across the State; and, the median weekly personal income for people aged 15 years and over was \$594, compared to the State medium of \$644.
17. When considering number of bedrooms, only 4.2% of dwellings had 1 bedroom and 22.8% had two bedrooms, compared to the state average of 5.1% and 19.3% respectfully. And, of dwellings occupied, single (or lone) person households made up 32.7% demonstrating a disconnect between the consumer and the market.
18. This data is reinforced by policy at Clause 21.07 – *Housing* of the Frankston Planning Scheme, identifying key issues associated with decreasing household size ‘downsizing’, aging in place and managing change as well as the Affordable Housing Needs Analysis prepared by SGS Economics (2019)³.
19. As the building lacks the amenities expected of a purpose built over 55’s complex, the Owners Corporation has determined based on research and anecdotal evidence, that restricting owner occupants and or future principal tenants to 50 years or older will result in a more mature community and therefore a reduction of anti-social behaviour, improved security, and the momentum required to ensure that the communal areas and dwellings alike are enhanced over time contributing to improved amenity for all.

1 .id, September 2018, Frankston City - Population and Age Structure, online via <https://forecast.id.com.au/frankston/population-age-structure>

2 Census, October 2017, 2016 Census Quickstats - Frankston (C) online via: https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/LGA22170?opendocument

3 Affordable Housing Needs Analysis, SGS Economics, July 2019 commissioned by Frankston City Council

THE PROPOSAL

Approval is sought to amend Section 3.1 of Agreements pertaining to Lots 1 – 160 of Plan of Subdivision PS544420S to read: *“The Owner covenants and agrees that no dwelling on the Land will accommodate persons who are under the age of 50 years (other than siblings, spouses or descendants of land owner/s or principal tenants)”*.

20. The inclusion of siblings, spouses or descendants is considered both fair and reasonable when considering the proportion of two bedroom apartments provided for across the complex.
21. It is expected that a grandfather clause we be applied to enable existing short term occupants to reside for the duration of their lease as at the date of the new Agreement.
22. Pursuant to Section 178B (2) of the Act, Council must consider:
 - (a) the purpose of the agreement.
 - (b) the purpose of the amendment.
 - (c) whether any change in circumstances necessitates the amendment.
 - (d) whether the amendment would disadvantage any person, whether or not a party to the agreement.
 - (e) the reasons why the responsible authority entered into the agreement.
 - (f) if the amendment is to remove land from the application of the agreement, whether the land is subject to any further liability under the agreement.
 - (g) any relevant permit or other requirements the land is subject to under the Subdivision Act 1988.
 - (h) any other prescribed matter.

23. We respond to each consideration in the Table to follow.

<i>Consideration</i>	<i>Response</i>
a) the purpose of the agreement.	To prevent any dwelling from being used as a <i>principal place of residence</i> .
b) the purpose of the amendment.	To limit the anti-social behaviour across the site by restricting the demographic of responsible tenants and or owner occupants to a minimum age of 50 years.
c) whether any change in circumstances necessitates the amendment.	<p>Since the change of use of the land to 'dwellings' the land has attracted occupants that are notorious for anti-social behaviour as a product of the 'short stay' offering – a by-product of the restriction contained within the Agreement; compounded with the very low entry price point – a by-product of the market value of the properties.</p> <p>As expressed within the <i>Ordinary Meeting Minutes</i>, 20 November 2017, page 337: '<i>Council officers will continue to work with Victoria Police and other agencies to address anti-social and criminal behaviour in and around the Ambassador site, however there are limitations of what action Council officers can take in relation to dumped rubbish and unsightliness within the private property itself</i>'.</p>

Applicants Explanation of Proposed Changes

<p>d) whether the amendment would disadvantage any person, whether or not a party to the agreement.</p>	<p>Arguably, the amendment would disadvantage persons less than 50 years as the proposed amendment seeks to restrict responsible persons (principal tenants or owner-occupants respectfully) to persons 50 years or older.</p> <p>However, we submit that the disadvantage presented is outweighed by the overall community benefits sought through the proposed amendment including a reduction of anti-social behaviour; certainty of 'place' for mid-life owner occupants and tenants alike; enhanced maintenance and improvement of buildings and grounds through direct interest of owner-occupants; and various other improvements to community and safety.</p>
<p>e) the reasons why the responsible authority entered into the agreement.</p>	<p>At the direction of the Tribunal, following concerns raised regarding permanent long-term accommodation.</p>
<p>f) If the amendment is to remove land from the application of the agreement.....</p>	<p>The amendment does not seek to remove land from the agreement.</p>
<p>g) any relevant permit or other requirements the land is subject to under the Subdivision Act 1988.</p>	<p>Planning Permit P050430 issued 27 January 2006.</p>
<p>h) any other prescribed matter.</p>	<p>Not to our knowledge.</p>

MEDIA EXTRACTS

24. As expressed at paragraph 10 of this response, the Land has been subject to volumes of media attention, generally negative in nature. Extracts of key media stories discussing the Land and its position in the market from 2016 to date are provided to place emphasis on the fact that the Application before Council is an opportunity to improve the environment provided for within the 'Ambassador'.

.....

Frankston: One of the cheapest apartments in Victoria' comes with a catch
Realestate.com, 22 September 2019

'...Frankston's Ambassador Hotel, a once-exclusive wedding venue a recent Frankston Standard Leader investigation revealed has become rampant with drug use and a hotspot for recently released criminals.

The 110-unit building also has a Section 173 overlay, meaning owners cannot use the property as a principal place of residence — the units must be tenanted.
"Because of that 173 agreement there just hasn't been the quality owner-occupiers that have had the pride to keep the complex to a certain standard," Mr Sansalone said.

"You'd be in breach of the 173 if you purchased as an owner-occupier, which limits your targets by a substantial amount. If the 173 was abolished, prices would skyrocket."

An attempt last year to lift the Section 173 was unsuccessful, but a recent proposal by the building's body corporate to turn the site into accommodation for over-55s is expected to be looked upon favourably by the Frankston City Council.

"The owners and body corporate need to come together and share a united approach which will seek to improve perceptions of safety and increase the quality of life at the Ambassador site," Councillor Kris Bolam said'.

"To date, I don't believe the owners and body corporate have provided council with such a road map and therefore council will continue to monitor the Ambassador site with a determination to encourage responsible ownership."

"If they can exhibit a commitment along these lines, council will then engage with them on the Section 173 overlay on the site."

Frankston City Mayor Michael O'Reilly said in July a cooperative approach between council and owners at the site was "very positive", although no specific changes were agreed to.

Despite the site's problems, the unit's agent remains optimistic that a buyer will see long term, bargain-basement value in the two-bedroom property, as council works with body corporate on initiatives that would see the Section 173 lifted.

"If you were a savvy investor and you could bide your time, all of a sudden the values in there would rise quite significantly," Mr Sansalone said.

An abandoned wedding chapel at the front of the property passed in at auction in March for \$600,000.

In November last year, the chapel was raided by council officers, Victoria Police and the CFA after it was discovered the trashed building was being used as a temporary boarding house.

Frankston Mayor Michael O'Reilly recently told Frankston Standard Leader the council had no plans to purchase the chapel site "at this stage".'

Source: [View story, RealEstate.com 22.09.2019](#)

Former party hotspot Ambassador Hotel now drugs, crime den

Herald Sun, 10 September 2019

It was once a luxury Melbourne wedding venue, but this Frankston hotel is now a cesspit where paramedics fear to tread and crims come when they're released from jail.

The neglected Nepean Highway property's wedding chapel has been abandoned, and luxurious hotel rooms turned into short-stay rentals — plagued with smashed windows, junk piles, graffiti and shattered beer bottles — unrecognisable to past guests.

In 2017, owners of the apartments dubbed the building as the most dangerous address in Australia.

Last year, one ice-fuelled resident was jailed for stabbing his neighbour in the back over a \$27 drug money dispute.

The violence got so bad police started to escort paramedics to drug overdoses and assaults.

Recently, residents at the 110-unit apartment block — where a room can be rented for as little as \$190 per week — told Leader they "wouldn't sleep without the door locked" and had witnessed "dead people and stabbings".

They said the cheap rooms were an easy choice for criminals looking for housing after serving a prison sentence.

..... Continued.

Source: [View story, Herald Sun 10.09.2019](#)

'Crackdown' on illegal Ambassador residence

Bayside News, 4 February 2019

'FRANKSTON Councillors have voted to maintain resources to investigate issues and breaches of local law from the notorious Ambassador Hotel.

The move was sparked by a November 2018 investigation of the site by council officers, the CFA, and Victoria Police. Council said the visit last year was made due to reports of alleged use of properties for residential purposes "without the appropriate permits".

People and pets were removed from the properties during the visit, a move Frankston mayor Michael O'Reilly said was necessary to maintain "fire safety and the safety of our residents."

"Frankston City Council takes fire safety and the safety of our residents very seriously, and will take appropriate action, where necessary," he said.

"Through the Country Fire Authority and Victoria Police, Council officers entered the Ambassador Chapel property in November of last year to remove residents and their pets.

"None of the agencies enjoy having to undertake this sort of work. Thankfully we were able to immediately connect these residents with local support services and pets were taken into care."

Councillors voted on 29 January to "continue to monitor and investigate issues and or breaches of relevant acts and regulations emanating from the Frankston Ambassador site."

A statement from council encourages people in need of emergency accommodation are urged to contact SalvoCare Eastern on 1800 825 955.'

Source: [View story, Bayside News 04.02.2019](#)

Melbourne's cheapest apartment found in 'notorious' Ambassador Hotel site
Domain.com.au, 5 March 2016

'The cheapest apartment sold last year was for just \$103,500, according to Domain Group data. But it was found behind a derelict hotel with squatters and in a complex known for crime and drugs.

.....

The situation is so bad that local paramedics have raised safety concerns about the site and will not attend without police, according to the Ambulance Employees Association.'

.....

"It's notorious and well known by locals and sadly by the police for an unsavoury element," Mr Froling said. An unusual condition placed on each of the ex-motel titles by the Victorian Administrative and Civil Tribunal in 2006, means owners cannot use the dwelling as their primary residence. Mr Froling believes the section 173 agreement led to the creation of a transient community and was ultimately the downfall of the complex.

Councillor Glenn Aitken said the site was notorious in Frankston, but said it was important not to paint all the Ambassador residents in the low-rent complex with the same brush because many were drawn there because of few other housing options.'

.....

National Shelter chair Adrian Pisarski said affordability was a clear problem in the Melbourne housing market, with lower income households left with the choice to either pay more or "get pushed into more and more marginal forms of housing, and [the Ambassador] in Frankston is a good example of that."

Source: [View story, Domain 5.03.2016](#)

- END -

Executive Summary**11.2 Frankston Planning Scheme Amendment C140 - Green Wedge Management Plan 2019 - Report on public exhibition and submissions; and request to the Minister for Planning to appoint an Independent Planning Panel to consider submissions.**

Enquiries: (Suzane Becker: Communities)

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.3 Natural and sustainable environment
Priority Action	1.3.4 Protect the values of the Green Wedge and Implement a management plan

Purpose

To brief Council on the submissions received at the conclusion of the public exhibition period of Planning Scheme Amendment C140; and recommend that Council resolve to request the Minister for Planning to appoint an Independent Planning Panel to consider submissions.

Recommendation (Director Communities)

That Council:

1. Notes that the Frankston Planning Scheme Amendment C140 was publicly exhibited for a period of six (6) weeks and forty (40) written submissions were received;
2. Continues to progress the Frankston Planning Scheme Amendment C140 and authorises officers to write to the Minister for Planning to request an Independent Planning Panel to be appointed to consider the submissions received to the Frankston Planning Scheme Amendment C140;
3. Make submissions to the Panel consistent with the October 2019 Council resolution;
4. Notes that officers will notify all submitters of its decision accordingly; and;
5. Seeks a report back to Council no later than March 2021 to consider the Panel Report, any changes proposed by the Panel and the adoption of Planning Scheme Amendment C140.

Key Points / Issues

- Council resolved at the Ordinary meeting of 14 October 2019 to adopt the draft Green Wedge Management Plan (GWMP) subject to a number of amendments as detailed in the Council resolution (see Appendix A) and authorised officers to request Ministerial authorisation to prepare and exhibit Amendment C140 and the amended GWMP.
- Frankston Planning Scheme Amendment C140 was placed on public exhibition for a period of six (6) weeks from 25 May 2020 to 6 July 2020. A total of forty (40) submissions have been received.
- The majority of submissions either seek changes to or oppose the amendment. Many of the opposing submissions are seeking amendments to the GWMP that would support future investigation of land outside the Urban Growth Boundary (UGB) for rezoning for industrial/commercial land use.
- Council resolved at the 14 October 2019 meeting to remove any reference to the potential expansion of the Carrum Downs Industrial Precinct or changes to

11.2 Frankston Planning Scheme Amendment C140 - Green Wedge Management Plan 2019 - Report on public exhibition and submissions; and request to the Minister for Planning to appoint an Independent Planning Panel to consider submissions.**Executive Summary**

the existing green wedge boundaries. Therefore the potential for rezoning of land outside the UGB and the changes sought in these submissions cannot be accommodated.

- In order to proceed with the amendment, where submissions cannot be resolved, the Amendment must be referred to an Independent Planning Panel (Panel) for consideration of submissions pursuant to Section 23(b) of the *Planning and Environment Act 1987*.
- As required by Ministerial Direction 15 (2), at the time of the public exhibition period, tentative dates for a Panel hearing are pre-set. Therefore the Directions Hearing is expected to take place in September 2020 and the Panel Hearing in October/November 2020, subject to change.
- Subject to Council resolution, all submitters will be advised of the hearing dates and will have an opportunity to present to the Panel.
- It is recommended that Council resolve to request a Panel to be appointed to consider submissions and that Council officers present submissions to the Panel consistent with the October 2019 Council resolution.

Financial Impact

There are financial costs associated with a Panel Hearing.

Costs associated with a Panel hearing can vary depending on the number of submissions and panel members required. The cost associated with a Panel can range from \$10,000 up to \$30,000. Additional costs may be incurred should Council require the expertise of Consultants to present on behalf of Council or to provide expert technical advice.

These costs have been accommodated within the existing budget for FY 20/21.

Consultation

Planning Scheme Amendment C140 was placed on exhibition for six (6) weeks from 25 May 2020 to 6 July 2020: Public notice of the amendment was undertaken as follows:

- Formal notice published in the Age on 23 May 2020.
- Letters sent to all landowners within the green wedge area.
- Emails to the participants of the Green Wedge Engagement Group and previous submitters.
- Posted on Council's website.
- Posted on the Department of Environment, Land Water and Planning website.
- Notice given to prescribed Ministers and relevant authorities.
- Published in the Government Gazette on 28 May 2020 (Government Gazette Number 21).
- Notice given to neighbouring Council's (Kingston, Greater Dandenong, Casey and Mornington Peninsula).

At the conclusion of the public exhibition period, a total of forty (40) submissions have been received. Three (3) of the submissions supported the amendment, seven (7) submission sought changes to the amendment and thirty (30) opposed the amendment.

11.2 Frankston Planning Scheme Amendment C140 - Green Wedge Management Plan 2019 - Report on public exhibition and submissions; and request to the Minister for Planning to appoint an Independent Planning Panel to consider submissions.**Executive Summary**

Key issues raised in the submissions are summarised below:

- CFA seeks further consideration to be given to matters arising from bushfire risk within all of the green wedge area;
- Much of the land within the green wedge is considered no longer viable for farming or horticultural activities;
- Land within Precinct 1, 2, 3 and 5 should be identified for further investigation for inclusion in the UGB;
- No research undertaken on the economic viability of farming and agriculture or tourism in the green wedge;
- The Green Wedge Zone permits a range of land uses that do not have a relationship with the purposes of the zone;
- The GWMP is not reflective of the initiatives and objectives put forward as part of the consultation process.
- The progress of the amendment has been unnecessarily delayed and the Panel hearing will now be held in the 'caretaker' period.

A summary of the matters raised in the submissions included in Appendix B.

Analysis (Environmental / Economic / Social Implications)*Environment*

The amendment which introduces the adopted GWMP into the Frankston Planning Scheme acknowledges biodiversity and nature conservation as a key theme in the ongoing management and preservation of the Frankston Green Wedge. Implementation of the adopted GWMP will seek to achieve an increase in native vegetation and habitat areas throughout the Green Wedge, and in particular through the development and enhancement of nature conservation corridors to link conservation reserves and to rehabilitate riparian environments.

Economic

The adopted GWMP includes information on demographics and population trends, employment forecasting, land use description and consideration of land values. The Frankston Green Wedge has the potential to support new investment and to provide for an increase in employment.

Social Implications

While there are no new planning scheme controls proposed as part of this amendment, the adopted GWMP will identify and guide best practice land management objectives and will provide for improved recreational, cultural and employment opportunities for residents of Frankston and the wider metropolitan area. The GWMP also makes recommendations for further work which could then result in new planning controls and associated measure for parts of the Green Wedge area.

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.

11.2 Frankston Planning Scheme Amendment C140 - Green Wedge Management Plan 2019 - Report on public exhibition and submissions; and request to the Minister for Planning to appoint an Independent Planning Panel to consider submissions.**Executive Summary**Legal

Procurement procedures and protocol are relevant to this matter.

Policy Impacts

The amendment proposes to include the GWMP as a reference document in the Frankston Planning Scheme.

The adopted GWMP is consistent with the PNPE31- Green Wedge Management Plan and State Government policy.

The changes proposed by some submissions to amendment to the GWMP to include further investigation to rezoning land outside the UGB for industrial/commercial land use is currently not supported by State Government 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

The adopted GWMP is currently consistent with State Government Policy.

If the submissions proposing changes to the GWMP to include further investigations to rezone land outside the UGB were supported by Council and the GWMP was amended to accommodate these submissions, there is a risk that the Minister for Planning would not approve the amendment to the planning scheme.

Conclusion

Planning scheme amendment C140 was put on public exhibition for 6 weeks and forty (40) submissions were received.

Most of the submissions either seek changes to or oppose amendment C140. Given Council's October 2019 resolution, those submissions that seek changes to the GWMP that relate to rezoning land outside of the UGB cannot be resolved.

In order to progress the amendment, a Panel will be required to consider submissions.

It is recommended that Council resolve to request a Panel to be appointed to consider submissions and that Council officers present submissions to the Panel in line with the October 2019 Council resolution.

11.2 Frankston Planning Scheme Amendment C140 - Green Wedge Management Plan 2019 - Report on public exhibition and submissions; and request to the Minister for Planning to appoint an Independent Planning Panel to consider submissions.**Executive Summary****ATTACHMENTS**

- Attachment A: [↓](#) Council resolution 14 October 2019 - GWMP
- Attachment B: [↓](#) Authorisation letter Amendment C140
- Attachment C: [↓](#) Map showing submitters location and precincts
- Attachment D: [↓](#) Summary of submission themes, officer response and recommendations
- Attachment E: [⇒](#) Summary of submissions including submitters details, assessment and recommendations (*Under Separate Cover*)
- Attachment F: [⇒](#) List of submitters' names and addresses (*Under Separate Cover*)

11.2 Frankston Planning Scheme Amendment C140 - Green Wedge Management Plan 2019 - Report on public exhibition and submissions; and request to the Minister for Planning to appoint an Independent Planning Panel to consider submissions.**Officers' Assessment****Background**

The GWMP includes detail of the consultation process undertaken in the formulation and development of the plan and the initiatives considered in this process. A draft GWMP report was prepared by Ethos Urban that was based on a review of literature and data relating to the Green Wedge and the Engagement Groups Recommendations compiled in late 2017. This document was placed on public exhibition for a period of six (6) weeks from 13 May 2019 to 5 July 2019.

The council report of 14 October 2019 outlines the public exhibition process of the draft GWMP and provides a summary of the 183 submissions received as of 12 August 2019. A detailed summary of the submissions received and officer response was included in Attachment D of that report.

In the Council resolution of the 14 October 2019 meeting, Council noted the submissions to the draft GWMP and adopted the document subject to a number of amendments.

The relevant extracts of the 14 October 2019 resolution are detailed below that relate to the consideration of the opposing submissions received at the conclusion of the public exhibition process for Amendment C140 are:

“Adopts the draft Green Wedge Management Plan with the following amendments:

- In relation to the statement on Page 86 that ‘areas of land suitable only for grazing agricultural activities in Precinct 2 may be better utilised for purposes other than agriculture – e.g. for employment or residential uses’, affirms that this is not supported and be removed from the document.*
- Removal of any reference to the potential for reduced minimum lot sizes and recommendations for further investigation in to reducing land sizes within the within the green wedge from the draft.*
- That any reference to the potential for the land east and west of Stotts Lane to be developed or re-zoned for residential be removed from the draft plan, including all recommendations to further investigate this potential.*
- That any reference to the potential expansion of the Carrum Downs Industrial Precinct is removed from the draft plan, including all recommendations to further investigate this potential.*

Ensures that the Green Wedge Management Plan does not reduce minimum lot sizes, and does not recommend or endorse any changes to the existing green wedge boundaries.”

The Green Wedge Management Plan exhibited as part of Planning Scheme Amendment C140 was amended to include the changes as required by the October 2019 Council resolution prior to public exhibition commencing on 25 May 2020.

Ministerial authorisation of Amendment C140

The Minister for Planning authorised the preparation and exhibition of Amendment C140 subject to some policy changes to ensure that the policy content relates to land use and development. Further changes suggested by DELWP officers can be considered by Council and a Panel as required.

The Minister was supportive of Council’s October 2019 resolution, stating that:

11.2 Frankston Planning Scheme Amendment C140 - Green Wedge Management Plan 2019 - Report on public exhibition and submissions; and request to the Minister for Planning to appoint an Independent Planning Panel to consider submissions.**Officers' Assessment**

"The Department of Environment, Land, Water and Planning (DELWP) acknowledges that the green management plan has been widely consulted over a number of years. The current plan retains commentary about an initial proposal for substantial changes to zones and minimum lot sizes, which would have required changes to the Urban Growth Boundary (UGB) and was later abandoned by the council.

This decision is supported by DELWP as the proposal was inconsistent with the directions of Plan Melbourne 2017-2050 and clauses of the Planning Policy Framework which seek to maintain the UGB and protect green wedges areas. Further consideration should be given the value of retaining such detailed background information in the green wedge management plan as it may result in unrealistic community expectations in the future and is unlikely to assist future decision making."

A copy of the Minister's letter is included in Appendix B.

Issues and Discussion

Council is required to consider all submissions and in the case of opposing submissions, form a position on whether the changes proposed in the submissions can be accommodated.

Of the 40 submissions received, three submissions support the amendment, the CFA seeks further explanation around bushfire risk and the remaining submissions are from landowners who either object or seek changes to the GWMP. These submissions relate to Precinct 1, 2, 3 and 5 of the GWMP.

A summary of the key issues raised by the submitters and officer assessment is in outlined in Appendix D. A map showing the locations of submitters is provided in Appendix C.

Issues raised in submissions are discussed briefly below.

Precinct 1 – Carrum Downs/Seaford Wetlands

A total of six submissions have been received that refer to Precinct 1. Four of those submissions are from landowners within the precinct.

The submissions generally oppose the amendment on the basis that the GWMP no longer includes a recommendation to investigate the land bounded by Thompsons Road, Frankston-Dandenong Road, Boundary Road and Eastlink for its potential to be rezoned for employment use and as an extension to Carrum Downs Industrial Precinct.

The land the submissions relate to is within the Green Wedge Zone and currently comprises of a range of agricultural and horticultural activities.

It is noted that a previous draft GWMP included discussion and a recommendation that this area be further investigated to assess its potential to be rezoned for employment use.

However, Council resolved at its Ordinary Meeting 14 October 2019 to remove any reference to investigate the potential for UGB relocations in Precinct 1.

Precinct 2 – Skye

The submissions received that relate to Precinct 2 oppose the amendment and raise issues in relation to the viability of the land for farming activities and on the basis that

11.2 Frankston Planning Scheme Amendment C140 - Green Wedge Management Plan 2019 - Report on public exhibition and submissions; and request to the Minister for Planning to appoint an Independent Planning Panel to consider submissions.**Officers' Assessment**

the GWMP no longer includes a recommendation to investigate the merit of amending the UGB as well as reviewing the minimum subdivision sizes in the precinct.

This precinct has an area of 1,130 ha and largely comprised of agricultural, horticultural and rural lifestyle uses ranging from larger lot sizes in the north to smaller lots the south.

The GWMP recommends that this precinct retain its role as the focus of agricultural and horticultural land use and development.

In support of this recommendation, one of the strategies is to undertake a Land Capability Assessment to assess the viability of the land for agricultural and horticultural land uses.

Council resolved at 14 October 2019 Council meeting to remove any reference to investigate the potential for UGB relocations in Precinct 2.

Precinct 3 – Skye South/Langwarrin

The submissions received in relation to this precinct oppose the amendment on the basis that the plan should consider a review of the UGB to include land that is presently considered to be rural residential and on the periphery of the precinct. In addition, the owners of the extractive industry sites seek identification of these site for future employment/industrial uses

This precinct has an area of 1,247 ha and includes two areas with major sand and stone extractive industry operations. It also has a wide range of land uses including rural residential development and large conservation reserve areas.

The report recognises the need to protect the extractive industries in the short-term and acknowledges the eventual exhaustion of the extractive industries resources. The report recognises the need to work with extractive industry landowners/operators to develop long term plans for the remediation of site and future land uses. The report notes that the area could be progressively converted to open space to create a green landscape and contribute to a system of linked parkland given the proximity to Boggy Creek and the biodiversity corridor links to Pines Flora and Fauna Reserve.

Precinct 5 – Frankston South

One submission was received that related to the rural residential land within this precinct. Effectively, this submission seeks removal of the land from the green wedge which would require modification to the UGB.

This precinct is located on the southern edge of the municipality with the green wedge straddling the border between Frankston and Mornington Peninsula Shire. It is a relatively small precinct of some 117 hectares of land. A large portion of the precinct is comprised of the Baxter Park Sport and Recreation Reserve and Melbourne Water owned land.

As the land is located outside the UGB, any proposed rezoning for urban development would require modifications to the UGB.

Discussion of Issues Raised by submitters

The majority of submissions received raise similar issues to those considered by Council at the 14 October 2019 Council meeting.

11.2 Frankston Planning Scheme Amendment C140 - Green Wedge Management Plan 2019 - Report on public exhibition and submissions; and request to the Minister for Planning to appoint an Independent Planning Panel to consider submissions.**Officers' Assessment**

At this meeting, Council resolved to remove any reference to the potential for investigation or relocation of the UGB and reference to the potential for reduced minimum lot sizes.

In response to Council's resolution and prior to public exhibition, the GWMP was amended. The amendments to the Plan included the removal of Actions 42 and 43 which proposed:

- *Action 42: Investigate the potential for UGB relocations in Precincts 1, 2, 3 and 5. Further investigate logical inclusions in these precincts.*
- *Action 43: Investigate the possibility of a reduction in minimum lot sizes for Precincts 2 and 3.*

The submissions received that oppose the amendment and seek the reinstatement of the above actions have not provided any further strategic justification beyond that already considered by Council at the October 2019 meeting.

Any changes proposed to reduce the minimum lot sizes or a rezoning of land to an urban zone would need to be robust and comprehensive as such changes would require ratification by State Parliament before they could take effect. Any such investigations would need Council adoption and would need to carefully consider the rationale and strategic merit of any proposed change to the current zones or restrictions to ensure that proposals are consistent with overall State Government policy.

Any such changes would need to be considered in the context of the Strategic Framework Plan for the municipality.

The GWMP is a comprehensive and sound strategic plan for the green wedge areas. The actions in the Plan identify a range of further strategic initiatives that aim at providing more detailed direction for different precincts.

It is not recommended that the Plan be amended or the amendment be abandoned as the existing document is considered to be sound and provides proper strategic directions for the green wedge land within Frankston municipality.

Options Available including Financial Implications

Option 1: Continue to progress Frankston Planning Scheme Amendment C140 and request the Minister for Planning to appoint an independent Planning Panel to consider submissions that cannot be accommodated through changes to the amendment and/or the Green Wedge Management Plan 2019.

Option 2: Continue to progress Frankston Planning Scheme Amendment C140 and authorise officers to amend the Amendment and Green Wedge Management Plan 2019 to accommodate the submissions that seek change or oppose the amendment. Adopt the Amendment and authorise Officers to submit the Amendment to the Minister for Planning for approval.

Option 3: Abandon the Planning Scheme Amendment.

Option 1 is recommended as it allows the Amendment to progress to an independent planning panel who can consider all submissions including those that seek changes to and oppose the amendment. It provides an opportunity for Council and submitters to make representations to the Panel who will consider the merit of the submissions and include recommendations in a Panel Report.

Option 2 is not recommended as it is not consistent with Council's resolution of 14 October 2019. However, while it would allow the amendment to progress without the

11.2 Frankston Planning Scheme Amendment C140 - Green Wedge Management Plan 2019 - Report on public exhibition and submissions; and request to the Minister for Planning to appoint an Independent Planning Panel to consider submissions.**Officers' Assessment**

need for a Panel it is unlikely the Minister for Planning would approve the amendment if the GWMP was amended to include references to changes to the UGB.

Option 3 is not recommended given that a significant amount of strategic work has been undertaken to prepare the Plan that has included extensive community consultation. The Plan is supported by robust strategic analysis and can provide suitable policy direction for green wedge land in the municipality. It will also fulfil Council's statutory obligation to deliver a GWMP. Abandoning the amendment would require Council to recommence the project which may have financial implications and is unlikely to resolve the matters raised in the opposing submissions.

Financial Implications of Option 1

Costs associated with a Panel hearing can vary depending on the number of submissions and panel members required. The cost associated with a Panel can range from \$10,000 up to \$30,000. Additional costs may be incurred should Council require the expertise of Consultants to present on behalf of Council or to provide expert advice.

These costs have been accommodated within the existing budget for FY 20/21

Conclusion

In order to progress the amendment, a Panel will be required to consider submissions.

It is recommended that Council resolve to request a Panel to be appointed to consider submissions and that Council officers present submissions to the Panel consistent with the October 2019 Council resolution.

Recommendation (Director Communities)

That Council:

1. Notes the Frankston Planning Scheme Amendment C140 was publicly exhibited for a period of six (6) weeks and forty (40) written submissions were received;
2. Continues to progress the Frankston Planning Scheme Amendment C140 and authorises officers to write to the Minister for Planning to request an Independent Planning Panel to be appointed to consider the submissions received to the Frankston Planning Scheme Amendment C140;
3. Make submissions to the Panel consistent with the 14 October 2019 Council resolution;
4. Notes officers will notify all submitters of its decision accordingly; and;
5. Seeks a report back to Council no later than March 2021 to consider the Panel Report, any changes proposed by the Panel and the adoption of Planning Scheme Amendment C140.

ORDINARY MEETING MINUTES

14

14 October 2019
2019/OM13

11.3 Adoption of the Frankston Green Wedge Management Plan - Report on public consultation and progress to a Planning Scheme Amendment to implement the Plan

(SC Community Development)

Recommendation (Director Community Development)

That Council:

1. Notes the submissions made to the Draft Green Wedge Management Plan during public consultation; and
2. Resolves to, either:

[OPTION 1]

Adopt the draft Green Wedge Management Plan with the recommendations arising from the public consultation, based on majority support from submissions (as per Attachment E), being:

- a. Remove third dot point on Page 86 of the draft GWMP 'Poultry Farm (name unknown) – located off Ballarto Road, Skye'.
- b. That the reference to the draft Westernport Green Wedge Management Plan prepared by City of Casey be amended to note that the Plan has been adopted on Page 24.
- c. That more rationale is provided in the section relating to Precinct 3 to justify Actions 42 & 43 for this area (please see note below RE Action 42 & 32).
- d. Amend the timeframe for Action 19 from Short to Immediate (Please see note below RE Action 19).
- e. Include an additional action in the draft Plan for Council to work with VicRoads to apply the appropriate land use zones to areas affected by the Peninsula Link Freeway. The timeframe for this action will be immediate as an Amendment is currently being prepared by VicRoads.
- f. That further clarification is provided to the statement on Page 86 that 'areas of land suitable only for grazing agricultural activities in Precinct 2 may be better utilised for purposes other than agriculture – e.g. for employment or residential uses'. If the intent of this statement is that it applies to large land holdings within Precinct 2 then it is not supported by Council officers and must be removed from the document.
- g. Remove the reference to Melbourne Water in Figure 30 on Page 118. Additionally, the land to the west of Stotts Lane and east of Frankston-Flinders Road be identified as part of the Precinct 5 logical inclusions in the draft GWMP document (as Action 42 describes).
- h. That the Legends of the Zoning Maps for all the precincts are amended so that colours shown in the legend reflect the colours shown on the maps. In particular, the Urban Floodway Zone should be shown as light blue in the legends and the Special Use Zone should be shown as a light green (Pages 31, 78, 88, 101, 111, 119 and 128).
- i. That the Skye Golf Driving Range & Golf Course not be nominated as a 'public course' and that this use is not nominated as a 'non-economic activity'.
- j. That the RCZ1 be noted as having a minimum lot size of 4ha in section 7.2.4 – Housing and Settlement on Page 101.
- k. That the final sentence of Page 100 be re-worded to acknowledge that the listed uses are innominate uses (not specifically defined in the Frankston

Chairperson's initials *S. Mayer*

ORDINARY MEETING MINUTES

15

14 October 2019
2019/OM13

planning scheme) and as such can be considered for approval under the current planning regime.

Note:

- i. Action 42 is to: Investigate the potential for UGB relocations in Precincts 1, 2, 3 and 5. Further investigate logical inclusions in these precincts.
- ii. Action 43 is to: Investigate the possibility of a reduction in minimum lot sizes.
- iii. Action 19 is to: Undertake an industrial land supply strategy for Green Wedge land abutting Carrum Downs Industrial Estate to be repurposed to increase industrial land supply.

and

Authorises officers to write to the Minister for Planning to request authorisation to prepare and exhibit a Planning Scheme Amendment to include the Frankston Green Wedge Management Plan into the Frankston Planning Scheme

and

Endorses the Action Plan noting that implementation will be subject to the annual budget process.

OR

[OPTION 2]

Adopt the draft Green Wedge Management Plan with the recommendations arising from the public consultation with further changes to remove controversial proposals (as per Attachment F), being:

- a. Remove third dot point on Page 86 of the draft GWMP 'Poultry Farm (name unknown) – located off Ballarto Road, Skye'.
- b. That the reference to the draft Westernport Green Wedge Management Plan prepared by City of Casey be amended to note that the Plan has been adopted on Page 24.
- c. Include an additional action in the draft Plan for Council to work with VicRoads to apply the appropriate land use zones to areas affected by the Peninsula Link Freeway. The timeframe for this action will be immediate as an Amendment is currently being prepared by VicRoads.
- d. That further clarification is provided to the statement on Page 86 that 'areas of land suitable only for grazing agricultural activities in Precinct 2 may be better utilised for purposes other than agriculture – e.g. for employment or residential uses'. If the intent of this statement is that it applies to large land holdings within Precinct 2 then it is not supported by Council officers and must be removed from the document.
- e. That any reference to the potential for reduced minimum lot sizes within the green wedge be removed from the draft. This would include the removal of any recommendation for further investigation into this potential.
- f. That any reference to the potential for the land east and west of Stotts Lane to be developed or re-zoned for residential be removed from the draft plan which would also include the removal of any recommendation to further investigate this potential.
- g. That any reference to the potential expansion of the Carrum Downs Industrial Precinct is removed from the draft which would also include the removal of any recommendation to further investigate this potential.

Chairperson's initials *S. Mayer*

ORDINARY MEETING MINUTES

16

14 October 2019
2019/OM13

- h. That the Legends of the Zoning Maps for all the precincts are amended so that colours shown in the legend reflect the colours shown on the maps. In particular, the Urban Floodway Zone should be shown as light blue in the legends and the Special Use Zone should be shown as a light green (Pages 31, 78, 88, 101, 111, 119 and 128).
- i. That the Skye Golf Driving Range & Golf Course not be nominated as a 'public course' and that this use is not nominated as a 'non-economic activity'.
- j. That the RCZ1 be noted as having a minimum lot size of 4ha in section 7.2.4 – Housing and Settlement on Page 101.
- k. That the final sentence of Page 100 be re-worded to acknowledge that the listed uses are innominate uses (not specifically defined in the Frankston planning scheme) and as such can be considered for approval under the current planning regime.

and

Authorises officers to write to the Minister for Planning to request authorisation to prepare and exhibit a Planning Scheme Amendment to include the Frankston Green Wedge Management Plan into the Frankston Planning Scheme;

and

Endorses the Action Plan noting that implementation will be subject to the annual budget process.

OR

[OPTION 3]

Not adopt the current draft Green Wedge Management Plan, and instead direct the Chief Executive Officer to revisit the scope and brief of the consultant study, re-starting the process of preparation of a plan again from the beginning.

OR

[OPTION 4]

Not produce a Green Wedge Management Plan at this time.

Councillor Bolam left the chamber at 8:40 pm.

Councillor Bolam returned to the chamber at 8:43 pm.

Council Decision

Moved: Councillor McCormack Seconded: Councillor Mayer

That Council:

1. Adopts the draft Green Wedge Management Plan with the following amendments:
 - a. Removal of third dot point on Page 86 of the draft GWMP 'Poultry Farm (name unknown) – located off Ballarto Road, Skye'.
 - b. Amendment of the reference to the draft Westernport Green Wedge Management Plan prepared by City of Casey to note that the Plan has been adopted on Page 24.
 - c. Include an additional action in the draft Plan for Council to work with VicRoads to apply the appropriate land use zones to areas affected by the Peninsula Link Freeway. The timeframe for this action will be immediate as an Amendment is currently being prepared by VicRoads.
 - d. In relation to the statement on Page 86 that 'areas of land suitable only for

Chairperson's initials *S. Mayer*

ORDINARY MEETING MINUTES

17

**14 October 2019
2019/OM13**

grazing agricultural activities in Precinct 2 may be better utilised for purposes other than agriculture – e.g. for employment or residential uses’, affirms that this is not supported and be removed from the document.

- e. Removal of any reference to the potential for reduced minimum lot sizes and recommendations for further investigation in to reducing land sizes within the within the green wedge from the draft.
 - f. That any reference to the potential for the land east and west of Stotts Lane to be developed or re-zoned for residential be removed from the draft plan, including all recommendations to further investigate this potential.
 - g. That any reference to the potential expansion of the Carrum Downs Industrial Precinct is removed from the draft plan, including all recommendations to further investigate this potential.
 - h. That the Legends of the Zoning Maps for all the precincts are amended so that colours shown in the legend reflect the colours shown on the maps. In particular, the Urban Floodway Zone should be shown as light blue in the legends and the Special Use Zone should be shown as a light green (Pages 31, 78, 88, 101, 111, 119 and 128).
 - i. That the Skye Golf Driving Range & Golf Course not be nominated as a ‘public course’ and that this use is not nominated as a ‘non-economic activity’.
 - j. That the RCZ1 be noted as having a minimum lot size of 4ha in section 7.2.4 – Housing and Settlement on Page 101.
 - k. That the final sentence of Page 100 be re-worded to acknowledge that the listed uses are innominate uses (not specifically defined in the Frankston planning scheme) and as such can be considered for approval under the current planning regime.
2. Ensures that the Green Wedge Management Plan does not reduce minimum lot sizes, and does not recommend or endorse any changes to the existing green wedge boundaries;
 3. Authorises officers to write to the Minister for Planning to request authorisation to prepare and exhibit a Planning Scheme Amendment to include the Frankston Green Wedge Management Plan, pursuant to the above amendments, into the Frankston Planning Scheme;
- and
4. Endorses the Action Plan subject to the above and noting that implementation will be subject to the annual budget process

Extension of Time

Moved: Councillor Mayer

Seconded: Councillor Aitken

That Cr McCormack be granted an extension of time.

Carried Unanimously

Extension of Time

Moved: Councillor Aitken

Seconded: Councillor McCormack

That Cr Mayer be granted an extension of time.

Carried Unanimously

Chairperson's initials *S. Mayer*

ORDINARY MEETING MINUTES	18	14 October 2019 2019/OM13
--------------------------	----	------------------------------

Extension of Time

Moved: Councillor Mayer

Seconded: Councillor McCormack

That Cr Aitken be granted an extension of time.

Carried Unanimously

The Motion was put

And Carried

For the Motion: Crs Aitken, Bolam, Mayer and McCormack

Against the Motion: Cr O'Reilly

Chairperson's initials *S. Mayer*



Department of Environment,
Land, Water and Planning

8 Nicholson Street
East Melbourne, Victoria 3002
PO Box 500
East Melbourne, Victoria 8002
www.delwp.vic.gov.au

Mr Phil Cantillon
Chief Executive Officer
Frankston City Council

Attention: Robert Lean, Senior Strategic Planner
Email address: robert.lean@frankston.vic.gov.au

Dear Mr Cantillon

**PROPOSED FRANKSTON PLANNING SCHEME AMENDMENT C140frank –
IMPLEMENTATION OF THE FRANKSTON GREEN WEDGE MANAGEMENT PLAN 2019**

I refer to your council's application for authorisation to prepare an amendment to the Frankston Planning Scheme. The amendment proposes to implement the key recommendations of the *Frankston Green Wedge Management Plan (October 2019)*.

Under delegation from the Minister for Planning, in accordance with section 8A of the *Planning and Environment Act 1987* (the Act), I authorise your council as planning authority to prepare the amendment subject to the following condition:

1. All proposed policy changes must be reviewed having regard to the guidance contained in the *A Practitioner's Guide to Victorian Planning Schemes*. Proposed policy content must relate to land use and development. For example, a proposed objective is to 'Collaborate with water authorities to explore the ongoing provision of grey water generated by the Eastern Treatment Plant to improve the efficiency and sustainability of water use in the green wedge'. Consideration should be given as to whether objectives such as these are capable of implementation through the planning scheme.

The Department of Environment, Land, Water and Planning (DELWP) acknowledges that the green wedge management plan has been widely consulted over a number of years. The current plan retains commentary about an initial proposal for substantial changes to zones and minimum lot sizes, which would have required changes to the Urban Growth Boundary (UGB) and was later abandoned by the council.

This decision is supported by DELWP as the proposal was inconsistent with the directions of *Plan Melbourne 2017-2050* and clauses of the Planning Policy Framework which seek to maintain the UGB and protect green wedge areas. Further consideration should be given the value of retaining such detailed background information in the green wedge management plan as it may result in unrealistic community expectations in the future and is unlikely to assist future decision making.

As you are aware, a review of the green wedge planning provisions is identified as a priority in the *Plan Melbourne: Five Year Implementation Plan*. DELWP is preparing a discussion paper for public consultation that outlines land use challenges and potential planning reform options for green wedge and peri-urban areas.

Comments from the DELWP project team about the green wedge management plan were provided to council officers via email on 17 April 2020 for consideration. In addition, suggested minor drafting changes have been recommended by DELWP officers in the ATS system.

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002



The amendment must be submitted to the Minister for approval.

The authorisation to prepare the amendment is not an indication of whether or not the amendment will ultimately be supported.

Please note that [Ministerial Direction No. 15](#) sets times for completing steps in the planning scheme amendment process. This includes council:

- giving notice of the amendment within 40 business days of receiving authorisation; and
- before notice of the amendment is given, setting Directions Hearing and Panel Hearing dates with the agreement of Planning Panels Victoria. These dates should be included in the Explanatory Report ([Practice Note 77: Pre-setting panel hearing dates](#) provides information about this step).

The Direction also sets out times for subsequent steps of the process following exhibition of the amendment.

The Minister may grant an exemption from requirements of this Direction. Each exemption request will be considered on its merits. Circumstances in which an exemption may be appropriate are outlined in [Advisory Note 48: Ministerial Direction No.15 – the planning scheme amendment process](#).

In accordance with sections 17(3) and (4) of the Act, the amendment must be submitted to the Minister **at least 10 business days** before council first gives notice of the amendment.

Please submit the amendment electronically using the Amendment Tracking System (ATS).

DELWP is currently reviewing the requirements of the Act affected by the COVID-19 disruption, including the availability of amendment documents under section 18. Council should satisfy itself that the provisions of the Act can be complied with as part of the preparation and exhibition of the amendment.

If you have any further queries in relation to this matter, please contact Lauren Peek, Planner, State Planning Services, DELWP on (03) 8392 5508 or email lauren.peek@delwp.vic.gov.au.

Yours sincerely

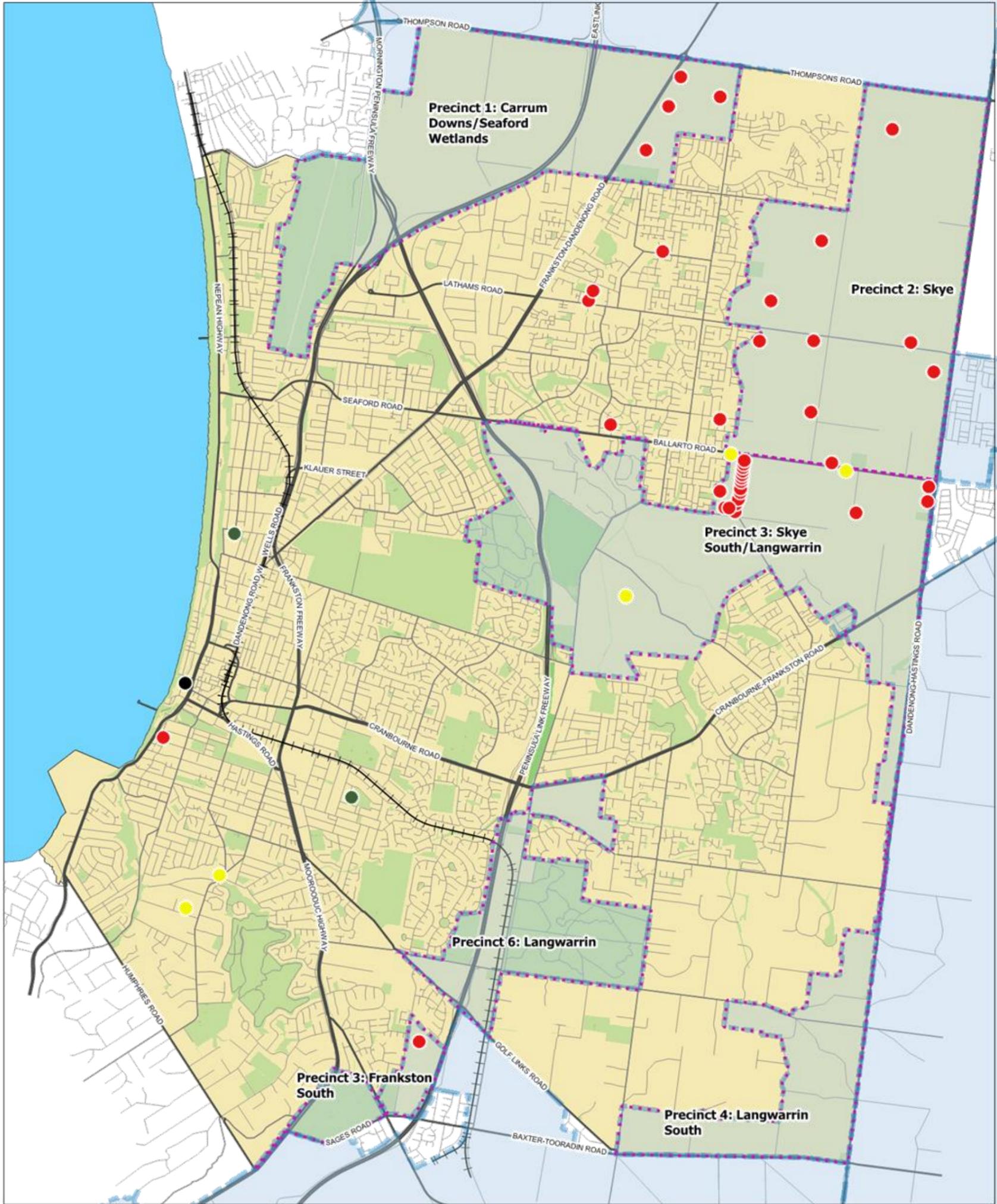


Peita Tapper
Manager, State Planning Services

Dated: 20 April 2020

Frankston City Council

Frankston Planning Scheme Amendment C140 Submitter's Provided Locations



- Generic
- Support
- Does Not Support
- Requested Changes
- Green Wedge Area
- GWMP Precincts

Frankston City Council 47 Total.
 Whitehorse City Council 1 Total.
 Melbourne City Council 1 Total.

(2) Green, (5) Yellow, (39) Red, (1) Generic
 (1) Yellow
 (1) Yellow



Contains Council information © Frankston City Council. Reproduced by permission from the Business and Information Technology Dept, Frankston City Council, 2020. Contains Vicmap information © The State of Victoria, Department of Environment, Land, Water and Planning. Reproduced by permission, 2020.

Disclaimer:
 This material may be of assistance to you but Frankston City Council, the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or consequences which may arise from your relying on any information contained in this material.

FRANKSTON PLANNING SCHEME AMENDMENT C140
GREEN WEDGE MANAGEMENT PLAN 2019
SUMMARY OF SUBMISSIONS IN THEMATIC FORMAT

A total of 40 submissions were received following the exhibition of Planning Scheme Amendment C140. The following table sorts the matters raised by submitters into themes, provides an officer response and a recommendation.

Issue Number	Issue	Number of Submissions	Officers Response	Recommendations
1	Overall support of the Amendment and the final GWMP with no suggested changes.	3	Support noted. The Amendment will implement the final GWMP which is to undertake high level analysis of issues affecting the green wedge and to then provide high level strategic justification for a set of actions that will require further focused investigation.	Note the supporting submissions.
2	These submissions have objected to the Amendment and the GWMP, particularly the removal of the investigations into land use change and/or a reduction in minimum lot sizes within Precincts 1, 2, 3 and 5. Several submissions object to aspects of	30	Council has previously considered the merit of the issues raised in these submissions including the potential for changes to the UGB in Precinct 1, 2, 3 and 5 and the potential for reduction to minimum lot sizes at the 14 th of October 2019 Council meeting. At this meeting Council resolved to remove Actions 42 and 43 from the GWMP, which proposed the following: <ul style="list-style-type: none"> • Action 42: <i>Investigate the potential for UGB relocations in Precincts 1, 2, 3 and 5. Further investigate logical inclusions in these precincts.</i> • Action 43: <i>Investigate the possibility of a reduction in minimum lot sizes. (For Precincts 2 & 3).</i> 	Refer submissions to a Panel for consideration. No further changes recommended to amendment or GWMP.

Summary of submission themes, officer response and recommendations

Issue Number	Issue	Number of Submissions	Officers Response	Recommendations
	<p>the Amendment and Final GWMP where areas of land with Precinct 1, 2, 3 & 5 are suitable only for grazing agricultural activities are not viable and may be better utilised for purposes other than agriculture – e.g. for employment or residential.</p>		<p>The exhibited GWMP does not recommend any changes to the UGB or the re-zoning of any land which is consistent with the October 2019 Council resolution.</p> <p>The submissions received that oppose the amendment and seek the reinstatement of the above actions have not provided any further strategic justification beyond that already considered by Council at the October 2019 meeting. Therefore, there is no overwhelming reasons why Council should reconsider its position.</p> <p>Any changes proposed to reduce the minimum lot sizes or a rezoning of land to an urban zone would need to be robust and comprehensive as such changes would require ratification by State Parliament before they could take effect. Any such investigations would need Council adoption and would need to carefully consider the rationale and strategic merit of any proposed change to the current zones or restrictions to ensure that proposals are consistent with overall State Government policy.</p> <p>There are actions in the Plan that should be conducted once the Amendment has been final that have the potential to address some of the issues raised.</p> <p>Action 22 of the Plan is to undertake an agriculture and horticulture viability study to determine highest and best uses for agricultural land in the green wedge.</p> <p>Action 36 is to identify green wedge areas that have been land banked and are underutilised. On page 100, the Plan states that consideration should be given to land uses that future-proof the</p>	

Summary of submission themes, officer response and recommendations

Issue Number	Issue	Number of Submissions	Officers Response	Recommendations
			<p>municipality and contribute to economic development such as renewable energy generation, automated vehicle garages, low density co-working space, high-tech recycling facilities or high-tech horticulture operations (hydroponics, cut flower seed production, etc.). Given the above actions and statement it is considered that more sustainable outcomes for land in the green wedge have been considered by the GWMP and no further changes are required.</p> <p>Action 40 proposes that Council work with State Government on the Strategic Agricultural Land Study to identify strategic agricultural land in the green wedge and ensure that terminology around 'Agriculture' and 'Horticulture' is well defined. It is anticipated that this work will help assess sustainable uses for these sites.</p> <p>It is considered that these actions are sufficient to enable the investigation of potential best uses for these sites. It should be noted that any further investigation may recommend or even involve the preparation of a Precinct Plan.</p>	
3	<p>Seeks rezoning of land for commercial use as property as the property is surrounded by industrial/commercial type uses which are impacted on amenity of the property.</p>	1	<p>The land is one of a number of smaller properties that are located close to an existing sand quarry and Council depot. Council officers have reviewed the subject site and have recognised the amenity afforded for residential use of the land is impacted as a result of the surrounding uses such as a quarry, transfer station and trucking station.</p> <p>GWMP identifies that further investigation should be undertaken at the time when the Skye Sand quarry is nearing the completion of extraction.</p>	<p>Refer submission to Panel.</p> <p>No further changes proposed to the Plan.</p>

Summary of submission themes, officer response and recommendations

Issue Number	Issue	Number of Submissions	Officers Response	Recommendations
	Requests Council give consideration to purchasing land given the impact of surrounding land uses.		<p>Action 24 of the draft Plan is to undertake a study of quarry sites for potential end uses.</p> <p>Action 34 is to consider the potential for rehabilitated extractive industry sites to become part of the open space and recreation network</p> <p>It is considered that these actions are sufficient to enable the investigation of potential end uses for the quarry sites. Any future land uses can be managed to minimise visual, physical and other amenity impacts on existing land uses nearby.</p>	
4	Supports the Amendment but requests that Council consider policy changes to the Amendment.	2	<p>Support and request noted. Council can provide further information regarding how the amendment addresses bushfire risk against Clause 13.02-1S and extractive industries bordering sensitive land uses.</p> <p>Detailed planning of each precinct can further consider the requirements of Clause 13.02-1S.</p>	<p>Refer submission to Panel</p> <p>These can be addressed in the Explanatory Report but no changes are proposed to the Amendment.</p>
5	Seeks modifications to the GWMP. The vision, objectives and strategies of GWMP for Precinct 3 should recognise the potential for more intensive land uses to be considered.	1	<p>The land has a high level of development potential due to its existing access to utilities services from abutting residential interfaces, transport (Ballarto Road), local activity centres and education facilities.</p> <p>However, the land is located outside of the UGB and therefore its development potential is to be considered in context of the current RCZ which provides for a limited range of commercial activities.</p> <p>The preparation of a precinct plan and strategic review proposed for the precinct including the existing quarrying activities would</p>	<p>Refer submission to Panel.</p> <p>No changes proposed to the plan.</p>

Summary of submission themes, officer response and recommendations

Issue Number	Issue	Number of Submissions	Officers Response	Recommendations
	<p>Seeks an additional "Planning and Governance strategy/action be added on page 105 that references the need to <i>"investigate achieving appropriate urban land use outcomes for the vacant land at 386 Ballarto Road in light of its surrounding urban context"</i>.</p>		<p>provide an opportunity to consider future uses of the quarry sites and other sites within the precinct.</p> <p>The Vision for Precinct 3 currently states that 'the Skye South – Langwarrin Precinct will continue to accommodate extractive industries and associated activities, while recognising and planning for the eventual exhaustion of the resources.</p> <p>The Plan includes a number of actions that relate to future planning for the precinct. It is considered that these actions are sufficient to enable the investigation of potential end uses for the precinct as a whole and the quarry operations.</p>	
6	<p>Does not support the final GWMP and requests that the GWMP should contain the following changes:</p> <ul style="list-style-type: none"> - Specific regard to the site and the SUZ that applies. - That should be updated as the site is not constrained by 	1	<p>The site has been included in a discussion of the quarry uses of Precinct 3 on pages 99 and 100 of the Final GWMP. The zoning of the precinct is shown on page 101.</p> <p>The statement that the potential of rezoning to employment may not be achievable applies to the area as a whole and is not specific to a certain site and as such it is considered that this statement should be referred to the Panel.</p> <p>Action 23 of the Plan is to undertake a study of quarry sites for potential end uses.</p>	<p>Refer submission to Panel.</p> <p>No changes proposed to Plan.</p>

Summary of submission themes, officer response and recommendations

Issue Number	Issue	Number of Submissions	Officers Response	Recommendations
	<p>environmental values.</p> <ul style="list-style-type: none"> - That recognition of a more productive outcome could be achieved for the site. 		<p>Action 33 is to consider the potential for rehabilitated extractive industry sites to become part of the open space and recreation network. On page 100 the Plan states that consideration should be given to land uses that future-proof the municipality and contribute to economic development such as renewable energy generation, automated vehicle garages, low density co-working space, high-tech recycling facilities or high-tech horticulture operations (hydroponics, cut flower seed production, etc.).</p> <p>Given the above actions and statement it is considered that more sustainable outcomes for the quarry sites have been considered by the GWMP and no further changes are required.</p> <p>Furthermore, it is anticipated that Action 23 will assess sustainable uses for the quarry sites.</p> <p>The above noted actions will investigate the potential for rezoning of quarry sites to accommodate future uses such as those listed above and also for recreation.</p> <p>It is considered that these actions are sufficient to enable the investigation of potential end uses for the quarry sites and it is noted that any further investigation may recommend or even involve the preparation of a Precinct Plan.</p> <p>The Plan identifies that there will be a need to engage with all quarry landowners/operators in the future planning of this precinct.</p>	

Summary of submission themes, officer response and recommendations

Issue Number	Issue	Number of Submissions	Officers Response	Recommendations
			<p>The suggestion of a short-term action to rezone the site to the zone to allow employment uses is considered to not be justified and potentially inappropriate given that site is currently being operated subject to an existing Work Authority.</p>	
7	<p>Support of the Amendment but requests wording changes and concern raised that Places of Worship, schools etc. should not be permitted in Green Wedge areas</p>	2	<p>The submitter's concerns are the wording of that in some of the ordinances in MSS is the updated version 'rural residential'. . It is agreed the Green Wedge Zone and the Rural Conservation Zone are not residential zones. However, dwellings are a permitted use and development within the GWZ and RCZ. It is considered important that the existing character of small lots that contain dwellings is considered and appropriately described in the Plan. The policy refers to the south, as in Langwarrin South, which is predominantly a rural living area with some agricultural uses.</p> <p>Places of Worship and Schools are currently permissible subject to approval within the Green Wedge Zone. As the zones are State Government prescribed, there is no capacity to make changes to the zones themselves.</p> <p>However, Action 40 of the draft Plan aims to achieve the following:</p> <p><i>'Confirm Council's position on 'Places of Assembly' and Educational Facilities locating in the Frankston Green Wedge to provide clarity for the community and stakeholders. Implement the decision through a local policy in the Frankston MSS'.</i></p> <p>If following the completion of the above action changes are recommended to the Planning Scheme, a planning scheme amendment would be required.</p>	<p>Refer submission to Panel.</p> <p>No changes proposed to Plan.</p>

Summary of submission themes, officer response and recommendations

Issue Number	Issue	Number of Submissions	Officers Response	Recommendations
			It is also noted that Practice Note 31 states that 'green wedges...accommodate a variety of important functions that support Melbourne'. The uses listed in the action are deemed to fulfil this criteria.	

Executive Summary**12.1 Council Resolution Status Update for 31 August 2020**

Enquiries: (Brianna Alcock: Chief Financial Office)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

How Purpose

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

Recommendation (Chief Financial Officer)

That Council:

1. Receives the Notices of Motion Report for 31 August 2020;
2. Receives the Urgent Business Status Update for 31 August 2020;
3. Notes three (3) Notices of Motion has been reported as being complete:
 - o 2019/NOM61 – PARC Swim Research Study
 - o 2020/NOM9 – Creation of Employment Opportunities
 - o 2020/NOM14 – Recognition to Government for Funding Assistance
4. Notes the report listed below, will not be presented back to Council by its advised date and a detailed explanation is provided in the body of the report; and
 - o Response to 2020/NOM17 – Park Bench Memoriam for Pat Bentley
5. Notes, since the Ordinary Meeting held on 10 August 2020, 25 resolutions have been completed, as listed in the body of the report.

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 Notices of Motion Report for 31 August 2020 is attached and will continue to be updated and reported at each Ordinary Council Meeting. Note there are no items listed under confidential, as such this report has not been attached.

12.1 Council Resolution Status Update for 31 August 2020**Executive Summary**

- The Urgent Business Status Update report is attachment (Attachment C) for 31 August 2020, and will continue to be reported at each Ordinary Council Meeting.
- There are three (3) Notices of Motion actions that have been reported as complete:
 - 2019/NOM61 - PARC Swim Research Study
 - 2020/NOM9 - Creation of Employment Opportunities
 - 2020/NOM14 - Recognition to Government for Funding Assistance
- 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 is one (1) report listed as being delayed for this meeting. A progress update has been supplied for the item set out below:
 - Response to 2020/NOM17 – Park Bench Memoriam for Pat Bentley
Officers will be consulting with Pat Bentley’s family to select a preferred location. Further time is required to determine the location and costs. A report will be considered by Council at its meeting on 21 September 2020. This was discussed and agreed with Cr Toms.
- Since 2020/OM11 on 10 August 2020, the following 25 resolution actions have been reported as ‘complete’. A detailed report has been provided in Attachment D.
 - Visitor Information Centre
 - Response to 2018/NOM51- Prospective land acquisitions
 - Further response to NOM 1312 - Unemployment in Frankston
 - Response to NOM1309 - New Signature Event for Frankston - Approval to Procure
 - Frankston Visitor Information Centre Progress Report
 - Proposed Community Local Law 2020
 - Planning Permit Application 38/2019/P - 383-389 Nepean Highway Frankston - Construction of a nine (9) storey building with basement for use as a Food and Drink premises, office and accommodation (110 apartments); and a reduction in car parking requirements of Clause 52.06.
 - Town Planning Application 99/2013/P/C - 25 Oliphant Way Seaford - To amend the planning permit to increase the patron numbers, change the operating hours of the existing restricted recreation facility and use the land for the sale land consumption of liquor (restaurant and cafe licence).
 - Amendment to Rates and Charges Hardship Policy
 - Update of South East Melbourne (SEM) group discussions and City Deal development
 - Online Learning Technology (OLT) Youth Grants Program 2020
 - Planning Permit Application 197/2020/P - 439 Nepean Highway, Frankston - To use the land to sell packaged liquor
 - June 2020 Planning and Environment Progress Report
 - Council Resolution Status Update for 20 July 2020
 - Record of Assemblies of Councillors
 - Minutes of the Frankston Arts Board - June 2020
 - Regional Local Government Forum - Regional Charter
 - Scheduled Policy & Strategy Forward Work Program

12.1 Council Resolution Status Update for 31 August 2020**Executive Summary**

- Update on Coronavirus (COVID-19) - 20 July 2020
- 2020 Community Satisfaction Survey results
- Disability Access and Inclusion Committee Submission to the Royal Commission into Violence, Abuse and Neglect of People with Disability
- Verbal Submission - Mayor, Cr Sandra Mayer
- Chief Executive Officer's Quarterly Report - July 2020
- Debrief of Ordinary Council Meeting (20 July 2020 OM)
- Town Planning Application 21/2020/P - To construct an eight (8) storey mixed use building and carry out works in a Commercial 1 Zone (C1Z) and Special Building Overlay (SBO) and to provide some of the car parking spaces on another site at 12 Balmoral Walk Frankston 3199

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 is no risk associated with this report.

12.1 Council Resolution Status Update for 31 August 2020**Executive Summary****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, it is recommended that the Notices of Motion as listed within this report now be archived.

ATTACHMENTS

- Attachment A: [↓](#) Notices of Motion Cost Summary for 31 August 2020
- Attachment B: [↓](#) Notices of Motion Status Update for 31 August 2020
- Attachment C: [↓](#) Urgent Business Status Update for 31 August 2020
- Attachment D: [⇄](#) Closed / Completed Council Resolutions for 31 August 2020
(*Under Separate Cover*)

Notice of Motion Report - 2020 - OM12 - for the 31 August Council Meeting (A4280479).XLSX

**Notice of Motions Estimated Costs
 By Councillor
 2016 – 2020 Term**

Councillor	Number	Primary Cost	Ongoing Cost	Outcome Cost	2019/20 Budget Cost *	Urgent Business
Cr Cunial	12	\$0	\$128,800	\$257,500	\$35,000	1
Cr McCormack	19	\$18,990	\$11,300	\$258,000	\$140,000	4
Cr Toms	38	\$7,240	\$70,000	\$259,158	\$87,000	1
Cr Aitken	48	\$7,315	\$0	\$84,750	\$85,000	11
Cr Bolam	110	\$201,316	\$959,392	\$1,068,500	\$1,005,000	8
Cr O'Connor	18	\$2,600	\$4,000	\$25,163	\$80,000	1
Cr Mayer	4	\$200	\$66,000	\$0	-	6
Cr Hampton	30	\$10,725	\$4,200	\$208,749	\$190,000	3
Cr O'Reilly	4	\$0	\$0	\$0	-	1
TOTAL	281	\$ 248,386	\$ 1,243,692	\$ 2,161,820	\$ 1,622,000	36

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

* 2019/20 Budget Cost: these are totals reflective of costs associated with project requests that Councillors have submitted as part of the 2019/2020 Budget Process and not associated with the outcomes of Notices of Motion submissions.

Notice of Motion Report - 2020 - OM12 - for the 31 August Council Meeting [A4280479].XLSX

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
23-Sep-19	14.1	2019/NOM39 - Lighting Frankston Cr Bolam	Council Decision That Council develops a strategy with respect to the implementation of a LED Lighting Program across the municipality, to ensure a strategic rationalised approach to installation. That such a strategy be brought before Council for adoption by April 2020. Carried	Clare Warren	18 Aug 2020 - Council officer have been working on the development of a Lighting Strategy as requested with an update report previously provided at the May Ordinary Meeting. A draft Strategy will be presented to Council in August.	Note approx. \$30k required to develop the plan.
18-Nov-19	14.1	2019/NOM50 - Climate Emergency Cr Mayer	Council Decision Moved: Councillor Hampton Seconded: Councillor Cunial 1. That Frankston Council: a. Acknowledges that current levels of global warming and future warming already committed constitute nothing less than a climate emergency for most life on this planet, requiring an emergency response by all levels of government, including local government; b. Resolves to review and update Council's Climate Change Impact and Adaption Plan (2011) to guide the climate emergency response by Council, to be prepared by the Chief Executive Officer within 12 months of the date of this resolution; and c. Undertakes to work with the Frankston community to raise awareness of the climate emergency and support community action to mitigate greenhouse gas emissions and build resilience. 2. Council calls upon the Australian State and Federal Governments to: a. Declare a climate emergency; and b. Back this up with legislated programs to drive emergency action to reduce greenhouse gases and meet the lower target of the Paris Agreement to keep global warming below 1.5 degrees. Carried Unanimously	Luke Ure	10 Aug 2020 - 1A. Noted., 1B. A Climate Change Governance Group has been established to oversee the development of a Climate Change Policy, as well as the review of Council's Climate Change Impact and Adaption Plan to guide Council's Climate Emergency Response. The outcomes of this review will be presented to Council in November 2020., In addition to the Policy development and Plan review, recent actions in response to the Climate Emergency declaration include: - Officers attended SECCCA's Management Committee meeting on 16 July., - Officers are working with SECCCA staff and students undertaking the regional analysis of electric vehicle (EV) challenges and opportunities in council fleets., - Officers continued to participate in two regional projects with SECCCA and its member councils, including the Greenhouse Mitigation: Community Action Planning project and the Asset Vulnerability Assessment project., 1C. Recent actions to raise community awareness include: - A climate change community survey commenced 27 July (planned in lieu of face-to-face events that were cancelled due to COVID-19), to gather information on the community's concerns and priorities to inform Council actions and educate and support our community on the actions they can take., - A regional stakeholder meeting was held on 14 July with officers from the SECCCA member councils, SECCCA staff and 20 industries and organisations to share information on ways to reduce community emissions and discuss barriers to change., 2A. Complete., 2B. Complete.	
18-Nov-19	14.2	2019/NOM51 - Community Safety in the CAA Cr Aitken	Council Decision That Council notes the recent Community Safety Meetings held by Cr Toms and continued by Cr Aitken which has involved a number of participants including council officers, John Billings representing Frankston Traders Group, various traders and other parties. Requests that future meetings be closely minuted detailing issues and suggestions, and that such minutes be tabled with Council at the next Ordinary Meeting in the Open Agenda. Requests further that any issues raised at these meetings, initiatives or ideas and/or requests to Frankston Police, be forwarded in detail to Frankston Police requesting detailed responses to the issues and in turn these responses be tabled in a report for the next appropriate Ordinary Meeting.	Suzane Becker	18 Aug 2020 - The community safety meetings relate to key stakeholders particularly business owners in the city centre. Due to the COVID19 restrictions of stage 3 and 4 meetings have not been held. The appetite for resuming will be assessed at the end of Stage 4 restrictions.	
18-Nov-19	14.4	2019/NOM53 - Councillors Code of Conduct Cr Aitken	Council Decision Moved: Councillor Aitken Seconded: Councillor Bolam That the Councillor Code of Conduct be reconsidered in respect of the wording and points laid out. This is to be undertaken in the first instance with individual councillors and any suggestions they may have. Then followed up by general discussion and finally resolved through a formal resolution if any changes are made. Carried Unanimously	Brianna Alcock	12 Aug 2020 - In progress. The review of the Councillor Code of Conduct (Code) was due to commence in May 2020 however has been deferred to commence preparation in October 2020. There are five (5) important provisions that must first be adopted by Council by 1 September 2020 and these are currently the focus for completion., A Response to NOM report will be prepared for 31 August Council Meeting to note that the Code of Conduct will be reviewed in October 2020.	
16-Dec-19	14.5	2019/NOM61 - PARC Swim Research Study Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That Council provides a report to the February 2020 Ordinary Meeting to consider partnering with Deakin University (DU) and Peninsula Leisure P/L (PL) in the development of a research paper that will potentially gain international and local industry interest. PL and DU propose to undertake an extensive study, to focus specifically on: • The developmental stage at which children establish foundational swimming skills; and • Three schools for which regular and frequent learn-to-swim instruction is not commonplace. The proposed target schools are located in Karingal and Frankston North, which are areas where statistical socioeconomic disadvantage exists. The schools that will be participating in this program are Mahogany Rise PS, Aldercourt PS and Ballam Park PS. The study is expected to benefit between 200-300 children; and will incentivise students and their families to participate in free swimming lessons to improve their swimming capabilities. There is an opportunity to seek Victorian Government funding to offset funding required by PL and Council. The report will provide details of any proposed Council contribution to this initiative. Carried Unanimously	Kim Jaensch	14 Aug 2020 - The funding and delivery of a pilot program has been delayed until the 2021/22 financial year due mainly to PARC closure from COVID-19 and their shifted focus to rebound from this challenge from both a membership and revenue perspective during 2020/21. Peninsula Leisure will re-commence discussions with Council once normal operations have resumed., It is requested that this action is closed.	
16-Dec-19	14.9	2019/NOM65 - Cemetery Caretaker Provisions Cr McCormack	Council Decision Moved: Councillor McCormack Seconded: Councillor Aitken 1. That a report be prepared for consideration by Council in relation to options for re-instating the caretaker at the Frankston Cemetery following the abrupt cessation of the caretaker role, without community consultation. 2. That the report consider options for replacement of the position which includes the administrative requirements that the role requires, as well as options for cemetery maintenance. 3. That the report be brought back to Council for consideration in March 2020. Carried Unanimously	Brianna Alcock	11 Aug 2020 - 1. In progress. A report is being prepared for Council in relation to options for re-instating the caretaker at Frankston Cemetery., 2. In progress. The report will consider options which includes both the administrative requirements and cemetery maintenance., 3. In progress. A Briefing was held with Councillors on 6 July 2020 to discuss the options. A Special Cemetery Trust meeting was held on 10 August 2020 to discuss the options further. It is expected that a report will be presented to Council at its Meeting on 31 August 2020.	
17-Feb-20	14.1	2020/NOM9 - Creation of Employment Opportunities Cr Cunial	Council Decision Moved: Councillor Cunial Seconded: Councillor Hampton Notwithstanding Council's significant investment in business support and attraction programs, it is noted that there is less than one job per three residents in Frankston City. Council calls for a report to the April 2020 Ordinary Council Meeting outlining any opportunities to be further investigated regarding changes to processes, strategic position and policy that could aid with the creation of more employment opportunities within the City.	Suzane Becker	18 Aug 2020 - A report prepared by PPES department responded in full to this NOM. The adopted recommendations, comprise a number of further actions to be undertaken, which supersede this NOM. Request to close this resolution and report against the new resolution.	
20-Jul-20	14.1	2020/NOM14 - Recognition to Government for Funding Assistance Cr Aitken	Council Decision That Council writes to both the Prime Minister of Australia, the Honourable Scott Morrison and the Premier of Victoria, the Honourable Daniel Andrews, expressing appreciation for funding allocations for both public and Frankston City Council works within the municipality throughout this term of Council. These funding allocations are essential in assisting in serving the diverse needs of our communities and this motion reaffirms the importance of an "all of Government" working relationship.	Sam Jackson	13 Aug 2020 - Letters to the Prime Minister and Premier have been prepared and sent in accordance with the Council resolution., All actions within this resolution have now been completed and this is recommended for closure.	

Notice of Motion Report - 2020 - OM12 - for the 31 August Council Meeting [A4280479].XLSX

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
20-Jul-20	14.2	2020/NOM15 - Rooming House Reform Advocacy Cr Aitken	<p>Council Decision</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Acknowledges the role rooming houses play to meet accommodation needs and that, while the majority of rooming house owners operate well managed and maintained premises, a few create distress within the neighbourhood as a consequence of poor building design and no management oversight of residents' behaviour; 2. Notes that Council regularly receives complaints from distressed community members about the inequality of requirements of the planning scheme and building regulations for the approval of rooming houses (compared with other forms of housing) and the management of them once they are operational; 3. Acknowledges that Frankston's badly run rooming houses can have a devastating impact upon adjoining or nearby residents, tearing their lives apart through repeated threats, highly offensive language, intimidation, violence and other associated problems. Parents with young children can face situations involving extreme behaviour and aged residents or single women feel particularly vulnerable and at risk, ultimately leading to selling the family home or otherwise relocating to escape a cycle of fear and abuse; 4. Believes Local Government is best placed to manage the issues but the current State Government policy and regulatory environment does not provide the means or powers to do so. At the very least Legislation should be amended to provide by law that a live-in manager or concierge be mandatory to assist in mitigating such circumstances; 5. Further advocates through its membership of the Frankston Strategic Housing and Homelessness Alliance for an increase in the quantum of affordable housing; 6. Acknowledges the overall intent of this formal motion of Council is to break the chain of events that lead to immeasurable community harm, as a direct result of a limited cohort of rooming house operators, who demonstrate unbridled pleasure nurturing the money flow from these operations with scant or no regard for the surrounding amenity or well-being of others living nearby; 7. Writes to the Premier, Opposition Leader and Local Members of Parliament to appeal to the Victorian State Government to review and amend the policies, legislation and regulations to make all necessary changes to empower Local Government to ensure: <ol style="list-style-type: none"> i. private building surveyors are required to notify Council and neighbours of a property whose owner has plans for a rooming house development ii. private building surveyors are required to advise Council and neighbours of an approval to build prior to works commencing or issuing of an Occupancy Permit 8. Writes to the Human Rights and Equal Opportunities Commission to seek support to redress the experienced inequalities of human rights resulting from the impact of poorly considered and managed rooming house developments; 9. Submits draft motion to the Municipal Association Victoria seeking legislative and regulatory reform to enable Local Government to better manage the impact of rooming houses; and 10. Notify all State MPs that represent the Frankston municipality, to inform them of Council's actions and seek their active support. 	Stuart Caldwell	18 Aug 2020 - Letters seeking policy and regulatory changes have been sent to the Premier, Ministers and Human Rights Commission. A motion has also been drafted for the MAV.	
10-Aug-20	14.1	2020/NOM17 - Park Bench Memoriam for Pat Bentley Cr Toms	<p>Council Decision</p> <p>Moved: Councillor Toms Seconded: Councillor Aitken</p> <p>That Council investigate the installation of a park bench memoriam, paying tribute to Pat Bentley and her service to the community of Frankston. A report is to come back to Council at its 31 August 2020 Ordinary Meeting providing indicative costings, including for a plaque to be placed on an existing park bench and a proposed timeframe for its installation.</p> <p>Carried Unanimously</p>	Vishal Gupta	14 Aug 2020 - Council officers have commenced work on identifying suitable location for proposed park bench memoriam. Process will also include contacting Pat Bentley family to seek their preference for the location. To allow for consultation with Pat Bentley family and diligently select preferred location and work out costings, a report in this matter will be presented to Council at its meeting on 21 September 2020. The new timelines for Council report has been discussed and agreed with Cr Toms.	
10-Aug-20	14.2	2020/NOM18 - COVID-19 Recovery Initiatives Cr Bolam	<p>Council Decision</p> <p>Moved: Councillor Bolam Seconded: Councillor Toms</p> <ol style="list-style-type: none"> 1. Noting that financial hardship extends to ratepayers beyond those in receipt of the unemployment benefit, a report be prepared by no later than September 2020 to identify the feasibility of extending support and options to ratepayers who are experiencing financial hardship; 2. Support the extension of the current rate deferral provisions in Council's existing Rates Hardship Policy to place on hold: <ol style="list-style-type: none"> a. The raising of penalty interest on overdue rates payments until 30 June 2021; b. Legal costs relating to all new and existing debt recovery action until 30 June 2021. 3. That, in preparation for 2021/2022 Annual Budget and in recognition of the significant impact that COVID-19 is having on our local community, a report be prepared in February 2021 to consider the feasibility of the following initiatives: <ol style="list-style-type: none"> a. Extending the current rate relief of a one-off \$200 rate waiver for an owner occupied property, where one or more of the owners are in receipt of a Centrelink unemployment JobSeeker Payment in the 2021/2022 financial year; b. Waiving all food business registration fee renewals for 2021/2022; c. Waiving fees for not-for-profit organisations hiring/leasing council facilities for the upcoming financial year; d. Waiving fees for businesses that pay a-frame and general advertising signage fees for the upcoming financial year; e. The advantages and disadvantages of removing the differential rate applied to all Commercial and Industrial properties for 2021/2022; f. The benefits and implications of a freeze on Council rates for 2021/2022; g. Place a hold of penalty interest on overdue rates and any dishonour fees incurred if a ratepayer defaults on direct debit payments for 2021/2022; and 4. Advocacy to the State Government to suspend or freeze its levies (i.e. Hard Waste Landfill Levy etc.) and service charges (i.e. VicRoads vehicle registration etc.) for 2021/2022. <p>Carried</p>	Kim Jaensch	13 Aug 2020 - 1. In progress: A report will be prepared by no later than September 2020 to identify the feasibility of extending support and options to ratepayers who are experiencing financial hardship; . 2. In progress: Support the extension of the current rate deferral provisions in Council's existing Rates Hardship Policy to place on hold; . a. The raising of penalty interest on overdue rates payments until 30 June 2021; . b. Legal costs relating to all new and existing debt recovery action until 30 June 2021; . 3. In progress: In preparation for the 2021/2022 Annual Budget and in recognition of the significant impact that COVID-19 is having on our local community, a report will be prepared in February 2021 to consider the feasibility of a number of support initiatives; . 4. In progress: To be completed by Advocacy and Engagement Officer.	

Item 12.1 Attachment C: Urgent Business Status Update for 31 August 2020

Notice of Motion Report - 2020 - OM12 - for the 31 August Council Meeting (A4280479).XLSX

Urgent Business

Meeting Date	NOM Title and Councillor	Council Resolution	Responsibility	Comments
20-Jul-20	Urgent Business - Cr Toms Social Media Post	Moved: Councillor Cunial Seconded: Councillor Hampton That: A. This Council formally censures Councillor Steve Toms for his recent social media post that has potentially contravened Frankston City Council policies and the Councillor Code of Conduct. Councillor Toms' actions are in the opinion of this Council unacceptable and potentially extremely harmful given the current COVID-19 pandemic and could cause extreme risk to the health and wellbeing of members of our community. His actions are not in keeping with current State and Federal recommendations pertaining to social distancing and COVID-19 mitigation measures. B. In light of the actions by Councillor Toms in relation to travelling within and movements within the municipality, the CEO is directed to increase advice on social media and on Council's website that reinforces to the public the need to practice safe social distancing in all parts of our municipality. Also to travel away from home only as a matter of absolute necessity and in compliance with the current advice from the Victorian Chief Health Officer.	Brianna Alcock	12 August 2020 - A. Complete. Council resolved the urgent business which censured Cr Toms for his recent actions on his social media post. B. Complete. The CEO has directed for increased advice on social media and Council's website regarding COVID-restrictions. As a leading regional LGA Facebook page, Council's promotion of the Victorian Government's social distancing rules along with other appropriate messaging will continue to be a focus throughout the pandemic. Messaging will alter as new information becomes available. Any images used in promotional materials where distancing and mandatory mask wearing is not demonstrated, are accompanied by the following statement: "This image was taken prior to social distancing requirements. Council recommends residents practice social distancing at all times." This item is requested for closure by the CFO.

Executive Summary**12.2 Update on Coronavirus (COVID-19) - 31 August 2020**

Enquiries: (Phil Cantillon: Chief Executive Office)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.1 Employment, education and economy
Priority Action	2.1.2 Develop a knowledge, creativity and skills based economy that generates employment opportunities

Purpose

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

Recommendation (Chief Executive Officer)

That Council:

1. Notes this report that outlines its response to the impacts of the Coronavirus (COVID-19);
2. Notes that an update will be provided to each Council meeting for the foreseeable future during this Pandemic;
3. Approves the rent waivers for the Frankston District Basketball Association, Frankston District Netball Association and the Frankston Yacht Club from 1 April 2020 – 30 September 2020, along with a waiver of further monthly charges during the 2020/2021 financial year, until the premises resumes occupation, following a lifting of COVID-19 restrictions;
4. 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 2020/2021, capped within the \$1.2M budget allocation; and
5. Approves extending the current rate deferral provisions in Council's existing Rates Hardship Policy to place on hold:
 - a. The raising of penalty interest on overdue rates payments until 30 June 2021;
 - b. Legal costs relating to all new debt recovery action until 30 June 2021.

Background

At its Ordinary Council meeting on 20 April 2020, Council resolved that it:

1. Receives this report that outlines its response to the impacts of the Coronavirus (COVID-19).
2. Receives that an update will be provided to each Council meeting for the foreseeable future during this Pandemic.

Key Points / Issues

- Reports have been submitted to each Ordinary meeting on this matter since 20 April 2020 noting the above resolution with the exception of the 15 June 2020 Ordinary meeting which was scheduled for the purpose of considering the guidelines of the COVID-19 grants application.

12.2 Update on Coronavirus (COVID-19) - 31 August 2020**Executive Summary**

- Frankston City Council continues to ensure it reduces risk surrounding the virus known as COVID-19 to our staff and the wider community especially during the Stage 4 restrictions which came into effect on 2 August 2020.
- Unfortunately, one of Council's Direct Care Workers, in early August 2020 tested positive for COVID-19. Staff and clients identified as having had close contact were notified and self-isolated. Council officers assisted the Department of Health and Human Services who undertake the contact tracing.
- Council continues to implement the Relief and Recovery Package (Package), the Package contains 53 initiatives and is valued at \$6.434 million with tailored support for individuals, community groups and businesses to help them recover in the short, medium and long term.

Some key inclusions and actions to date are listed below:

- For individuals:
 - Rate relief valued at \$1.2 million, which includes a \$200 waiver for eligible owner-occupier ratepayers receiving Job Seeker unemployment benefits through Centrelink.

At the time that Council's Care Package was prepared, it was not anticipated the extent of the impacts from COVID-19 and stage 4 restrictions. Noting that financial hardship extends to ratepayers beyond those in receipt of the unemployment benefit, it is recommended that residents (owner/occupiers) 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. Council officers will monitor the uptake of this extension within current allocated budget and report to Council through this report on the status.

Applications for the \$200 waiver for eligible owner-occupier ratepayers receiving Job Seeker unemployment benefits through Centrelink opened 1 July 2020. At the close of business on Monday 18 August 2020, Council had received 272 rate wavier applications, of which 43 application applications have been declined.

- Ceasing all new legal action to recover outstanding rates and placing a freeze on raising of penalty interest until at least the end of September 2020. Noting the extent of the impacts from COVID-19 and stage 4 restrictions on the community, it is recommended to extend the current rate deferral provisions in Councils existing Rates Hardship Policy to place on hold:
 - The raising of penalty interest on overdue rates payments until 30 June 2021 (foregone additional income of \$150K to be funded from the COVID-19 Relief and Recovery Package);
 - Legal costs relating to all new debt recovery action until 30 June 2021.

The Revenue team has not commenced any new legal action to recover outstanding rates and no rates reminder notices will be issued. A freeze has also been place raising of penalty interest. In July 2020, \$0.056 million of interest has been foregone.

- Funding to provide increased checks on rooming houses to ensure the health and safety of residents and to deliver hygiene products and other essential care items. \$20,000 in additional funds to deliver care packages

12.2 Update on Coronavirus (COVID-19) - 31 August 2020**Executive Summary**

and phone checks to the city's elderly and isolated residents.

Infection control packs were delivered in June, 2020 to 71 rooming houses across the municipality. This was well received by the residents and operators. The Environmental Health team have completed putting together similar packs and these were distributed at the start of August, 2020. This not only provides hygiene products to this cohort but also gives officers an opportunity to check the welfare of the residents.

Officers have been contacted by the regional Health Protection Officer (DHHS) as other Councils would like to replicate this program across their rooming houses.

Work continues to deliver care packages and undertake phone checks to the more vulnerable members of the community.

- \$30,000 to assist students to purchase essential study materials.

The scholarships grant were opened to the community as of July 2020. Please refer to the 'Community Grants' item for information regarding allocations made.

- A \$300,000 financial contribution to Community Support Frankston for emergency food or equipment to be purchased through local suppliers.

Whilst Community Support Frankston (CSF) are operating under the "limited client contact" action plan June 2020 was an extremely busy month with 3,565 instances of food related supports (hampers, meals, food vouchers etc.) along with 480 instances of other community support (e.g. utility bill payments, essential medicines & whitegoods) compared with 2,648 for the month of June 2020.

Last month, CSF distributed more than \$95,000 in financial and in-kind support to the community - compared to \$47,000 in July 2019. CSF distributed 3 times the amount of food/gift cards - 7 times the amount of food/meals - and doubled their amount of brokerage to help people with essential bill payments, medicines, whitegoods and accommodation related expenses.

CSF are seeing a mix of new and existing clients with a majority of calls from people struggling to maintain their private rental properties.

The Community shower service has continued to provide a valuable community service during this time and has not required any additional support with Council resolving at its Ordinary meeting on 10 August 2020 to redeploy the staff to other critical support services.

- To promote community connection:

- Through the extension of online Library services such as an expanded collection of e-resources, live streaming of events such as story time and author talks, and free online borrowing.

Stage four restrictions have necessitated that we stop all home deliveries.

- \$20,000 to create an arts collective encouraging artists, writers and film makers to create stories, short films and imagery for a piece reflecting on how the city has been impacted by the pandemic.

Please refer to the 'Community Grants' item for information regarding allocations made.

12.2 Update on Coronavirus (COVID-19) - 31 August 2020**Executive Summary**

- A \$52,000 creative industries and arts grant program which will provide mentoring to creatives wishing to turn their talents into businesses.

Please refer to the 'Community Grants' item for information regarding allocations made.

- Expansion of the community grants program to \$500,000 in order to support local clubs and community groups in their recovery efforts.

The COVID-19 Community Relief and Recovery Grants were opened to the Community in July 2020.

Detailed in the financial section of this report is a summary table of the status of each grant pool and the amounts allocated in the previous month.

- The waiving of sporting club tenancy and ground allocation fees until at least September, with a total value of \$150,000.

Actioned. The winter seasonal tenant clubs were notified that there would be no fees applicable for the winter season.

The Frankston District Basketball Association (FDBA) requested rent relief following the first lockdown and approval was granted for a 3 month rent waiver from April – June (financial impact \$7,911.92). A further request has been received from the FDBA and officers are recommending a further 3 month rent waiver be granted for July- September. The financial impact will be \$7,911.92 for this period.

Whilst requests have not been received from the Frankston District Netball Association (FDNA) and the Frankston Yacht Club (FYC), officers are recommending that a 6 month rent waiver be granted to both groups to ensure an equitable approach is being applied to these groups. The financial impact equates to \$4,797.95 for the FDNA and \$2,300 for the FYC.

The total financial impact of the new recommendations is \$15,009.87.

- To support businesses, employment and the economy:
 - An expanded Invest Frankston business grants program by \$270,000, including the creation of fast grant opportunities, with a funding pool totalling \$450,000 to support investment in commercial and industrial premises.

Applications for the Invest Frankston Business Grant program have now been assessed by the CEO appointed Independent Assessment Panel, with recommendations presented to Council for consideration at Ordinary Council Meeting 31 August 2020.

The Fast Business Grants Program has launched with 54 applications received as of 18 August 2020. Of these applications, nine were ineligible, 26 have been approved and paid and 19 are currently being assessed. There are also 87 applications currently in progress and yet to be submitted (individual details relating to all applications so far are provided in attachment B under separate cover to this report).
 - \$52,000 to provide local businesses outreach support, information and tools to help them plan, prepare, adapt, upskill and communicate to their customers.

12.2 Update on Coronavirus (COVID-19) - 31 August 2020**Executive Summary**

Businesses continue to engage with Council's Business Concierge service to access a range of free services including business mentoring, grant application advice, financial aids and permit advice.

Council also launched a new promotional campaign for new businesses opening in Frankston, called the Frankston's Business Showers. This new marketing campaign gives new businesses free promotion across the Invest Frankston social media channels and e-Newsletters. Already, this new segment has been extremely well received by the local community with 2,700 organic reach and 14 shares across other social media platforms.

Council's Step by Step Guide has been updated. This printable PDF takes you on a five step guide to help businesses navigate their way through the latest restrictions, including where to go for facts, staff support advice, financial and other support, tax incentives and grant advice.

- Early payment of Council suppliers to help with their cash flow.

This is now standard operating procedure. At the time of Council endorsing the Package, over 2,600 suppliers had been directly contacted.

- \$40,000 to develop loyalty programs for local businesses and marketing campaigns to encourage residents to explore locally rather than travelling.

These programs are currently being developed and local businesses are being contacted to ensure their participation. Due to the latest social distancing restrictions the launch of these programs have been deferred.

- Waiving of *Food Act* and kerbside trading fees valued at \$160,000.

At its Ordinary Meeting held on 20 July 2020, Council adopted to re-purpose the \$130,000 allocated to provide free registration to health and food businesses. This money will now be used to provide relief to small business and clubs when renewing their business registrations in October 2020.

The waiver of the Kerbside Trading fees has been implemented for 2020/2021 financial year.

- Council has been contacted by a resident who expressed concern that Council was still imposing fees for permits in relation to shipping containers being placed on Council land such as nature strips.

During the COVID-19 Pandemic, many families have had to relocate due to personal circumstances in some instances families are now having to share accommodation with each other due to financial strain. Council may elect to review or waive fees as part of the care package for any local law permit that may be imposed on residents as a result of having to relocate to live with other family members, due to financial hardship. These applications would be assessed on a case by case basis by Officers.

- Council has been partnering with Working for Victoria to support unemployed Victorians to find work. The \$500 million 'Working for Victoria' initiative was launched in April this year as part of the \$1.7 billion Economic Survival and Jobs Package to assist people who have lost their jobs at this difficult time.

Frankston City Council has been successful in its submission to appoint 37 program employees for a six month period. Council will receive \$1,798,772 to fund these appointments including vehicle costs, PPE, training, induction, mobile devices, tools, equipment, WorkCover and insurance.

12.2 Update on Coronavirus (COVID-19) - 31 August 2020**Executive Summary**

The recruitment of the two Human Resources roles are underway and are expected to commence when Stage 4 ends.

- Council's relief and recovery efforts continue with key elements noted below:
 - The Council's call centre referral service continues to help impacted residents access and connect to services, especially during Stage 4 restrictions.
 - Council continues to operate its Meals on Wheels service with two separate teams ensuring it keeps up with demands and is sustainable long term into this pandemic crisis.
 - Council continues to identify ways to understand and better support the community, such as food packages, meals, medical needs, transport and information and support to rooming house residents, whilst also assisting to deliver Council's overall care packages as agreed by Councillors.
 - During Stage 4 Restrictions, Council continues to work with external agencies to ensure there is a collaborative approach to managing the current State of Disaster and be prepared for the City's recovery moving forward.
- It is important for Council to use various communication methods both internally and externally which includes continuation of the CEO's weekly email to staff, webinars for staff, emails to Councillors along with regular updates to our Community via our website, facebook and other mediums.
- Our Community is provided with regular updates via one source on the following external website: www.frankston.vic.gov.au/staffcoronaupdates.
- At the time of writing this report the below restrictions were in place for Metropolitan Melbourne.
- On Sunday 2 August 2020, the Victoria Premier, The Hon. Daniel Andrews, MP announced Stage 4 'Stay at Home' restrictions for Metropolitan Melbourne (including Frankston City) starting from 6pm Sunday 2 August 2020 until at least Sunday 13 September 2020. The Premier also declared a State of Disaster and brought in a number of restrictions effective from 11.59pm 6 August 2020 relating to retail, business and industry due to increasing COVID-19 infection cases. Council then reactivated its Municipal Emergency Management Centre virtually.
- Prior to the Stage 4 restrictions coming into effective on Tuesday 7 July 2020, the Victorian Premier, The Hon. Daniel Andrews, MP had reintroduced Stage 3 "Stay at Home" restrictions in Victoria effective from 11.59pm 8 July 2020 for municipalities in metropolitan Melbourne and Mitchell Shire Council, following several days of Victoria recording its highest infection rates to date.
- Face masks became mandatory as of 11.59pm on Wednesday 22 July 2020 to help stop the spread of COVID-19. All Council staff along with residents of Frankston City are required to wear masks when outside of their homes including working inside a Council building or in the field. The only people exempt from wearing masks are those who have a medical reason not to wear one (with proof), children under 12 years of age and those who have a valid professional reason.
- Council has closed several high-risk facilities in response to this announcement, including libraries, playgrounds, community centres and the customer service

12.2 Update on Coronavirus (COVID-19) - 31 August 2020**Executive Summary**

centre located at Seaford Community Centre. Council customer service centres in Frankston, Langwarrin and Seaford were closed to the public in the interests of protecting our staff and community from Monday 27 July 2020. Service centres will remain closed until COVID-19 Stage Three Restrictions are lifted, however residents can still contact Council via email, facebook, phone and through our website Live Chat Service. With by appointment option still available during business hours for customers by calling in advance.

- A summary is outlined below of the restrictions current for our municipality as a result of the Stage 4 announcements include:
- *Overview:*
 - Supermarkets, grocery stores, bottle shops, pharmacies, petrol stations, banks, newsagencies, post offices – plus everyone involved in our frontline response – will continue to operate.
 - Industries where onsite operations will have to cease for the next six weeks including retail, some manufacturing and administration. These businesses will all need to close by 11:59pm Wednesday 5 August 2020, unless they have specific circumstances that mean they need longer to shutdown safely.
 - Retail stores will be permitted to operate contactless 'click and collect' and delivery services with strict safety protocols in place, and hardware stores can remain open onsite, but for tradespeople only.
 - Industries that are permitted to operate – can only do so under significantly different conditions.
 - All open businesses and services that are permitted to operate will have until 11:59pm Friday 7 August 2020 to enact a COVIDSafe plan focused on safety, prevention and response in the event that coronavirus is linked to the workplace.
 - In Industries that can't close, but where we've seen a number of cases or emerging new risks, there will be some big changes to make these workplaces safer. That includes mandated reductions to the number of workers onsite.
 - In the meat industry – and based on the minimum required to operate safely onsite – the workforce will be scaled back to two-thirds. Unlike other changes, and recognising the risk these sites have posed here and around the world, this will apply to abattoirs in Melbourne and across the state.
 - Warehousing and distribution centres in Melbourne will be limited to no more than two-thirds the normal workforce allowed onsite at any one time.
 - The construction sector will also move to pilot light levels. For major construction sites, that means the absolute minimum required for safety – but no more than 25 per cent of the normal workforce onsite. Small-scale construction will be limited to a maximum of five people onsite.
 - These workplaces that are continuing to operate will also have additional requirements including extra PPE, staggering shifts, staggering breaks, health declarations and more support for sick workers to ensure they stay home.

12.2 Update on Coronavirus (COVID-19) - 31 August 2020**Executive Summary**

- These changes will be enforceable. And the onus will be on employers to make sure they're doing the right thing by their workers, including ensuring those with symptoms – and potentially the virus – do not come to work.
- *Support for businesses:*
 - For those businesses that suffer significant losses or need to close as a result of the current restrictions, support will be provided through our expanded Business Support Fund.
 - Businesses in regional Victoria can apply for a \$5,000 grant while those in Melbourne and Mitchell Shire can apply for up to \$10,000 in recognition of spending longer under restrictions.
 - And for those businesses and industries that fall into grey areas when it comes to their operation, the dedicated Industry Coordination Centre within the Department of Jobs, Precincts and Regions will consider their case.
 - Local Government Victoria will continue to work closely with the Department of Health and Human Services and the Municipal Association of Victoria to further clarify the impact of these restrictions on local governments.
- *Overview our residents:*
 - A curfew will apply from 8pm to 5am each night, with exceptions for work, medical care and caregiving.
 - Exercise will be limited to a maximum of one hour per day and no more than five kilometres from your home. Group size will be limited to a maximum of two whether you live with them or not. On 20 August 2020, the Victorian Government revisited the regulation of not being able to drive within five kilometres to exercise and this regulation was changed, enabling residents to drive to a reserve or walking track, for example, to exercise ensuring good mental and physical health during this time.
 - Shopping will be limited to one person per household per day and within five-kilometres from your residence, unless there the closest supermarket is beyond five kilometres.
 - From Thursday 6 August 2020, Regional Victoria will return to stage three 'stay at home' restrictions, while Mitchell Shire will remain on stage three restrictions.

Gatherings

- Public gatherings up to 2 people maximum, including a member of your household.
- Private residence, no visitors.
- Private worship or religious ceremonies be broadcast only.
- Auction houses and real estate auctions to operate remotely.
- Real estate inspections – by appointment only.
- Remember to always maintain physical distancing of at least 1.5 metres from those you don't live with.

12.2 Update on Coronavirus (COVID-19) - 31 August 2020**Executive Summary****Culture and entertainment**

- Galleries, museums, national institutions, historic sites, outdoor amusement parks, zoos and outdoor arcades – closed.
- Indoor and outdoor cinemas, movie theatres, concert venues, theatres and auditoriums – closed.
- Outdoor amusement parks and arcades: closed.
- Drive-in cinemas: closed.
- Arenas and stadiums: closed.
- Casinos and gaming: closed.

Shopping and retail

- Restaurants and cafes: take away and delivery only.
- Pubs, bars, clubs, nightclubs: closed.
- Bottle shop: take away only.
- Food courts: closed.
- Beauty, hairdressers and personal care services: closed.
- Saunas and bathhouses: closed.
- Auction houses: operate remotely.

Sports and recreation

- Community sport: closed.
- Indoor sport and recreation: closed.
- Recreational activities such as fishing, golf, boating, tennis, surfing and driving range shooting are not allowed including all public boat ramps, piers and jetties under Council's management are closed to recreational boating and fishing activities.
- Outdoor sporting facilities: closed.
- Swimming pools: closed.
- Playcentres: closed.
- Playgrounds: closed.

Schools

- Remote learning state-wide, including year 11 and 12s, except for vulnerable children and children of permitted workers.
- Specialist schools open for vulnerable children and children of permitted workers. (Effective from Wednesday 5 August 2020).
- Childcare and kinder: closed, except for vulnerable children and children of permitted workers. (Effective from 11.59pm Wednesday 5 August 2020).
- Higher education and TAFE: remote learning and training only.

12.2 Update on Coronavirus (COVID-19) - 31 August 2020**Executive Summary****Travel**

- Travel in a vehicle with a person outside your home not permitted, with some exceptions.
 - Travel within Victoria outside Metropolitan Melbourne: allowed for work, education (if necessary) and care/compassionate purposes only.
 - Holiday accommodation and camping: closed except for residents, emergency accommodation, or work purposes.
 - Second place of residence - You cannot visit second place of residence with limited exceptions (e.g. emergency or maintenance; shared custody; to stay with intimate partner who does not live with you).
- People on holidays can complete their holiday. Since 11.59pm on 8 July 2020, people have not been permitted to travel for a holiday.
 - In addition to the above, on Sunday 19 July 2020, the Victorian Government announced that the wearing of face covering was mandatory effective from 11:59pm Wednesday 22 July 2020. All Council officers have been provided with facemasks and have been instructed to follow the regulations set by the Victorian Government.
 - Nearly a month into Stage 4 restrictions, Council's workforce continues to be adaptable and make alternative arrangements to ensure compliance with the restrictions including working from home options for additional staff who can work from home and coordinating redeployment for staff that cannot.
 - As at 13 August 2020, over 38.2% of Council's staff are working remotely.
 - The total hours of redeployment is 21,650 hours of activity (since 30 March 2020).

Provision of Customer Service and Community Advice during COVID-19

The last three weeks (all of which have been during Stage 4 lock-down restrictions) has seen a rise in the number of enquiries to Council from individuals seeking more localised or personalised advice on social distancing restrictions – particularly through Council's corporate live chat facility.

There has been a slight decline in the number of phone calls during this three week period (27 July – 16 August 2020), although this is expected to increase significantly again in the next couple of weeks with the launch of the online application forms for foreshore parking permits and the 2020-2021 rates notice expected 21 August 2020.

Key highlights for the past three week cycle include (refer to Attachment A for full details for the last three week period and preceding months):

- During Stage 4 lockdown there has been a growing preference for our customers to interact with Council online. From April 2020 – July 2020 for every one online transaction, Council received an average of 2.9 phone calls. In the past three weeks this has reduced to 1.6 phone calls for every one online transaction
- Rates and planning continue to be the top two reasons why our customers are contacting us via phone – with them equating to 29 per cent and 25 percent respectively of the top five call topics.

12.2 Update on Coronavirus (COVID-19) - 31 August 2020**Executive Summary**

- Requests for service using Snap Send Solve over the month of July 2020 is showing a 106% increase in requests relating to overgrown vegetation. With more people exercising and walking in their local neighbourhood, there is increased desire for overhanging branches to be better managed. Officers are now using this information to inform a communication campaign to remind residents to trim any of their vegetation that is extending onto public land.

Communication

Council's \$6.434 million Relief and Recovery Package continues to be strongly promoted across all channels under the banner of '*For the love of Frankston*' (FTLOF). This campaign specifically targets sectors of our community to ensure people are aware of the Council, State and Federal support services available to them.

The introduction of Stage 4 Restrictions presented an opportunity to place static display stands at supermarkets across the municipality, allowing residents to access hard copy information at their convenience as they shopped for daily essential items. Stands are now in place at 13 locations and contain information about FTLOF, '*Have Your Say*' items that are currently out for consultation, information on where to access financial and mental health support, and copies of the latest edition of Frankston City News.

Elements of the package have also been widely promoted using social media – with Council's Facebook page reaching more than one million followers last quarter. Several videos featuring the Mayor and Council staff have also been developed to communicate Council's adaptation and continuation of Council services. The latest is also receiving regular airplay on community radio station, 3RPP.

Promotion of Council's rate waiver has seen more than 200 residents successfully apply for the once-off discount. This number is expected to increase in the coming weeks, with a leaflet highlighting the rate waiver and other community support available included in all annual Rate and Valuation notices.

General Promotion	Promotional Activities Undertaken YTD
All COVID-19 Relief and Recovery Grants	FCC Facebook FCC Twitter FCC Instagram FCC eNews Frankston City News FCC Website (banner) Email – community distribution list Let's be Frank newsletter Sport & Recreation newsletter Static display stands
Targeted Promotion	Promotional Activities Undertaken YTD
COVID-19 Recovery Grants	Sport & Recreation newsletter Social media
Youth Grants	Youth Service Facebook Youth Service Instagram

12.2 Update on Coronavirus (COVID-19) - 31 August 2020

Executive Summary

	Email - youth network distribution list Email – high school wellbeing team email distribution list
Inclusion Support Grants	Sport & Recreation newsletter
Student Scholarship Grants	Libraries Facebook Libraries Instagram Libraries eNews Chisholm Institute contacts notified Corporate social media
Fast Business Grants	IF eNews LinkedIn Corporate Social Media Invest Frankston Facebook

Council's major events

Council has still no indication of when the State and Federal Government COVID-19 restrictions, which do not currently allow mass gatherings of the events' scale, are likely to be lifted.

- '*Mayors Family Picnic*' will be a totally on line event with pre-recorded content being played on the date of the originally planned live event.
- '*Pets Day Out*' will be postponed to a later date.
- '*Christmas Festival of Lights*' will be redesigned as primarily an online experience, some live elements, over an extended period may be delivered, it is important to note, this planning is in its early stages.

Increased Cleaning and Sanitisation during COVID-19

The cleaning of Council buildings is undertaken at a very high standard. Council's Facilities team and Ventia (Council's Cleaning Contractor) conduct a number of cleaning audits per month to ensure cleaning standards are being met.

From 12 March 2020 cleaning requirements across Council run buildings increased to include the introduction of a sanitisation program. A separate cleaning team have been providing this additional sanitisation service.

This additional sanitisation program is equal to health sector practices. A product called Chloradet (mixture of bleach and detergent) is being used.

As part of the increased cleaning regime, Council's cleaning contractor has implemented the use of a UV-C light-wand across all staff work-stations (including keyboards) once a week. A number of 'deep cleans' have also been undertaken across Council buildings to ensure a clean and safe work environment for staff.

12.2 Update on Coronavirus (COVID-19) - 31 August 2020**Executive Summary**

Further, 60 automatic hand sanitiser units and/or cleaning stations (with hand sanitiser pumps and cleaning products) have been installed at entrances, outside toilets and other key locations, across Council buildings.

Cleaning of all ceiling air duct vents (including changing and cleaning air-filters) across Council run buildings has also been undertaken. Fresh-air intake on the air-conditioning systems has been increased where appropriate.

The cost of the additional sanitisation program is approximately \$5,000 per week.

Currently, public toilets are being cleaned every day as per the cleaning schedule, some up to seven times a day. Feedback received from Council's Cleaning contractor is that usage of public toilets has significantly decreased (up to 80%) due to current stage 4 restrictions.

If Council were to provide an additional sanitisation program for the 59 public toilets, this would be an additional cost of approximately \$18,000 per month.

Table 1 details the current daily contract cleaning program for 101 buildings including public toilets:

No. of buildings	Cleaning Service	Annual Cost \$
42	Routine Cleaning - Buildings	\$ 703,242.48
59	Routine Cleaning - Public Toilets	\$ 518,860.66
36	Periodical Cleaning	\$ 118,756.77
101	Total	\$ 1,340,859.91

Table 2 details the extra sanitisation program cost currently being undertaken since March 2020 (COVID 19).

No. of buildings	Sanitising Service	Monthly Cost \$	Notes:
36	Sanitising & UV - Council Staffed Buildings	\$ 21,203.17	Ave. on spend from Mar to Jul 2020
6	Sanitising - Deep Cleans (Workstations)	\$ 1,140.00	Ave. on spend from Mar to Jul 2020
36	Total	\$ 22,343.17	

Financial Impact

Council continues to monitor its financial outcomes during this time ensuring the necessary adjustments are made to operate within the established budget parameters. Officers are continually reviewing and as required working with the relevant level of Government to ensure funding options that maybe available to Council are acted upon.

Council at its Ordinary meeting on Monday 11 May 2020 adopted the COVID-19 Relief and Recovery Package, containing 53 initiatives and valued at \$6.434 million.

Financial Impacts on tenants of Council owned facilities

Council approval is sought to waive rental charges for the following tenants; Frankston District Basketball Association (FDBA), Frankston District Netball Association (FDNA) and the Frankston Yacht Club (FYC).

The FDBA has already been granted a rent waiver for April-June 2020 (inclusive) that equated to \$7,911.92. To ensure an equitable approach to similar organisations we are seeking to waive rent for the FDNA for April-September 2020(inclusive) for a total of \$4,797.95 and for the FYC for April-September 2020 (inclusive) for a total of \$2,300.

12.2 Update on Coronavirus (COVID-19) - 31 August 2020

Executive Summary

The additional 3 month waiver for the FDBA equates to another \$7,911.92. The total impact of the rent waivers is \$15,009.87.

COVID-19 Relief and Recovery package – grants update

A summary of the current grants relating to the COVID-19 Relief and Recovery package and promotions surrounding this package is listed below noting that the COVID-19 Relief and Recovery Grants have only recently opened. Promotions commenced in July 2020 with 'Round one' for the Recovery Grants closing on 31 July 2020 and is subject to assessment and recommended allocations.

COVID-19 Community Support Grants

Program	Budget	YTD allocation	Available funds	Comments
COVID-19 Recovery Grants	\$514,665	\$0	\$514,665	The July 2020 funding round assessment phase is underway with the panel scheduled to determine funding allocations on 26 August 2020. Details will be included with the COVID-19 CEO report to Council in September 2020. Promotion of the September 2020 funding round will commence week of 17 August 2020.
Environmental Sustainability Grants*	\$5,000	\$0	\$5,000	A total of five submissions have been received to this funding round; the panel is scheduled to determine funding allocations on 17 August 2020. Details will be included with the COVID-19 CEO report to Council in September 2020.
Arts Project Grants	\$32,000	\$32,000	\$0	At its meeting on 15 June 2020, Council resolved the following delegation for the COVID-19 Relief and Recovery Grants. <i>Grants between \$2k and \$4K to the CEO, under arrangements supported by Senior Officers and nominated Council Officers which will be subject to a briefing of Councillors and noted at the next practicable Council Meeting.</i> Twenty six submissions were received for the Artist Project Grant and the assessment panel recommended eight projects (total allocation). In line with the delegated arrangements the assessment panel comprised of Senior and

12.2 Update on Coronavirus (COVID-19) - 31 August 2020

Executive Summary

				<p>nominated Council Officers with relevant expertise and a member of the Frankston Arts Board. Their assessment was reviewed by the Director Communities and the CFO prior to being submitted to the CEO for approval. Recommended applicants are listed in the confidential support information (Attachment C).</p> <p>All applicants will be advised of the results following the Council meeting on 31 August.</p>
<p>Creative Industries PD Grants</p>	<p>\$20,000</p>	<p>\$7,500</p>	<p>\$12,500</p>	<p>At its meeting on 15 June 2020, Council resolved the following delegation for the COVID-19 Relief and Recovery Grants.</p> <p><i>Grants between \$2k and \$4K to the CEO, under arrangements supported by Senior Officers and nominated Council Officers which will be subject to a briefing of Councillors and noted at the next practicable Council Meeting.</i></p> <p>Four submissions were received for the Creative Industries Grants and the assessment panel recommended 3 projects.</p> <p>In line with the delegated arrangements the assessment panel comprised of Senior and nominated Council Officers with relevant expertise and a member of the Frankston Arts Board. Their assessment was reviewed by the Director Communities and the CFO prior to being submitted to the CEO for approval. Recommended applicants are listed in the confidential support information (Attachment C).</p> <p>All applicants will be advised of the results following the Council meeting on 31 August 2020.</p> <p>A further round will be undertaken in November to allocate another 5 grants in this category.</p>

12.2 Update on Coronavirus (COVID-19) - 31 August 2020

Executive Summary

Youth Grants	\$10,000	\$0	\$10,000	Applications received to the July 2020 funding round will be assessed by officers in August and scheduled for authorisation by CEO on 25 August 2020. Details will be included with the COVID-19 CEO report to Council in September 2020.
---------------------	----------	-----	----------	---

COVID-19 Rapid Response Grants

Program	Budget	YTD allocation	Available funds	Comments
COVID-19 Urgent Grants*	\$50,000	\$0	\$50,000	No applications received; however it is noted that organisations / community groups are applying to the COVID-19 Recovery Grants Program in accordance to the guidelines.
Inclusion Support Grants*	\$25,000	\$0	\$45,000	No further applications have been received due to stage four restrictions; this is not surprising given all sports have been put on hold or cancelled until further notice.
Student Scholarship Grants	\$30,000	\$0	\$30,000	One application has been received and scheduled for CEO authorisation on 19 August 2020. It is noted that tertiary students incur majority of expenses at the commencement of the calendar year.
Fast Business Grants	\$270,000	\$10,500	\$259,500	51 grant applications received, 22 approved and paid, three awaiting final approvals, nine ineligible, seven requiring further information, ten currently being assessed. There are also 82 started applications that have not yet been submitted for assessment (see attachment B).

Consultation

See above sections.

Analysis (Environmental / Economic / Social Implications)

Not applicable.

12.2 Update on Coronavirus (COVID-19) - 31 August 2020**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

See above sections.

Policy Impacts

See above sections.

Officer's Declaration of Interests

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

Risk Mitigation

See above sections.

Conclusion

That the report be received.

ATTACHMENTS

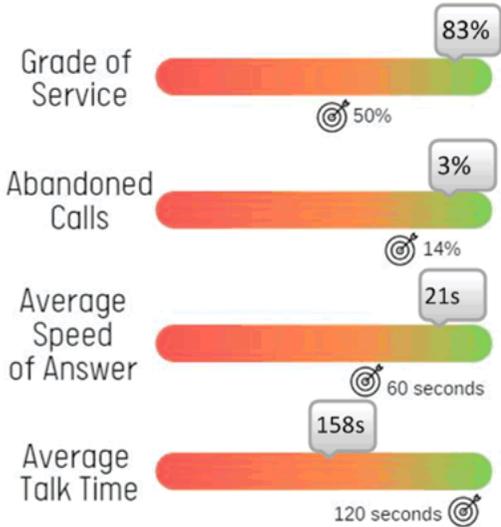
- Attachment A: [↓](#) Customer Service Report - 27 July-16 August 2020
- Attachment B: [⇒](#) Fast Business Grants Program - as at 18 August 2020 (*Under Separate Cover*)
- Attachment C: [⇒](#) Panel Assessment Recommendations - Artist Project and Creative Industry Grants.pdf (*Under Separate Cover*)

JUL 27 - AUG 16
 2020

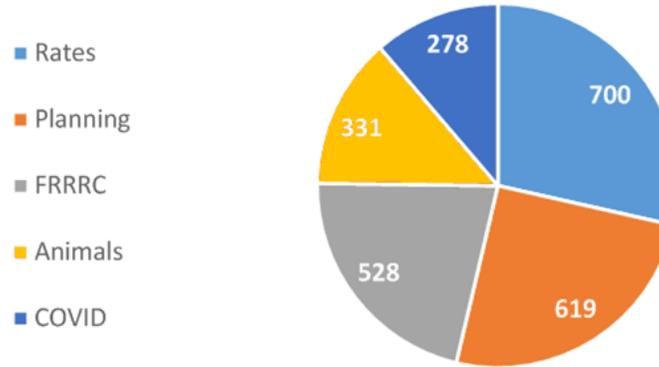
CUSTOMER SERVICE REPORT



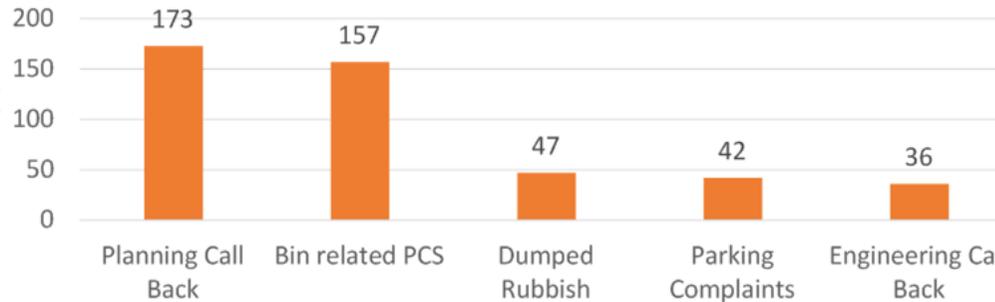
Monthly Snapshot



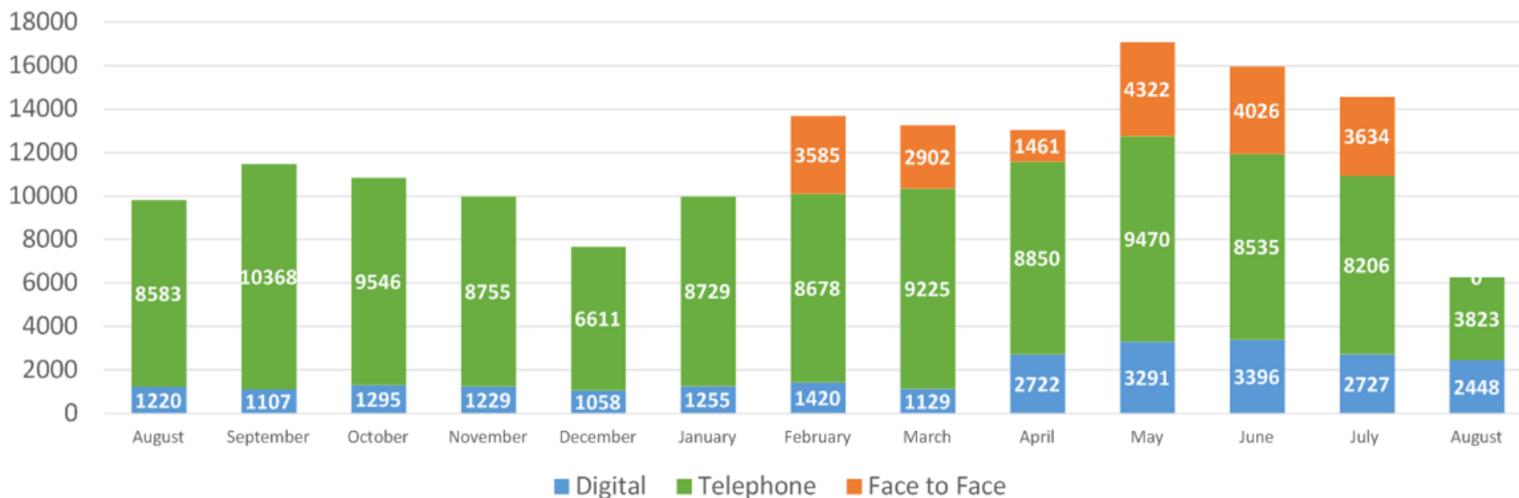
Top 5 Call Topics



Top 5 PCS Request Types by CSO's



Customer Service Interactions



- 5,790 Calls Answered
- 18% of calls resulting in PCS
- 2,448 Digital Conversations
- 0 Visits to a Service Centre
- 1,068 Total Customer Requests

- 278 COVID-19 Phone Calls

- 8 COVID-19 PCS Requests

- 99 COVID-19 Live Chats

JUL 27 - AUG 16
2020

CUSTOMER SERVICE REPORT



COVID-19 Live Chat

99 Customers
used live chat to
enquire about
COVID-19



I was wondering if someone could shed some light on home registered kitchen business and the rules on operations now during stage 4? Food business can remain open, as can 'sole operated' business, but it seems a grey area? 😊

Here are some examples of what they are asking us -

Hi there, I want to check whether it is ok for my parents to go grocery shopping together as my mum cannot drive and they are both over the age of 60. It might put too much physical burden on my dad to go shopping alone.

Hi I'm just wondering if I'm allowed to go from Frankston to Traralgon hospital to visit my dad who went to hospital last night

How many Covid-19 active case in Frankston vic

hi im enquiring on behalf of my elderly parents, is there a free delivery food service for pensions during covid, parents are too afraid to go coles or woolies to purchase their essentials

Hi could you tell me if Frankston council have received the mask from the government

I really don't want to demand or complain at all, it's just my husband has lost his job and we are struggling to pay for our shopping. Please, please help us.

Hi I Was wondering where I could get help with food vouchers or parcels

I'm 65 I have a HC licence. Have driven cement/water trucks/tailgate vehicles..etc I need a job..

I am a mother with a very vulnerable daughter. I can not go anywhere considering I am a single mother with a baby on it's way. Sometimes I just sit in bed and cry. My brother tells me not to take the weight of the world on my shoulders, but it's hard not to.

Executive Summary**12.3 Record of Assemblies of Councillors**

Enquiries: (Brianna Alcock: Chief Financial Office)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

Purpose

To table the written records for the Assembly of Councillors as defined by the *Local Government Act 1989*.

Recommendation (Chief Financial Officer)

That Council receives the following written records for the Assembly of Councillors on:

- 6 July 2020 (Councillor Briefing);
- 13 July 2020 (Councillor Briefing);
- 20 July 2020 (Pre-Agenda Council Meeting);
- 27 July 2020 (Councillor Briefing);
- 29 July 2020 (Councillor Briefing – Thumbs Up);
- 3 August 2020 (Councillor Briefing); and
- 10 August 2020 (Pre-Agenda Council Meeting).

Key Points / Issues

Council is required under the *Local Government Act 1989* to keep a written record for the Assembly of Councillors, including:

- the names of all Councillors and members of Council staff attending a Councillor Briefing or other meeting
- any matters considered
- any conflict of interest disclosures made by a Councillor or member of Council staff
- if the Councillor or member of staff who disclosed a conflict of interest, left the meeting.

Financial Impact

There are no financial implications associated with this report.

Consultation**1. External Stakeholders**

It is a statutory requirement to present all written records of all Councillors who participate in an advisory committee, planned or scheduled meeting to the next practicable Council meeting. Thus it is not necessary to consult with external stakeholders.

12.3 Record of Assemblies of Councillors**Executive Summary****2. Other Stakeholders**

It is a statutory requirement to present all written records of all Councillors who participate in an advisory committee, planned or scheduled meeting to the next practicable Council meeting. Thus it is not necessary to consult with internal stakeholders.

Analysis (Environmental / Economic / Social Implications)

Making written records available to the public may provide some confidence in transparency of decision making and is best practice advice from the Office of the Local Government Inspectorate.

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

Under Section 76AA of the *Local Government Act 1989*, Council is required to make a written record of all Councillors who participate in;

- An Advisory Committee where at least one (1) Councillor and a member of Council staff is present; and
- A planned or scheduled meeting where at least half the Councillors and a member of staff is present.

Policy Impacts

There are no policies that will 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

There are no risks associated with this report.

Conclusion

It is recommended that the written records as attached to the report be received.

12.3 Record of Assemblies of Councillors**Executive Summary****ATTACHMENTS**

- Attachment A: [↓](#) Record of Assembly of Councillors - 200706 - Councillor Briefing - 6 July 2020
- Attachment B: [↓](#) Record of Assembly of Councillors - 200713 - Councillor Briefing - 13 July 2020
- Attachment C: [↓](#) Record of Assembly of Councillors - 200720 - Pre-Agenda Discussion - 20 July 2020
- Attachment D: [↓](#) Record of Assembly of Councillors - 200727 - Councillor Briefing - 27 July 2020
- Attachment E: [↓](#) Record of Assembly of Councillors - 200729 - Councillor Briefing - Thumbs Up - 29 July 2020
- Attachment F: [↓](#) Record of Assembly of Councillors - 200803 - Councillor Briefing - 3 August 2020
- Attachment G: [↓](#) Record of Assembly of Councillors - 200810 - Pre-Agenda Discussion - 10 August 2020



RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Councillor Briefing			
Meeting Date: 6 July 2020			
Commencement Time: 6.10pm		Location: Frankston Arts Centre	
Finish Time: 8.31pm			
Matters Considered: (Heading only)			
<ul style="list-style-type: none"> • CEO Time including Council Meeting Debrief Notes 2020/OM9 - 29 June 2020 and EMT expense audit • Committee for Greater Frankston briefing with externals • Implementation of the Local Government Act 2020: Delegated Committees • Response to 2019/NOM65 - Cemetery Caretaker Provisions • Community Satisfaction Survey • Leading Customer and Staff Centred Transformation • General Business • Councillor Briefing Notes - 15 June 2020 • Councillor Briefing Notes - 17 June 2020 • Councillor Briefing Notes - 22 June 2020 			
Councillors	Present	Arrival and Departure	
Cr Sandra Mayer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.10pm	Left: 8.31pm
Cr Glenn Aitken	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.10pm	Left: 8.31pm
Cr Kris Bolam	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.10pm	Left: 8.31pm
Cr Brian Cunial	<input type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input checked="" type="checkbox"/> Apology	Arrived:	Left:
Cr Colin Hampton	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.10pm	Left: 8.31pm
Cr Quinn McCormack	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.23pm	Left: 7.58pm
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.21pm	Left: 8.31pm
Cr Michael O'Reilly	<input type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input checked="" type="checkbox"/> Apology	Arrived:	Left:
Cr Steve Toms	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.10pm	Left: 8.31pm



<p>Council Staff Attendance:</p> <p> <input checked="" type="checkbox"/> Phil Cantillon <input checked="" type="checkbox"/> Cam Arullanantham <input checked="" type="checkbox"/> Shweta Babbar <input checked="" type="checkbox"/> Kim Jaensch <input checked="" type="checkbox"/> Dr. Gillian Kay </p> <p>Graeme Read, Shekar Atla, Brianna Alcock, Michelle Tipton, Vera Roberts, Gemma O’Connor, Martin Poole, Brad Hurren, Nicole Auchettl, Ilona Ellerton, Patrick Dillon, Chris Rathborne, Lucas Dawe, Simon Thompson, Glenn Parry, Rees Parsons.</p>
<p>Others in attendance (including titles):</p> <p>Genevra Hosking (Committee for Greater Frankston) Arrived: 6.33pm Left: 6.54pm</p>
<p>Conflict of Interest Disclosures</p> <p><i>“This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?”</i></p> <p>Nil</p>
<p>Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:</p> <p>Nil</p>
<p>Name of Council Staff Member responsible for this written record: Kim Jaensch</p>
<p>Position Title: Chief Financial Officer</p>

Please submit completed form to Governance within 24 hours of the meeting



RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Councillor Briefing			
Meeting Date: 13 July 2020			
Commencement Time: 6.10pm		Location: Frankston Arts Centre Rotary Room	
Finish Time: 9.09pm			
Matters Considered: (Heading only) CEO Time Agenda Review General Business			
Councillors	Present	Arrival and Departure	
Cr Sandra Mayer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.10pm	Left: 9.09pm
Cr Glenn Aitken	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.10pm	Left: 9.09pm
Cr Kris Bolam	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.10pm	Left: 9.09pm
Cr Brian Cunial	<input type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input checked="" type="checkbox"/> Apology	Arrived:	Left:
Cr Colin Hampton	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.10pm	Left: 9.09pm
Cr Quinn McCormack	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.34pm	Left: 9.09pm
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.10pm	Left: 8.58pm
Cr Michael O'Reilly	<input type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input checked="" type="checkbox"/> Apology	Arrived:	Left:
Cr Steve Toms	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.10pm	Left: 9.09pm



<p>Council Staff Attendance:</p> <p> <input checked="" type="checkbox"/> Phil Cantillon <input checked="" type="checkbox"/> Cam Arullanatham <input checked="" type="checkbox"/> Shweta Babbar <input checked="" type="checkbox"/> Kim Jaensch <input checked="" type="checkbox"/> Dr. Gillian Kay </p> <p>Brianna Alcock, Vera Roberts, Tenille Craig, Stuart Caldwell, Clare Warren, Anne Sorrenson, James Robinson, Dana Harding, Martin Poole, Leonie Reints, Ilona Ellerton, Sam Jackson, Sally Prideaux, Connor Rose, Nicole Auchettl, Glenys Wood (Zoom), Rees Parsons, Glenn Parry, Simon Thompson.</p>
<p>Others in attendance (including titles):</p> <p>Nil</p>
<p>Conflict of Interest Disclosures</p> <p><i>"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"</i></p> <p>Nil</p>
<p>Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:</p> <p>Not applicable</p>
<p>Name of Council Staff Member responsible for this written record: Kim Jaensch</p>
<p>Position Title: Chief Financial Officer</p>

Please submit completed form to Governance within 24 hours of the meeting



RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Pre-Agenda Briefing			
Meeting Date: 20 July 2020			
Commencement Time: 6.08pm		Location: Frankston Arts Centre Rotary Room	
Finish Time: 6.56pm			
Matters Considered: (Heading only) CEO Time Agenda Review			
Councillors	Present	Arrival and Departure	
Cr Sandra Mayer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.08pm	Left: 6.56pm
Cr Glenn Aitken	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.08pm	Left: 6.56pm
Cr Kris Bolam	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.08pm	Left: 6.56pm
Cr Brian Cunial	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.08pm	Left: 6.56pm
Cr Colin Hampton	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.08pm	Left: 6.56pm
Cr Quinn McCormack	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.28pm	Left: 6.56pm
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.08pm	Left: 6.56pm
Cr Michael O'Reilly	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.19pm Arrived: 6.44pm	Left: 6.41pm Left: 6.56pm
Cr Steve Toms	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.08pm	Left: 6.56pm



<p>Council Staff Attendance:</p> <p> <input checked="" type="checkbox"/> Phil Cantillon <input checked="" type="checkbox"/> Cam Arullanantham <input checked="" type="checkbox"/> Shweta Babbar <input checked="" type="checkbox"/> Kim Jaensch <input checked="" type="checkbox"/> Dr. Gillian Kay Brianna Alcock, Tenille Craig, Michelle Tipton, Gemma O'Connor, Stuart Caldwell, Clare Warren, Martin Poole, Peter Gent, Rhys Parsons, Glenn Parry, Simon Thompson. </p>
<p>Others in attendance (including titles):</p>
<p>Conflict of Interest Disclosures</p> <p><i>"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"</i></p> <p>Nil</p>
<p>Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:</p> <p>Not applicable</p>
<p>Name of Council Staff Member responsible for this written record: Kim Jaensch</p>
<p>Position Title: Chief Financial Officer</p>

Please submit completed form to Governance within 24 hours of the meeting



RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Councillor Briefing			
Meeting Date: 27 July 2020			
Commencement Time: 6.05pm		Location: Frankston Arts Centre Rotary Room	
Finish Time: 8.34pm			
Matters Considered: (Heading only) CEO Time including debrief notes Update from Frankston Football Club - Adrian Lloyd CEO and Peter Geddes President Belvedere Precinct Update Staff Survey Results Frankston Yacht Club - EOI Outcomes - deferred Renaming of the Frankston Yacht Club building General Business			
Councillors	Present	Arrival and Departure	
Cr Sandra Mayer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.05pm	Left: 8.34pm
Cr Glenn Aitken	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.05pm	Left: 8.34pm
Cr Kris Bolam	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.05pm	Left: 8.34pm
Cr Brian Cunial	<input type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input checked="" type="checkbox"/> Apology	Arrived:	Left:
Cr Colin Hampton	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.05pm	Left: 8.32pm
Cr Quinn McCormack	<input type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input checked="" type="checkbox"/> Apology	Arrived:	Left:
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.23pm	Left: 8.34pm
Cr Michael O'Reilly	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.05pm	Left: 8.05pm
Cr Steve Toms	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.05pm	Left: 8.34pm



<p>Council Staff Attendance:</p> <p> <input checked="" type="checkbox"/> Phil Cantillon <input checked="" type="checkbox"/> Cam Arullanantham <input checked="" type="checkbox"/> Shweta Babbar <input checked="" type="checkbox"/> Kim Jaensch <input checked="" type="checkbox"/> Dr. Gillian Kay </p> <p>Tim Bearup, James Robinson, Gemma O'Connor, Vera Roberts, Byron Douglas (via zoom), Simone Bonella, Lucas Dawe, Fran Boyd, Di Parker, Rhys Parsons, Damian Clarkson, Glenn Parry, Simon Thompson.</p>
<p>Others in attendance (including titles):</p> <p>Adrian Lloyd CEO and Peter Geddes President - Frankston Football Club (via zoom)</p>
<p>Conflict of Interest Disclosures</p> <p><i>"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"</i></p> <p>Nil</p>
<p>Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:</p> <p>Not applicable</p>
<p>Name of Council Staff Member responsible for this written record: Kim Jaensch</p>
<p>Position Title: Chief Financial Officer</p>

Please submit completed form to Governance within 24 hours of the meeting



RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Councillor Briefing Thumbs Up			
Meeting Date: 29 July 2020			
Commencement Time: 6.05pm		Location: Frankston Arts Centre Rotary Room	
Finish Time: 8.33pm			
Matters Considered: (Heading only) Clublinks Update – Verbal Peninsula Leisure – COVID-19 Impacts including Strategy and Business Plan Domestic Animal Management Plan 2020-2024			
Councillors	Present	Arrival and Departure	
Cr Sandra Mayer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.05pm	Left: 8.33pm
Cr Glenn Aitken	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.05pm	Left: 8.33pm
Cr Kris Bolam	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.25pm	Left: 8.33pm
Cr Brian Cunial	<input type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input checked="" type="checkbox"/> Apology	Arrived:	Left:
Cr Colin Hampton	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.05pm	Left: 7.43pm
Cr Quinn McCormack	<input type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input checked="" type="checkbox"/> Apology	Arrived:	Left:
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.19pm	Left: 8.33pm
Cr Michael O'Reilly	<input type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input checked="" type="checkbox"/> Apology	Arrived:	Left:
Cr Steve Toms	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.05pm	Left: 8.33pm



<p>Council Staff Attendance:</p> <p> <input checked="" type="checkbox"/> Phil Cantillon <input checked="" type="checkbox"/> Cam Arullanatham (Zoom) <input checked="" type="checkbox"/> Shweta Babbar (Zoom) <input checked="" type="checkbox"/> Kim Jaensch <input checked="" type="checkbox"/> Dr. Gillian Kay Gemma O'Connor, Leonie Reints, Jarred Stevens, Tim Bearup (Zoom), Byron Douglas, James Madder (Zoom), Damian Clarkson, Glenn Parry </p>
<p>Others in attendance (including titles):</p> <p>Roseanne Healy (Chair of Peninsula Leisure) (Zoom) Tim Gledhill (CEO of Peninsula Leisure) (Zoom)</p>
<p>Conflict of Interest Disclosures</p> <p><i>"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"</i></p> <p>Nil</p>
<p>Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:</p> <p>Not applicable</p>
<p>Name of Council Staff Member responsible for this written record: Kim Jaensch</p>
<p>Position Title: Chief Financial Officer</p>

Please submit completed form to Governance within 24 hours of the meeting



RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Councillor Briefing			
Meeting Date: 3 August 2020			
Commencement Time: 6.07pm		Location: VIA ZOOM	
Finish Time: 9.13pm			
Matters Considered: (Heading only) CEO Time – Frankston Yacht Club Agenda Review			
Councillors	Present	Arrival and Departure	
Cr Sandra Mayer	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.07pm	Left: 9.13pm
Cr Glenn Aitken	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.18pm	Left: 9.13pm
Cr Kris Bolam	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.07pm	Left: 9.13pm
Cr Brian Cunial	<input type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input checked="" type="checkbox"/> Apology	Arrived:	Left:
Cr Colin Hampton	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.07pm	Left: 9.13pm
Cr Quinn McCormack	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.07pm	Left: Participated via zoom and left during meeting - time unable to be noted
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.10pm	Left: Participated via zoom and left during meeting - time unable to be noted
Cr Michael O'Reilly	<input type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input checked="" type="checkbox"/> Apology	Arrived:	Left:
Cr Steve Toms	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.07pm	Left: 9.13pm



Council Staff Attendance :
<input checked="" type="checkbox"/> Phil Cantillon (Zoom) <input checked="" type="checkbox"/> Cam Arullanatham (Zoom) <input checked="" type="checkbox"/> Shweta Babbar (Zoom) <input checked="" type="checkbox"/> Kim Jaensch (Zoom) <input checked="" type="checkbox"/> Dr. Gillian Kay (Zoom) Brianna Alcock (Zoom), Tenille Craig (Zoom), Sharon Lozsan (Zoom), Stuart Caldwell (Zoom), James Robinson (Zoom), Louise Bugiera (Zoom), Martin Poole (Zoom), Sam Jackson (Zoom), Doug Dickens (Zoom).
Others in attendance (including titles):
Conflict of Interest Disclosures <i>"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"</i> Nil
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: Not applicable
Name of Council Staff Member responsible for this written record: Kim Jaensch
Position Title: Chief Financial Officer

Please submit completed form to Governance within 24 hours of the meeting



RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Pre-Agenda Meeting			
Meeting Date: 10 August 2020			
Commencement Time: 6.00pm		Location: Via Zoom	
Finish Time: 6.52pm			
Matters Considered: (Heading only) CEO Time Pre-agenda review			
Councillors	Present	Arrival and Departure	
Cr Sandra Mayer	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.00pm	Left: 6.52pm
Cr Glenn Aitken	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.12pm	Left: 6.52pm
Cr Kris Bolam	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.00pm	Left: 6.52pm
Cr Brian Cunial	<input type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input checked="" type="checkbox"/> Apology	Arrived:	Left:
Cr Colin Hampton	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.00pm	Left: 6.52pm
Cr Quinn McCormack	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.11pm	Left: 6.52pm
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input type="checkbox"/> Virtual (Zoom) <input checked="" type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: <i>arrived shortly before the meeting commenced</i>	Left:
Cr Michael O'Reilly	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.23pm	Left: 6.52pm
Cr Steve Toms	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Virtual (Zoom) <input type="checkbox"/> No <input type="checkbox"/> Apology	Arrived: 6.00pm	Left: 6.52pm



<p>Council Staff Attendance:</p> <p> <input checked="" type="checkbox"/> Phil Cantillon <input checked="" type="checkbox"/> Cam Arullanantham <input checked="" type="checkbox"/> Shweta Babbar <input checked="" type="checkbox"/> Kim Jaensch <input checked="" type="checkbox"/> Dr. Gillian Kay Michelle Tipton, Sam Jackson, Doug Dickens, Stuart Caldwell, Martin Poole, Clare Warren, Brianna Alcock, Tim Bearup, Taylor McVean. </p>
<p>Others in attendance (including titles):</p>
<p>Conflict of Interest Disclosures</p> <p><i>“This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?”</i></p> <p>Nil</p>
<p>Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:</p> <p>Not applicable</p>
<p>Name of Council Staff Member responsible for this written record: Kim Jaensch</p>
<p>Position Title: Chief Financial Officer</p>

Please submit completed form to Governance within 24 hours of the meeting

Executive Summary

12.4 Minutes of Committee meetings represented by a Councillor Delegate

Enquiries: (Brianna Alcock: Chief Financial Office)

Council Plan

Community Outcome:	4. A Well Managed City
Strategy:	4.1 Services
Priority Action	4.1.4 Optimise the community's ability to access services and information

Purpose

To table the meeting minutes of Committees to which a Councillor delegate has been appointed.

Recommendation (Chief Financial Officer)

That Council receives the minutes of the following Committees to which a Councillor delegate has been appointed:

- Centenary Park Golf Liaison Committee – May 2020;
- Frankston Charitable Fund Committee – April 2020;
- Major Local Community Events Grant 2020-21: Assessment Panel – August 2020;
- Municipal Emergency Planning Committee – June 2020;
- South East Councils Climate Change Alliance (SECCA) Councillor Advisory Group – June 2020;
- Soccer Liaison Committee – June 2020; and
- Metropolitan Local Governments' Waste Forum – June 2020.

Key Points / Issues

- At its meeting on 15 July 2013, Council resolved to:
 - *NOM986 – Minutes of Internal and External Committee Meetings*
That effective immediately the Minutes of internal and external Committee Meetings, to which a Councillor delegate has been appointed, be tabled at future Council meetings for noting
- Council participates in a number of industry organisations and Council convened Committees servicing various Council interests. A copy of the list has been provided to Councillors under separate cover.
- Council typically appoints a Councillor delegate to each organisation.
- Circulation of the minutes of Committee meetings is an important way of keeping others informed about the direction and activities of these Committees.

Financial Impact

There are no financial implications associated with this report.

Consultation

1. External Stakeholders

Nil

12.4 Minutes of Committee meetings represented by a Councillor Delegate**Executive Summary****2. Other Stakeholders**

Nil

Analysis (Environmental / Economic / Social Implications)

Making Committee minutes available to the public may provide confidence in transparency of decision making.

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 are no policy implications associated with 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

There are no risks associated with this report.

Conclusion

Circulation of the minutes of Committee meetings is an important way of keeping others informed about the direction and activities of these committees.

It is recommended that the information be received.

12.4 Minutes of Committee meetings represented by a Councillor Delegate**Executive Summary****ATTACHMENTS**

- Attachment A: [↗](#) Centenary Park Golf Liaison Committee - May 2020 (*Under Separate Cover*)
- Attachment B: [↗](#) Frankston Charitable Fund Committee - April 2020 (*Under Separate Cover*)
- Attachment C: [↗](#) Major Local Community Events Grant 2020-21: Assessment Panel - August 2020 (*Under Separate Cover*)
- Attachment D: [↗](#) Municipal Emergency Planning Committee - June 2020 (*Under Separate Cover*)
- Attachment E: [↗](#) South East Councils Climate Change Alliance (SECCA) Councillor Advisory Group - June 2020 (*Under Separate Cover*)
- Attachment F: [↗](#) Soccer Liaison Committee - June 2020 (*Under Separate Cover*)
- Attachment G: [↗](#) Metropolitan Local Governments' Waste Forum - June 2020 (*Under Separate Cover*)
- Attachment H: [↗](#) Committees List (*Under Separate Cover*)

Executive Summary**12.5 Minutes of the Frankston Arts Board - July 2020 and transition for the Board as an Arts Advisory Committee**

Enquiries: (Andrew Moon: Communities)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.2 Vibrant and Engaged
Priority Action	2.2.2 Promote Frankston City's reputation as an arts, festivals and events destination

Purpose

To brief Council on the minutes of the Frankston Arts Board meeting held on 28 July 2020 and its recommendations to Council.

Recommendation (Director Communities)

That Council:

1. Receives the Minutes of the Frankston Arts Board (FAB) meeting of 28 July 2020;
2. Notes FAB's recommendation that Council adopts the Frankston Arts & Culture Strategy 2020 – 2023 noting the adoption of the Strategy is a separate report to this Ordinary Meeting of Council. (2020/OM12); and
3. Supports FAB providing independent advice and recommendations to Council on artistic planning for the new signature event;
4. Notes the Board was established as a Section 86 Committee;
5. Notes Section 86 Committees under the Local Government Act 1989 have been repealed and replaced with Delegated Committees under Section 63 of the new Local Government Act 2020;
6. Notes that at its meeting on 20 July 2020, Council approved the transitioning of the Board to become an Arts Advisory Committee (Committee) from 1 September 2020;
7. Revokes the Instrument of Delegation for the Board dated 29 January 2018; and
8. Adopts the FAB Committee's Terms of Reference, to be effective from 1 September 2020.

Key Points / Issues

- In 1994, Council established the Frankston Arts Centre Board of Management, a Special Committee of Council operating under a Deed of Delegation, pursuant to Section 86 of the Local Government Act 1989.
- Delegated Committees under the new Local Government Act 2020 (the new Act) have now replaced Section 86 Committees under the Local Government Act 1989. This came into effect on 1 May 2020.
- Council currently has one (1) existing Section 86 Committee, being the Frankston Arts Board (the Board).
- A Delegated Committee can exercise a power or undertake a duty or function as if it is the Council. The formation of, appointment to, and administration of Delegated Committees is highly controlled, given their ability to exercise statutory functions and powers on behalf of the Council.

12.5 Minutes of the Frankston Arts Board - July 2020 and transition for the Board as an Arts Advisory Committee**Executive Summary**

- Any existing Delegations made under the Local Government Act 1989 will remain in force until 1 September 2020, unless revoked sooner. Therefore the Board has been able to operate under their current Instrument of Delegation.

Frankston Arts Board Minutes – June 2020

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

Discussed at the meeting 28 July 2020:

- FAB Instrument of Delegation & the new Local Government Act
FAB noted Council's indicative support FAB move to an Advisory Committee structure. FAB discussed the draft TOR and agreed they were similar to the existing responsibilities and were also appropriate to the needs of the board and Council. FAB supports the draft Terms of Reference (TOR), attached as **Attachment B**, which establishes FAB as an Advisory Committee.
- FAB discussed the results and feedback from the public consultation on the Frankston Arts and Culture Strategy 2020 – 2023 concluded on 17th July 2020 and endorsed minor changes to the strategy. It was noted the majority of feedback was reflected within the Key Initiatives of the strategy and any non-strategic feedback would be extremely useful background information during the planning and delivery of the strategy.
FAB recommends Council approves the Frankston Arts & Culture Strategy 2020 – 2023. It was noted the Frankston Arts and Culture Strategy 2020 – 2023 would be a separate report to this Ordinary Meeting of Council. (2020/OM12).

FAB was briefed on Council's resolution to present a new signature event in 2022. It was proposed that the FAB might be an appropriate group to provide independent advice on planning for the event to ensure there is an independent voice in the final approval of the structure of the event/s and the overall direction of the event. The FAB recommended an additional two suitably qualified independent individuals be recruited into the group specifically for additional advice on this event.

Financial Impact

There are no financial 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.

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

12.5 Minutes of the Frankston Arts Board - July 2020 and transition for the Board as an Arts Advisory Committee**Executive Summary**Policy Impacts

Advice has been provided on the impacts of changes in the Local Government Act 2020 and the options for moving forward.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in the matter related to the minutes of the FAB or Council report..

Risk Mitigation

Risks have been considered and mitigations are considered achievable.

Conclusion

The proposed Terms of Reference for FAB as an Advisory Committee was discussed. The FAB agreed that the draft Terms of Reference were similar in nature to the existing responsibilities and were appropriate to the needs of the board and Council. Subsequently FAB recommends adoption of the TOR to guide its operation as an Advisory Committee.

FAB recommended that Council adopt the Frankston Arts & Culture Strategy 2020 – 2023 noting that the recommendation to adopt the strategy is a separate report to Council at this Ordinary Meeting 2020/12.

FAB was briefed on the proposed new signature event and recommended FAB provides independent advice and recommendations to council on artistic planning for the new signature event.

ATTACHMENTS

Attachment A:[↓](#) Minutes - July 2020 - FAB Meeting

Attachment B:[↓](#) 200721 Frankston Arts Board Advisory Committee - Draft Terms of Reference



**FRANKSTON ARTS & CULTURE
 FRANKSTON ARTS BOARD MEETING**

MINUTES OF THE MEETING
 Tuesday 28th July 2020
 11:00am – 1:00pm
 via Zoom

The meeting commenced at 11:05 am

1 Governance		
1.1	Welcome, apologies and introductions	<p>Present Ms Barbara Crook (Chairperson) Mr Douglas Spencer Roy Ms Mish Eisen (Left the meeting at 12 pm) Cr Sandra Mayer Cr Kris Bolam Ms Gillian Kay Mr Andrew Moon</p> <p>Apologies 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	Approved
1.5*	Minutes from the previous meeting	<p>Moved: Ms Crook Seconded: Ms Eisen</p> <p>Decision: That the Minutes of the Board meeting held on Tuesday 30th June 2020 be approved Carried</p>
1.6*	Action items/Matters arising	<p>The action items were noted</p> <p>Decision: Actions items are noted. Carried</p>
1.7	Public Art <ul style="list-style-type: none"> • Eel Race Road 	Mr Moon updated FAB; Council approved FAB's recommended Eel Race Road winning sculpture concept at Councils Ordinary Meeting on 20 July 2020. The successful artist and unsuccessful artists will be notified in due course. As a result of COVID19 budget impacts, fabrication and installation of the Eel Race Road sculpture has been deferred to F2022.
1.8*	Board structure – after changes to the Local Government Act	<p>Moved: Mr Douglas Spencer Roy Seconded: Ms Mish Eisen</p> <p>Mr Moon updated the FAB regarding the change of the FAB enabling document to a Terms of Reference and noted Councils agreement that FAB move to an Advisory Committee structure. The draft Terms of reference were discussed, the FAB agreed that the draft Terms of Reference represented the boards previous discussions and were</p>

		appropriate to the needs of the board and Council. Decision: FAB unanimously agreed that the 'Advisory Committee' with a terms of reference was the preferred model going forward. Carried
1.9	Caretaker Period	22 nd September 2020 to 24 th October 2020 is the local government election 'caretaker' period. No meetings can be held during this time. FAB discussed bringing the September meeting forward to prior to 22 September, advice will be sought from Governance.
2	Management Updates	
2.1	Arts & Culture Monthly Report (March quarterly / June Monthly Report)	Decision: June 2020 Quarterly Report is pending due to EOFY processes
2.2*	Arts & Culture Monthly Financials	Decision: Arts and Culture Financials were noted Carried
4	Strategy	
4.1*	FCC Arts & Culture Strategy – draft, including consultation feedback	Mr Moon updated FAB regarding Community consultation on the Frankston Arts & Culture Strategy 2020 – 2023; FAB discussed the results and feedback in detail. FAB endorsed the minor changes made to the strategy as a result of the community consultation, noting that the majority of feedback was already covered within the Key Initiatives of the strategy and that an action plan for the delivery of the strategy would be developed. FAB commended Ms Ryan, Head of Programming, for her work on the Community Consultation. FAB recommended that Council approve the Frankston Arts & Culture Strategy 2020 – 2023 Moved: Mr Douglas Spencer Roy Seconded: Ms Mish Eisen
5	Any Other Business	
5.1	New Signature Event	Mr Moon briefed FAB on Council's resolution to present a new signature event in 2022. It was proposed that the FAB might be an appropriate group to provide independent advice on planning for the event to ensure there is an independent voice in the final approval of the structure of the event/s and the overall direction. Decision: The FAB agreed that the Board could provide advice and recommendations to Council, however recommended an additional two suitably qualified independent individuals be recruited into the group specifically for additional advice on this event.
5.2*	Councillor Bulletins	Bulletins were noted
	Other Business	Ms Crook raised two matters: Digital records of stories behind the Street Art. Mr Moon updated the board about the upcoming QR Code project linked with Visit Frankston Website which will include the original stories from artist. Ms Crook was pleased to see that the Frankston Arts History book is going ahead with the FAC \$10,000 seed funding from Trust Funds.

Confidential Items		
C.1		
6	Next Board Meeting and forward agenda	
6.1	Next Meeting & Events:	Next Meetings: Tuesday 25 th August 2020 11:00am – 1:00pm – via Zoom Monday 21 st September 2020 11:00am – 1:00pm – via Zoom (Tentative)

Confirmed as a Correct Record

Chairperson: (Ms Barbara Crook)



Arts Advisory Committee

Terms of Reference

Purpose

The Arts Advisory Committee (Committee) has been established to embody Council's vision in all aspects of arts, culture and literacy throughout the municipality.

The key role of the Committee is to provide independent advice and promote high-quality art, public performance activities and library services; recognising the contribution of local independent practicing artists, writers and the importance of the arts and literacy in the development of children and young people.

Objectives

The objectives of the Committee are to:

1. Develop, review and provide advice to Council regarding the strategic direction for arts, culture and literacy;
2. Seek and establish appropriate external funding support for programs via government, philanthropic and sponsorship sources;
3. Ensure a balanced provision of community service obligations and commercial imperatives,
4. Provide high level input into the planning processes for arts, culture and literacy programs;
5. Provide high level advice to guide arts and literacy capital investment outcomes;
6. Support and develop local and emerging artists and writers;
7. Promote art, public performance and literacy activities;
8. Provide high level input into effective marketing and visitor attraction strategies for arts, culture and literacy programs; and
9. Monitor community feedback and changing trends regarding arts, culture and literacy engagement.

Committee Composition

The Committee shall consist of up to ten members comprising, where possible, of the following:

- One (1) independent Chairperson
- Councillor representative/s (appointed as part of Council's annual Councillor delegate appointment process) (2)



- Chief Executive Officer (or delegate) (1)
- Voluntary Members (5)
- Manager Arts and Culture (1)

Period of Tenure

Unless otherwise resolved by Council, Councillor appointments are for one (1) year and all other appointments are for a period of four (4) years, with the exception of the Manager Arts and Culture and Chief Executive Officer (or delegate). If a resignation from the Committee occurs within the four (4) year term, the Committee will bring the matter to the attention of Council.

Committee members shall not be able to serve more than three consecutive terms on the Committee.

Appointments to the Committee shall be determined by the Council and the Council may at any time remove a member of the Committee. Any such appointment shall be subject to the person signing a Council "Consent to Act" statement prior to taking their seat on the Committee.

Appointment of Voluntary members by Council to the Committee

The make-up of the Voluntary members of the Committee will consist of a diversity of skills and knowledge from industries and the broader community; targeting gender balance, multi-generational, indigenous, arts, cultural, literacy, marketing, digital, business, financial and legal representation.

The selection and appointment by Council of the Voluntary members to the Committee will be by:

- applications from public advertisement;
- response to key criteria; and
- interview process.

An existing Committee Member may be reappointed by agreement of the Council at the completion of their term, for no more than 3 consecutive terms, without the need to reapply, subject to satisfactory performance of that Committee Member.

Council reserves the right not to appoint a person in response to the advertisement process and to not reappoint a Committee Member at the completion of any term.

Appointment of the Independent Chairperson

The CEO and Mayor will make recommendations to Council in relation to the selection of a preferred candidate, after a recruitment process. Recruitment may be made via specialist recruitment agencies or by consideration of existing Committee members, who have both considerable experience with the Committee and specialist experience in governance.



Selection Panel

When the appointment of members to the Committee is required and nominations are received, the selection panel will consist of:

- Chief Executive Officer
- Mayor
- Director Communities
- Manager Arts and Culture

All nominations will be assessed against the selection criteria.

The Panel's recommendation about the membership of the Committee will be presented to Council for consideration.

Selection Criteria

Nominees for membership on the Committee must be able to demonstrate:

- Experience and expertise in one or more of the areas in performing arts, arts and cultural activities, literacy, business, marketing, communications and promotions, fundraising, philanthropy, sponsorship, government relations and tourism;
- An ability to constructively participate in an advisory capacity;
- A sound knowledge and understanding of local issues in relation to arts, culture and literacy;
- A willingness to contribute positively to meetings in a fair and unbiased manner;
- A capacity to commit to the Committee for the required duration; and
- A willingness to commit time and contribute to Committee activities and tasks outside regular meetings.

Role of Councillors

Councillors are appointed annually at a Council Meeting in November, to determine Councillor representation on the Committee by a Council resolution. A substitute Councillor can be nominated to attend, should the appointed Councillor/s be unavailable.

Should Councillors be nominated on the Committee, the Councillors will:

1. be appointed in accordance with the annual Councillor delegate appointment process;
2. act as a link between Council and the Committee; and
3. adhere at all times with its Councillor Code of Conduct.

Role of Council officers

The Chief Executive Officer (or Delegate) and the Manager Arts and Culture will report to Council on:

- the Committee's annual priorities relating to arts and culture; and
- the minutes of Committee Meetings.



The Chief Executive Officer will arrange for secretarial support for the Committee and nominate the appropriate officer.

Role of the Independent Chairperson

The Independent Chairperson shall be an external independent member appointed by Council. In the absence of the Chairperson from a meeting, the Committee will appoint an acting Chairperson.

The Independent Chairperson will be responsible for the conduct of meetings, ensuring fair and equitable opportunities for views and opinions to be voiced and discussed by the Committee.

Committee Meetings

The Committee will meet a minimum of ten times a year. All meetings will have an Agenda. Additional meetings will be convened at the discretion of the Independent Chairperson or at the written request of any member of the Committee.

A schedule of meetings will be developed and agreed by the Committee annually. Under special circumstances, a meeting may be cancelled or rescheduled.

A quorum shall consist of 5 Committee members. Each Committee member is entitled to one vote, except that the Chairperson may exercise a casting vote.

Minutes of each meeting will record attendees, apologies, and actions.

Conflict of Interest

Councillor and Council officer representatives

A Councillor or Council officer who has a conflict of interest in a matter being considered at a Committee meeting, must

- disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered;
- absent himself or herself from any discussion of the matter; and
- as soon as practicable after the meeting concludes provide to the Chief Executive Officer a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.

This will also be recorded in the minutes of the Committee Meeting.

Committee member representatives

Any other Committee member who has a conflict of interest in a matter being considered at the Committee meeting, must

- disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered; and



- absent himself or herself from any discussion of the matter.

This will also be recorded in the minutes of the Committee Meeting.

Confidential Information

Committee members must not release information that the person knows, or should reasonably know, is confidential information in accordance with Section 3(1) of the Local Government Act 2020.

Executive Summary**12.6 Confirmation of Minutes for the Frankston Cemetery Trust held on Monday 10 August 2020**

Enquiries: (Brianna Alcock: Chief Financial Office)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

Purpose

To brief Council on the Minutes of the Frankston Cemetery Trust meeting held on Monday 10 August 2020.

Recommendation (Chief Financial Officer)

That Council:

1. Receives the Minutes of the Frankston Cemetery Trust (FCT) meeting of Monday 10 August 2020;
2. Notes FCT's support for the reinstatement of a Caretaker function and its preferred option;
3. Notes that a report will be tabled at a future meeting on the options for reinstating a Caretaker; and
4. Notes that a letter will be forwarded to the Department of Health and Human Services (DHHS) in relation to the toilet block refurbishment.

Key Points / Issues

- The Minutes of the Frankston Cemetery Trust (the Trust) meeting are presented to Council to meet the requirements of Department of Health and Human Services, Cemeteries and Crematoria Unit.
- Council is the appointed Trust of Frankston Memorial Park and to manage its operations. Council has delegated its responsibility to a sub-committee of Councillors. It is necessary for Council to ratify the recommendations by the sub-committee or make an alternate determination.
- A brief outline of the matters discussed is detailed below:
 - Options for the reinstatement of a Caretaker at Frankston Memorial Park, which will be reported at a future Council meeting; and
 - Progress update on the toilet block refurbishment.

Financial Impact

There are no financial implications associated with this report.

Consultation**1. External Stakeholders**

Not applicable.

2. Other Stakeholders

The meeting attendees comprised of:

- the Chief Executive Officer (Secretary);

12.6 Confirmation of Minutes for the Frankston Cemetery Trust held on Monday 10 August 2020**Executive Summary**

- three (3) Councillors being the Mayor, Councillor Sandra Mayer, Councillor Kris Bolam, Councillor Brian Cunial;
- Manager Governance and Information;
- Manager Operations;
- Acting Manager Building and Facilities;
- Coordinator Governance; and
- Memorial Park Officer.

Analysis (Environmental / Economic / Social Implications)

There are no environmental, economic or social implications associated with 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

Under clause 8(1) of schedule 1 of the Act, meetings of a cemetery trust are determined by the chairperson. The chairperson of a cemetery trust may at any time convene a meeting but must do so when requested by at least two members of the cemetery trust (clause 8(2) of schedule 1 of the Act).

DHHS recommends that cemetery trusts meet at least four times a year. At least one of these meetings should be an open meeting, with members of the public invited to attend.

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

There are no inherent risks that affect the decision of this report.

Conclusion

The Minutes of the Frankston Cemetery Trust held on Monday 10 August 2020, including recommendations by the Trust, are now presented to Council for formal endorsement.

ATTACHMENTS

- Attachment A: ➡ Minutes - Frankston Cemetery Trust (*Under Separate Cover*)
- Attachment B: ➡ Options for Reinstating the Caretaker (*Under Separate Cover*)
- Attachment C: ➡ Letter to Department of Health re toilet block project (*Under Separate Cover*)

Executive Summary

12.7 Adoption of Public Interest Disclosure Policy

Enquiries: (Brianna Alcock: Chief Financial Office)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

Purpose

To present the amended Public Interest Disclosure Policy to Council for formal adoption.

Recommendation (Director Chief Financial Office)

That Council:

1. Notes the draft Public Interest Disclosure Policy was placed on public exhibition for six weeks, and that no public submissions were received; and
2. Adopts the Public Interest Disclosure Policy.

Key Points / Issues

- At meeting 2020/OM7 on 1 June 2020, Council considered a report regarding the draft Public Interest Disclosure Policy (Policy) and resolved as follows:

That Council:

1. *Notes the draft Public Interest Disclosure Policy (Policy);*
 2. *Endorses the draft Policy to be advertised for public exhibition for a period of six (6) weeks;*
 3. *Seeks a report back no later than August 2020, to adopt the Policy, taking into account any submissions received; and*
 4. *Notes that the report back is subject to Council's response to the COVID-19 pandemic.*
- The draft Policy (Attachment A) was placed on public exhibition for six weeks and public submissions were invited with a closing date of 27 July 2020.
 - No submissions were received.
 - It is recommended that Council now resolves to adopt the Policy. Once adopted by Council it will be placed on Council's website, replacing the existing procedures.

Financial Impact

There are no financial implications associated with this report.

Consultation

External Stakeholders

The proposed amended Policy was advertised on Council's website, and public submissions were invited over a period of six weeks. No submissions were received.

12.7 Adoption of Public Interest Disclosure Policy**Executive Summary****Other Stakeholders**

The Policy is closely based on guidance material and resources prepared by the Independent Broad-based Anti-corruption Commission ('IBAC'), for use by public sector agencies.

Council's Executive Management Team and Audit and Risk Committee have been consulted on the Policy. Once adopted, further consultation, training and guidance will be provided to Managers and Coordinators.

Analysis (Environmental / Economic / Social Implications)

Having a clear policy to guide the making and handling of public interest disclosures is an important integrity requirement. It is critical for Council's Policy to accurately reflect the updated arrangements for making a public interest disclosure.

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 attached draft Public Interest Disclosure Policy has been prepared to replace the existing Protected Disclosure Procedures currently displayed on Council's website. It incorporates changes made to the Public Interest Disclosures Act 2012 (formerly known as the Protected Disclosure Act 2012) which allow disclosures to be made about a broader range of improper conduct.

Policy Impacts

The Public Interest Disclosure Policy will replace the existing Protected Disclosure 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

Having a clear policy to guide the making and handling of public interest disclosures will assist with mitigating the risks associated with a range of improper conduct.

Conclusion

The attached draft Public Interest Disclosure Policy has been prepared to replace the existing Protected Disclosure Procedures, following a change to the relevant legislation.

The Policy was placed on public exhibition for a period of six weeks, and no submissions were received.

It is recommended that the Policy now be adopted. Once adopted, the new Policy will replace the existing procedures on Council's website.

ATTACHMENTS

Attachment A: [↓](#) Draft Public Interest Disclosure Policy

Public Interest Disclosure Policy



A4132300

Lifestyle Capital of Victoria

1. Purpose and Intent

This Policy details the process for making a disclosure about improper conduct by an employee of Council (including agency staff, contractors, labour hire or volunteers) or a Councillor.

This Policy takes into account the changes that have been made to the Public Interest Disclosures Act 2012 ('Act') (formerly known as the Protected Disclosure Act 2012) from 1 January 2020, allowing disclosures to be made about a broader range of improper conduct.

2. Scope

This Policy applies to Councillors and all employees of Council, including agency staff, contractors, labour hire and volunteers.

3. Definitions

Council:	means Frankston City Council
Corrupt conduct:	means conduct of a public officer or public body that constitutes: a criminal offence; serious professional misconduct; dishonest performance of public functions; an intentional or reckless breach of public trust; an intentional or reckless misuse of information or material acquired in the course of the performance of functions as a public officer or public body; a substantial mismanagement of public resources; a substantial risk to health or safety of one or more persons; a substantial risk to the environment; or the conduct of any person that adversely affects the honest performance by a public officer or public body of his or her or its functions as a public officer or public body.
Detrimental action:	includes action causing injury, loss or damage; intimidation or harassment; discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action;
IBAC:	means Independent Broad-based Anti-corruption Commission
Improper conduct:	includes corrupt conduct; a criminal offence; serious professional misconduct; dishonest performance of public functions; intentional or reckless breach of public trust; intentional or reckless misuse of information; substantial mismanagement of public resources; substantial risk to health or safety of a person; substantial risk to the



environment; conduct of any person that adversely affects the honest performance by a public officer of their functions; and conduct of any person that is intended to adversely affect the effective performance by a public officer of their functions for the benefit of the other person

IOC: means Integrity and Oversight Committee

Public Interest Complaint: means a public interest disclosure that has been determined by IBAC, the Victorian Inspectorate or IOC to be a Public Interest Complaint)

Public Interest Disclosure: means disclosure by a natural person of information that shows / tends to show or information that the person reasonably believes shows / tends to show improper conduct or detrimental action.

4. Authorisation

This Policy is managed by the Governance and Information 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. Revision date

This Policy will be reviewed and presented to Council no later than April 2026 or earlier if deemed necessary by Council. The Policy will remain in force until it is revised or revoked by a resolution of Council.

6. Policy

What is a public interest disclosure?

A public interest disclosure is a report about:

- Improper conduct of public bodies or public officers (eg. corrupt conduct)
- Detrimental action that a public officer or public body has taken against a person, in reprisal for the making of a public interest disclosure.

A disclosure can relate to conduct or action that may have already taken place, may be occurring now, or may happen in the future.

Who can make a disclosure?

Anyone can make a disclosure about improper conduct or detrimental action, verbally or in writing.

A disclosure can be made by an individual, or by a group of individuals making a joint disclosure together.

Council's Public Interest Disclosure Coordinator can only deal with disclosures that relate to an employee of Council. A disclosure about a Councillor or the Chief Executive Officer must be made directly to IBAC or the Victorian Ombudsman.

How to make a public interest disclosure

Verbal disclosure

You can make a verbal disclosure to Council in person, by telephone or by leaving a voicemail message. Refer to the following pages for information about who to approach.

A verbal disclosure must be made in private. This means that you must reasonably believe that only the following people are present or able to listen to the conversation:

- Yourself;
- Your lawyer (if any); and
- One or more people to whom a disclosure can be made under the Act or Regulations.

This does not preclude a group of individuals from making a joint disclosure at one time.

Written disclosure

A written disclosure can be provided to Council by personal delivery, by post or by email. Disclosures cannot be made by fax.

Anonymous disclosure

A disclosure can be made anonymously. However, this creates potential difficulties which may affect the outcome of the matter, and you will not be notified of the outcome.



All correspondence, phone calls and emails from internal or external disclosers will be referred to the Public Interest Disclosure Coordinator. The Public Interest Disclosure Coordinator has the authority to make enquiries of officers and employees within Council.

If you are contemplating making a disclosure and you are concerned about approaching the Public Interest Disclosure Coordinator (or the Deputy Public Interest Disclosure Coordinator, the Chief Executive Officer, or the relevant supervisor, manager or director), you can telephone or email the Public Interest Disclosure Coordinator (or the Deputy Public Interest Disclosure Coordinator, the Chief Executive Officer, or the relevant supervisor, manager or director) and request a meeting in a discreet location away from the workplace. Alternatively, whilst the Public Interest Disclosure Coordinator has the central role, a disclosure to Council may be made to any of the following:

<p>Public Interest Disclosure Coordinator</p>	<p>Mrs Brianna Alcock Public Interest Disclosure Coordinator CONFIDENTIAL Frankston City Council PO Box 490 FRANKSTON VIC 3199</p> <p>Email: brianna.alcock@frankston.vic.gov.au</p> <p>Telephone: 03 9784 1751</p> <p><i>Please ensure all correspondence contains the wording "Confidential" either in the subject matter for email or on the envelope for mail or hand delivery. For mail or hand delivery, please ensure the letter is enclosed in a sealed envelope.</i></p>
<p>Deputy Public Interest Disclosure Coordinator</p>	<p>Mrs Fran Boyd Deputy Public Interest Disclosure Coordinator CONFIDENTIAL Frankston City Council PO Box 490 FRANKSTON VIC 3199</p> <p>Email: fran.boyd@frankston.vic.gov.au</p> <p>Telephone: 03 9784 1774</p> <p><i>Please ensure all correspondence contains the wording "Confidential" either in the subject matter for email or on the envelope for mail or hand delivery. For mail or hand delivery, please ensure the letter is enclosed in a sealed envelope.</i></p>
<p>Chief Executive Officer</p>	<p>Mr Phil Cantillon Chief Executive Officer CONFIDENTIAL – PROTECTED DISCLOSURE Frankston City Council PO Box 490 FRANKSTON VIC 3199</p>



	<p>Email: phil.cantillon@frankston.vic.gov.au</p> <p>Telephone: 03 9784 1800</p> <p><i>Please ensure all correspondence contains the wording "Confidential" either in the subject matter for email or on the envelope for mail or hand delivery. For mail or hand delivery, please ensure the letter is enclosed in a sealed envelope.</i></p>
<p>Director, Manager or Supervisor</p>	<p>A disclosure made to a Director, Manager or Supervisor will be referred to the Public Interest Disclosure Coordinator or Deputy Public Interest Disclosure Coordinator for actioning.</p> <p><i>Please ensure all correspondence contains the wording "Confidential" either in the subject matter for email or on the envelope for mail or hand delivery. For mail or hand delivery, please ensure the letter is enclosed in a sealed envelope.</i></p>

What is the process when a disclosure is made?

The Public Interest Disclosure Coordinator will immediately acknowledge the disclosure, make an assessment and determine if it qualifies as a public interest disclosure.

If the disclosure does not meet the requirements as a public interest disclosure, you will be notified within 28 days. If it does meet the requirements, it will be referred to IBAC who will deal with the matter and you will be notified immediately.

In some cases it may be necessary for the Public Interest Disclosure Coordinator to take immediate action and report criminal conduct to Victoria Police, without revealing the identity of the discloser.

As a discloser, you must not reveal when a public interest disclosure has been referred to IBAC for investigation.

If a disclosure has been made to Council which does not relate to an employee of Council or a Councillor, this will be referred to IBAC for assessment within 28 days.

How will I be protected?

If you make a disclosure you will:

- not be subject to any civil, criminal or administrative liability for making a disclosure, unless the disclosure is knowingly false or misleading;
- not have anyone take detrimental action taken against you.

You are protected as soon as you make a disclosure, even if the matter is yet to be determined.

Whilst there are no consequences if you report something that does not qualify to be a public interest disclosure, it is an offence to deliberately make a false disclosure, and penalties may apply.

What reassurances are there to ensure disclosures remain confidential?

The Act requires information about the identity of a discloser, including the content of the disclosure, to be kept confidential.

To minimise the risks of information inadvertently being revealed or being known by others within Council, the Public Interest Disclosure Coordinator will:

- remind staff that if they make a disclosure they must keep it confidential;
- limit the number of people who can be made aware of the discloser's identity;
- limit the number of people who can be made aware of information that could identify the discloser;
- ensure a secure electronic or paper filing system for the receipt, storage, assessment and notification of public disclosures are in place; and
- develop a risk management plan for every disclosure to manage the risk of confidentiality breaches.

What will Council do to manage my welfare?

The Public Interest Disclosure Coordinator understands that a disclosure by any person takes courage. If you make a disclosure, Council will support you by:

- keeping you informed of the process and any actions taken;
- reiterating the legislative or administrative protections that are available to you;
- providing active support, and ensuring that all reasonable steps are taken to protect you;
- managing expectations by having an early discussion to determine what outcome you want, whether your expectations are realistic and what Council will be able to provide;
- developing a risk management plan to manage the welfare of those involved in every public interest disclosure; and
- maintaining confidentiality by ensuring as far as possible that other people cannot identify you as the discloser.

What are the limitations on protections?

A person will not be protected if they make a false disclosure or provide false or deliberately misleading statements (these are criminal offences).

A person who makes a disclosure is not protected against legitimate management action and will be held liable for their own conduct that they disclose as part of the protected disclosure.

What are the protections for public officers?

A public officer, being an employee of Council, is given specific protections under the Act. When a public officer acts in good faith and in accordance with the Act, Regulations and the IBAC's Guidelines, the public officer does not commit an offence under laws imposing a duty to maintain confidentiality or restricting the disclosure of information.

What is the penalty for making a false disclosure?

It is an offence to make a false disclosure, or to deliberately provide false or misleading information that relates to a public interest disclosure. The penalty under the Act is 120 penalty units or 12 months imprisonment or both.

7. Roles and responsibilities

Public Interest Disclosure Coordinator and Deputy Public Interest Disclosure Coordinator

The role of the Public Interest Disclosure Coordinator is to:

- Receive all disclosures, including phone calls, emails and letters from members of the public or staff;
- Assess disclosures in accordance with the Act;
- Notify all assessable disclosures to IBAC within 28 days;
- Establish and manage a secure filing system and processes to ensure confidentiality;
- Manage the welfare of a discloser and advising them of protections that are available under the Act;
- Track the actions taken in relation to disclosures; and
- Collate and report statistics on disclosures via Council's Annual Report.

The Deputy Public Interest Disclosure Coordinator will perform the same duties and functions in the absence of the Public Interest Disclosure Coordinator or if the disclosure relates to the Public Interest Disclosure Coordinator.

Chief Executive Officer

The Chief Executive Officer of Council will:

- receive disclosures directly from employees, Councillors and members of the public, if approached;
- appropriately document any verbal disclosure received;
- immediately refer any disclosure received to the Public Interest Disclosure Coordinator (or to the Deputy Public Interest Disclosure Coordinator, if the Protected Disclosure Coordinator is absent or if the disclosure relates to the Protected Disclosure Coordinator);
- take all necessary steps to ensure that information received or obtained in connection with a disclosure, including the identities of the discloser and the person or persons to whom the disclosure relates, are kept confidential, private and secure at all times.

Supervisors, managers and directors

Supervisors, managers and directors will:

- receive a disclosure directly from an employee they are supervising, if approached;



- receive a disclosure directly from any person regarding an employee they are supervising, if approached;
- appropriately document any verbal disclosure received;
- immediately refer any disclosure received to the Protected Disclosure Coordinator (or to the Deputy Protected Disclosure Coordinator, if the Protected Disclosure Coordinator is absent or if the disclosure relates to the Protected Disclosure Coordinator);
- take all necessary steps to ensure that information received or obtained in connection with a disclosure, including the identities of the discloser and the person or persons to whom the disclosure relates, are kept confidential, private and secure at all times.

Employees, Councillors and members of the public

Employees, Councillors and members of the public are encouraged to raise known or suspected incidences of improper conduct in relation to Council, in accordance with the Act and this Policy.

Employees, Councillors and members of the public must:

- refrain from any activity that it, or could be perceived to be, victimisation or harassment of a discloser;
- protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

8. Policy non-compliance

Failure to comply with this policy may constitute a breach of the Act, Councillor Code of Conduct or the Staff Code of Conduct.

9. Related documents

- Public Interest Disclosures Act 2012 (formerly known as the Protected Disclosure Act 2012)
- Public Interest Disclosures Regulations 2019
- Independent Broad-based Anti-corruption Commission Act 2011
- IBAC’s Guidelines for making and handling protected disclosures, www.ibac.vic.gov.au
- IBAC’s Guidelines for protected disclosure welfare management, www.ibac.vic.gov.au

10. Implementation of the Policy

This Policy (in conjunction with other Related Documents) will be published on Council’s website and intranet.

11. Document History

Date approved	Change Type	Version	Next Review Date
TBC	New	1	April 2026

Executive Summary

12.8 Adoption of 2020/21 Procurement Policy

Enquiries: (Martin Poole: Chief Financial Office)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

Purpose

To adopt the 2020/21 Procurement Policy following public exhibition.

Recommendation (Chief Financial Office)

That Council:

1. Notes that the draft 2020/21 Procurement Policy was publicly exhibited for a period of four weeks, and no written submissions were received;
2. Notes the requirement for a Procurement Policy to be reviewed annually under Section 186A of the Local Government Act 1989; and
3. Adopts the 2020/21 Procurement Policy.

Key Points / Issues

- At its meeting on 29 June 2020, Council resolved:

That Council:

1. *Notes the requirement for a Procurement Policy to be reviewed annually under Section 186A of the Local Government Act 1989;*
2. *Endorses the draft 2020/2021 Procurement Policy (Policy), in particular the updates relating to the:*
 - a. *Introduction of a Supplier Code of Conduct;*
 - b. *Introduction of the awarding of contracts in Open Council;*
 - c. *Introduction of publication of awarded contracts on Council's website; and*
 - d. *Development of a Social Procurement Strategy.*
3. *Endorses the Policy to be advertised for public exhibition for period of four (4) weeks;*
4. *Seeks a report back no later than August 2020, to adopt the Policy, taking into account any submissions received, and*
5. *Notes that the report back is subject to Council's response to the COVID-19 pandemic.*

12.8 Adoption of 2020/21 Procurement Policy**Executive Summary**

- A notice was published on Council's website on Friday 3 July 2020 and the Herald Sun Newspaper on Tuesday 7 July 2020, inviting written submissions in relation to the 2020/21 Draft Procurement Policy. The deadline for written submissions was Thursday 6 August 2020. No written submissions were received.

Local Government Act 1989 requirement

Section 186A(7) of the *Local Government Act 1989* requires each Council to review and publish its Procurement Policy at least once during each financial year. Council last adopted its Procurement Policy in July 2019.

This review has addressed the matters outlined in the Council decision of 16 December 2019 (2019/OM15). These matters were as follows:

- Development of a Social Procurement Policy, which will become the Social Procurement Strategy;
- Award of contracts in open Council;
- Transparency measure - publication of Council awarded contracts on the Frankston City Council website; and
- Inclusion of a Supplier Code of Conduct into Council's standard agreements.

Development of a Social Procurement Strategy

Council has commenced the drafting of a Social Procurement Strategy which will be guided by and aligned with the revised Procurement Policy. Consultation will need to be undertaken as well as consideration of any potential impacts as a result of the introduction of the *Local Government Act 2020*. As such, the Contracts and Procurement Unit are aiming to finalise the strategy and present it to the CEO for approval by 30 September 2020.

Introduction of award of contract in Open Council

Council's InfoCouncil templates will be updated to enable award of contracts in Open Council from 1 July 2020.

Introduction of publication of awarded contracts on Council's website

Council now publishes details of awarded contracts that have resulted from a request for tender process. This includes the nature, total value and parties to the agreement.

In accordance with legal advice, the details published are non-confidential and Council's request for tender templates have been updated to advise potential tenderers that details of awarded contracts will be published on Council's website.

Introduction of a Supplier Code of Conduct

Council has introduced a Supplier Code of Conduct. The Code ensures standards of behaviour are clearly communicated to tenderers. The Code is available on Council's website and has been added to Council's request for tender templates.

Financial Impact

There are no financial implications associated with this report.

Consultation**1. External Stakeholders**

Legal advice was obtained from Maddocks on 28 August 2019.

12.8 Adoption of 2020/21 Procurement Policy**Executive Summary****2. Other Stakeholders**

Governance and Information –Senior Freedom of Information and Privacy Officer was consulted regarding privacy obligations and commercially sensitive information.

Analysis (Environmental / Economic / Social Implications)

Implementation of a Social Procurement Strategy will generate positive social outcomes. Council is currently committed to Social Procurement by:

- enhancing partnerships with other councils, providers and community stakeholders;
- ensuring all procurement practices are sustainable and strategically aligned with the wider Council objectives;
- building and maintaining a strong community by exploring ways to generate local employment (particularly among disadvantaged residents and further strengthening the local economy);
- purchasing ethical and fair trade goods to support equitable trade where possible;
- endeavouring to obtain a minimum of one quote from a local supplier whenever possible when procuring goods, works and services under \$100,000 Council; and
- for goods, services or works valued at or above \$100,000 must include following mandatory selection criteria 'local content' weighted at 5 per cent.

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

It is a requirement under the *Local Government Act 1989* that Council's Procurement Policy be reviewed annually. This review and redraft of the Policy will fulfil this obligation.

Policy Impacts

Council's Procurement Policy is the governing document.

There have been some changes to the Procurement Policy as a result of this review. See attached draft 2020/21 Procurement 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

Review of the Procurement Policy ensures legislative requirements are met. The Procurement Policy establishes the procurement framework for Council and provides clarity on operational requirements for staff.

12.8 Adoption of 2020/21 Procurement Policy**Executive Summary****Conclusion**

Officers have undertaken the annual review of the 2020/21 Procurement Policy. The draft was publicly exhibited for 4 weeks and no submissions were received.

It is recommended that Council now resolves to adopt the Policy.

ATTACHMENTS

Attachment A: [↓](#) Draft Procurement Policy 2020/21 - Marked up

Attachment B: [↓](#) Draft Procurement Policy 2020/21 - Clean



Procurement Policy

202019/210

Responsible Directorate: Corporate Development

Authorised by: Council

Date of adoption:

Review date: Annually, next review to be completed by 30 June 20210

(Note that the *Local Government Act 1989* requires that this Policy be reviewed at least once each financial year)

Formatted: Font: Italic



Contents

FOREWORD	54
1 What is Procurement	65
2 Principles	65
1.1 Procurement Policy Objectives	65
1.2 Guiding Principles	65
1.3 Scope	86
1.4 Treatment of GST	86
1.5 Definitions and Abbreviations	86
2 Ethics and Probity	118
2.2 Conduct of Councillors and Council Staff	1412
2.3 Procurement Processes	1614
2.4 External Probity Practitioners	1714
2.5 Conflict of interest	1714
2.6 Gifts and hospitality	1815
2.7 Disclosure of information	1815
3 Procurement Methods	1916
3.1 Integration with Council Strategy	1916
3.2 Methods	1916
3.3 Financial Accountability	2117
3.4 Threshold Requirements	2117
3.5 Evaluation	2318
3.6 Contract Management	2521
4 Policy Exemptions and Breaches	2621
5 Internal Controls	2722
6 Risk Management	2722
6.1 Risk Mitigation	2723

			Formatted	...
			Formatted	...
			Formatted	...
			Formatted	...
7	Performance Measures and Continuous Improvement.....	2823	Formatted	...
8	Social Procurement	2823	Formatted	...
8.1	Supporting local business	2924	Formatted	...
8.2	Diversity.....	3025	Formatted	...
8.3	Environmentally sustainable procurement	3025	Formatted	...
8.4	Ethical Standards for the Acquisition of Textiles, Clothing and Footwear	3126	Formatted	...
9	Responsible policy officer and contact details.....	3126	Formatted	...
FOREWORD		4	Formatted	...
1	Principles	5	Formatted	...
1.1	Procurement Policy Objectives	5	Formatted	...
1.2	Guiding Principles.....	5	Formatted	...
1.3	Scope.....	6	Formatted	...
1.4	Treatment of GST.....	6	Formatted	...
1.5	Definitions and Abbreviations	6	Formatted	...
2	Ethics and Probity.....	8	Formatted	...
2.1	Conduct of Councillors and Council Staff.....	9	Formatted	...
2.2	Procurement Processes.....	11	Formatted	...
2.3	External Probity Practitioners	11	Formatted	...
2.4	Conflict of interest.....	11	Formatted	...
2.5	Openness and fairness	12	Formatted	...
2.6	Accountability and transparency.....	12	Formatted	...
2.7	Gifts and hospitality	12	Formatted	...
2.8	Disclosure of information.....	12	Formatted	...
3	Procurement Methods.....	13	Formatted	...
3.1	Integration with Council Strategy.....	13	Formatted	...
3.2	Methods	13	Formatted	...
3.3	Financial Accountability.....	14	Formatted	...
3.4	Threshold Requirements	15	Formatted	...
3.4	Evaluation.....	16	Formatted	...
3.5	Contract Management.....	18	Formatted	...
			Formatted	...
			Formatted	...



4	Policy Exemptions and Breaches	19	Formatted: Default Paragraph Font, Font: (Default) +Body (Calibri), Check spelling and grammar
5	Internal Controls	20	Formatted: Default Paragraph Font, Font: (Default) +Body (Calibri), Check spelling and grammar
6	Risk Management	20	Formatted: Default Paragraph Font, Font: Check spelling and grammar
6.1	Risk Mitigation	20	Formatted: Default Paragraph Font, Font: Check spelling and grammar
7	PERFORMANCE MEASURES AND CONTINUOUS IMPROVEMENT	21	Formatted: Default Paragraph Font, Font: Check spelling and grammar
8	Social Procurement	21	Formatted: Default Paragraph Font, Font: (Default) +Body (Calibri), Check spelling and grammar
8.1	Supporting local business	21	Formatted: Default Paragraph Font, Font: (Default) +Body (Calibri), Check spelling and grammar
8.2	Diversity	22	Formatted: Default Paragraph Font, Font: (Default) +Body (Calibri), Check spelling and grammar
8.3	Environmentally sustainable procurement	22	Formatted: Default Paragraph Font, Font: (Default) +Body (Calibri), Check spelling and grammar
8.4	Ethical Standards for the Acquisition of Textiles, Clothing and Footwear	23	Formatted: Default Paragraph Font, Font: (Default) +Body (Calibri), Check spelling and grammar
9	POLICY RESPONSIBLE OFFICER AND CONTACT DETAILS	23	Formatted: Default Paragraph Font, Font: (Default) +Body (Calibri), Check spelling and grammar
			Formatted: Default Paragraph Font, Font: (Default) +Body (Calibri), Check spelling and grammar
			Formatted: Default Paragraph Font, Font: (Default) +Body (Calibri), Check spelling and grammar
			Formatted: Default Paragraph Font, Font: Check spelling and grammar
			Formatted: Default Paragraph Font, Font: Check spelling and grammar
			Formatted: Default Paragraph Font, Font: Check spelling and grammar
			Formatted: Default Paragraph Font, Font: Check spelling and grammar
			Formatted: Default Paragraph Font, Font: (Default) +Body (Calibri), Check spelling and grammar
			Formatted: Default Paragraph Font, Font: (Default) +Body (Calibri), Check spelling and grammar
			Formatted: Default Paragraph Font, English (United States), Check spelling and grammar
			Formatted: Default Paragraph Font, English (United States), Check spelling and grammar
			Formatted: Default Paragraph Font, Font: (Default) +Body (Calibri), Check spelling and grammar
			Formatted: Default Paragraph Font, Font: (Default) +Body (Calibri), Check spelling and grammar



FOREWORD

Frankston City Council is required, under section 186 of the *Local Government Act 1989* (Act), to prepare, approve and comply with a procurement policy. The policy and accompanying procurement framework is to encompass principles, processes and procedures to be applied to all procurements of goods, services and works. It is a requirement under the Act that a Council's procurement policy be reviewed annually.

Formatted: Font: Italic

NOTE: This Procurement Policy replaces the earlier Procurement Policy adopted by Council in DATE

Document History

Version	Approval Date
Version 1	Adopted by Council 00/06/2016
Version 2	Adopted by Council 11/12/2017
Version 3	Adopted by Council 28/07/ 2018
Version 4	Adopted by Council 22/07/2019
Version 5	Adopted by Council [TBC]



1 1—What is Procurement

Procurement is the acquisition of goods and services by Council. It begins when a procurement need has been identified and continues through the processes of risk assessment, seeking and evaluating alternative solutions, awarding of a contract, delivery of and payment for the goods and services and, where relevant, the ongoing management of the contract and disposal of goods.

Formatted: Font: (Default) +Body (Calibri), 11 pt

Formatted: Space Before: 0 pt, After: 0 pt, Line spacing: single, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

In addition to the acquisition of goods and services by Council, procurement also includes the acquisition of goods and services on behalf of another entity.

Formatted: Font: (Default) +Body (Calibri), 11 pt

Procurement does not include grants, funding agreements, investments, sales, leases or loans.

Formatted: Font: (Default) +Body (Calibri), 11 pt

Formatted: Font: (Default) +Body (Calibri), 11 pt

Formatted: Font: (Default) +Body (Calibri), 11 pt

Formatted: Font: (Default) +Body (Calibri)

2 Principles

1.1 Procurement Policy Objectives

The objectives of this Policy are to:

- Establish a framework to achieve value for money in the acquisition of goods, services and works by Frankston City Council.
- Ensure that Council resources are used efficiently and effectively to improve the overall quality of life of people in the local community.
- Achieve compliance with relevant legislative requirements.
- Achieve high standards of probity, transparency, accountability and risk management.
- Support Council's corporate strategies, aims and objectives.
- Seek continuous improvement opportunities including the implementation of electronic procurement solutions to reduce procurement costs.
- Give preference to the procurement of environmentally sustainable goods services and works.

Formatted: Font: (Default) Calibri, Expanded by 0.05 pt

Formatted: Normal, Justified, Indent: Left: 1.5 cm, Hanging: 1 cm, Right: -0.04 cm, Space After: 12 pt, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers

Formatted: Font: (Default) Calibri, Expanded by 0.05 pt

1.2 Guiding Principles

The following principles will apply to all procurements undertaken by Council:

Value for money



Procurements will seek to achieve the best balance between quality, cost and fulfillment of requirements. Obtaining value for money does not mean that Council is obliged to the lowest price is the sole determinant of best value accept the lowest price. Value for money is a combination of both financial and non-financial factors, such as; fit for purpose, quality, quantity, risk, timeliness, support services, environmental sustainability, social value and whole-of-contract life costs.

Formatted: Right: 0 cm, Space After: 0 pt, Line spacing: single, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

Formatted: Font: (Default) Calibri, English (United States), Condensed by 0.1 pt

Formatted: Font: (Default) Calibri, English (United States), Condensed by 0.1 pt

Open and fair competition

All suppliers must be treated fairly and in an open manner. All suppliers approached, whether via a request for quote or request for tender, must be provided the same information about the procurement. Information regarding the procurement, be it a quote or tender, will be accessible to all suppliers. Councils must adequately test the market in a consistent manner without any bias, or perception of bias, so that potential suppliers and the public have confidence in the outcome.

Formatted: Right: 0 cm, Space After: 0 pt, Line spacing: single, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

Formatted: Font: (Default) Calibri, English (United States)

Accountability

All Council staff are responsible for the actions and decisions they take in relation to procurement and for the resulting outcomes. Staff must also ensure they provide adequate and reliable advice to the elected council to allow it to make sound decisions on procurement matters.

Formatted: Right: 0 cm, Space After: 0 pt, Line spacing: single, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

Formatted: Font: (Default) Calibri, English (United States)

All Councillors, Council officers, delegates and all persons undertaking procurement for and on behalf of Council are to must adhere to the Procurement Policy and any accompanying procurement procedures and guidelines. The accountable Council staff member undertaking the procurement will be identified on all procurement documents to facilitate audit processes.

Formatted: Font: (Default) Calibri, English (United States)

Formatted: Font: (Default) Calibri, 11 pt

Probity and Transparency

Councillor and Council officers must conduct Council business in a fair, honest and open manner, demonstrating the highest levels of integrity consistent with the public interest.

Contracts awarded as a result of a request for tender will be published on Council's website. This includes contracts awarded by Council

Risk management

All procurement carries some level of risk. It is important for Council staff to recognise this risk and to develop appropriate strategies to deal with it when undertaking procurement.

Formatted: Font: (Default) Calibri, English (United States)

Formatted: Font: Not Bold

Continuous Improvement

Through the annual review of the Procurement Policy and accompanying procedures, Council aims to achieve best practice for all procurement and to seek opportunities for efficiencies and innovation.



1.3 Scope

~~This manual applies to Councillors, Council officers, Council staff, delegates and all persons undertaking procurement for and on behalf of Council. This Policy applies to all procurement activities, including purchasing and approvals, conducted and/or overseen by Council and is binding upon Councillors, Council officers and any person acting as Council's agent. The procurement framework outlined in t~~
 This Policy is supported with with the Procurement Procedure Guideline and accompanying manuals, these and any other supporting guidelines and procedures form part of the scope of the Policy.

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

1.4 Treatment of GST

All monetary values stated in this Policy include GST except where specifically stated otherwise.

1.5 Definitions and Abbreviations

Term	Definition
The Act Value for money	Local Government Act 1989 (VIC). Local Government Act 2020 (VIC). Whichever is in force. Value for money or best value in procurement is selecting the supply of goods, services and works taking into account both cost and non-cost factors. Lowest price is not the sole determinant of best value (subject to conditions).
Commercial in Confidence	Information that, if released, may prejudice the business dealings of a party e.g., prices, discounts, rebates, profits, methodologies and process information.
Contract management	The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives.

Formatted: Font: Not Italic



Term	Definition
Council staff	Includes full-time, part-time and casual Council staff members, as well as temporary employees, contractors, consultants and authorised agents of Council.
Emergency	An unexpected event requiring immediate action that could result in risk to life or damage to property. This includes but is not limited to natural disasters, flooding, fire events and the unforeseen cessation of trading by a core service provider.
EMT	Council's Executive Management Team
Probity	Probity signifies integrity, fairness and honesty. To achieve high standards of probity procurement processes must demonstrate transparency of actions, equity, confidentiality and conflict of interest management.
Probity Advisor	The role of a probity advisor is to provide guidance throughout a procurement to ensure that the procurement is undertaken with high standards of probity.
Probity Auditor	The role of a probity auditor is to review a procurement process that was undertaken to ensure that all actions taken as part of the procurement met the requirements of this Procurement Policy and the Act.
Procuring Officer	The officer tasked to conduct the procurement.
Supplier Code of Conduct	<p>TheA Supplier Code of Conduct (Code) sets out the standards of behavior that a supplier agrees to aspire to when under contract with Council.</p> <p>Council will be introducinghas introduced a Supplier Code of Conduct and incorporated it intoover the 2019/20 financial year Council's standard request for tender agreement. A copy is provided on Council's website.</p> <p>For thosecontracts to which the Code will applys, suppliers willmust be provided with a copy of the Code at tender.</p>



Term	Definition
Social Procurement Commercial in-Confidence	Social procurement is when organisations use their buying power to generate social value above and beyond the value of the goods, services, or construction being procured. Council is developing a Social Procurement Strategy which is guided by and aligned with this Policy. Information that, if released, may prejudice the business dealings of a party e.g., prices, discounts, rebates, profits, methodologies and process information.
Sustainability	In the procurement context, sustainability means the meeting of needs for works, goods and services in an environmentally responsible and ethical manner.
Contract management	The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives.
Contract Management System (CMS)	An online e-procurement software system that manages both Council's tender and quote processes as well as managing the resulting contracts. Implementation to be complete by October 2019.
Council staff	Includes full-time and part-time Council staff members, and temporary employees, contractors and consultants and authorised agents of Council.
ReM	A record management system being Council's corporate electronic data storage system.
RFxEMT	Acronym for request for quote or request for tender Council's Executive Management Team
Emergency	An unexpected event requiring immediate action that could result in risk to life or damage to property. This includes but is not limited to natural disasters, flooding, fire events and the unforeseen cessation of trading by a core service provider.

Formatted: Font: (Default) Calibri, Font color: Auto, English (United States), Condensed by 0.1 pt



Term	Definition
Probity	Probity signifies integrity, fairness and honesty. To achieve high standards of probity procurement processes must demonstrate transparency of actions, equity, confidentiality and conflict of interest management.
Probity Auditor	The role of a probity auditor is to review a procurement process to ensure that all actions taken as part of the procurement met the requirements of the Procurement Policy and the Act.
Probity Advisor	The role of a probity advisor is to provide guidance throughout a procurement to ensure that the procurement is undertaken with high standards of probity.
Sustainability	Activities that meet the present needs without compromising the ability of future generations to meet their needs.
RFx	Acronym standing for quote or request for tender.
Tender or quotation process	The generic process of inviting parties to submit a proposal, followed by the evaluation of submissions and selection of a successful respondent. Council's invitation to parties may include a simple quotation request or a more formal request for expressions of interest or tenders.
Value for money	Value for money or best value in procurement is selecting the supply of goods, services and works taking into account both financial and non-financial factors. Lowest price is not the sole determinant of best value (subject to conditions).

2 Ethics and Probity



All Council procurement processes shall ~~must~~ be conducted in a fair, honest ~~and transparent, open~~ manner with the highest levels of integrity and in the public interest. ~~All suppliers are to be treated fairly in an open and transparent manner.~~

In the context of a procurement process, probity is a defensible process which is able to withstand internal and external scrutiny. ~~It is~~ one which achieves both accountability and transparency, ~~and providing treats~~ all respondents with fairly and equitably ~~treatment~~.

2.1 Accountabilities, roles and responsibilities

Delegations

The ~~Act~~ authorises Council to undertake a range of functions by way of delegation and sub-delegation to the Chief Executive Officer and to staff. For procurement this includes delegations to approve an approach to market, awarding a contract and varying a contract.

Delegations and sub-delegations are set out in Council's Instruments of Delegation.

Role of the Delegate

The Delegate must ensure that the procurement activity represents proper use of Council resources and promotes Council objectives. When exercising their delegation, the Delegate must ensure that the proposal is within the scope of their delegation as specified in Council's Instruments of Delegation.

Role of the Procuring Officer

The Procuring Officer's role is to:

- ~~Be accountable~~ for their actions and decisions. They must act with integrity and fairness in accordance with the Council's Code of Conduct, delegation instruments and the Act and other relevant legislation and policies;
- ~~Be responsible~~ for determining the scope of work, running and leading the procurement process, ensuring the Council achieves value for money and ongoing contract management. Procuring Officers should be comfortable to answer any potential questions at audit or other queries in relation to a procurement process;
- ~~Register~~ their procurement and resultant contract with the Contracts & Procurement Team;
- ~~Keep records~~ to ensure that sufficient procurement and contract management documentation to support the procurement activity is stored and maintained throughout the procurement and contract management lifecycle;

Formatted: English (United States)

Formatted: Font: (Default) Calibri, 13 pt, Bold, Font color: Accent 1

Formatted: Font: (Default) Calibri, 13 pt, Bold, Font color: Accent 1

Formatted: Left, Space Before: 10 pt, After: 10 pt, Line spacing: Multiple 1.15 li, No widow/orphan control

Formatted: Left, Space After: 10 pt, Line spacing: Multiple 1.15 li, No widow/orphan control

Formatted: Font: Not Italic

Formatted: Font: (Default) +Body (Calibri), Not Expanded by / Condensed by

Formatted: Font: +Body (Calibri), 11 pt

Formatted: Normal, Space Before: 0 pt, After: 0 pt

Formatted: Font: +Body (Calibri), 11 pt

Formatted: Font: +Body (Calibri), 11 pt

Formatted: Normal, Space Before: 0 pt, After: 0 pt

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

Formatted: Normal, Justified, Indent: Left: 1.5 cm, Hanging: 1 cm, Right: -0.04 cm, Space Before: 0 pt, After: 12 pt, Line spacing: single, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

Formatted: Font: Not Italic

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, 11 pt, Not Bold, Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt



- Be aware of legislation and policies to ensure that they are familiar and compliant with local government legislation and policies, including relevant Council policies and frameworks;
- Be widely engaged to identify key stakeholders early in the process and actively engage with those key stakeholders; and
- Be knowledgeable to ensure they possess sufficient knowledge and training to undertake their role.

Formatted: Font: (Default) Calibri, 11 pt, Not Bold, Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

Role of the Contract Manager

Once a contract is established the appointed Contract Manager is responsible for managing the contract. This includes, but is not limited to, ensuring the supplier performs all services and deliverables within the timeframes and budget set out in the contract, managing contract variations and extensions, and closing contracts or disposing of assets.

Formatted: Font: (Default) Calibri, 11 pt, Bold, Not All caps, Expanded by 0.05 pt

Formatted: Font: +Body (Calibri), 11 pt

Formatted: Normal, Space Before: 0 pt, After: 0 pt

Contract Managers play an important role in assisting Council to achieve value for money. As part of this role, Contract Managers should acknowledge their direct responsibilities in the following areas:

Formatted: Space Before: 0 pt, After: 10 pt

- Contract – have read and understand the contract deliverables and the terms and conditions of the contract;
- Administration – being the first point of contact for the contract and being responsible for all administrative tasks for the contract, including ensuring invoices align with the agreed rates and costs stated in the contract, payment of invoices, facilitating contract variations and extensions, transition planning, complaints or enquiries and proper record keeping throughout the contract lifecycle;
- Payment – raise a purchase order within 2 days of executing the contract and ensuring supplier invoices are paid within the agreed timeframes;
- Performance or delivery – monitoring performance and ensuring delivery of the goods or services specified in the contract in accordance with the terms and conditions and preserving value for money for Council;
- Reporting – ensure the counter signed contract or contract variation/ extension is provided to the Contract and Procurement Team within 10 working days of entering into the contract or variation/ extension;
- Risk management – ensure risks are identified, managed and controlled throughout the contract term;
- Documentation – ensure that records are accurate and complete;

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

Formatted: Normal, Justified, Indent: Left: 1.5 cm, Hanging: 1 cm, Right: -0.04 cm, Space Before: 0 pt, After: 12 pt, Line spacing: single, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt



- Knowledge – ensure they possess appropriate skills and have been adequately trained to undertake their role. They should also ensure they have a satisfactory level of understanding of the contract and of the subject matter.
- Accountable and ethical – ensuring that the Council’s code of conduct and values are upheld at all times. Act with integrity and fairness at all times and are accountable for their decisions and actions and be comfortable to answer any questions about the contract either internally or externally;
- Remaining independent and critical – ensure that a level of independence is maintained to allow for a critical examination of the delivery against the contract. Contract managers should work with the suppliers to facilitate successful delivery of goods and services and resolve any performance issues as they arise. However, they should be mindful that they are representing the Council in respect of the contract; and
- Seeking advice as required – liaising with subject matter experts to progress contract matters. For example, seeking advice from the Contracts and Procurement Team for less complex contract management issues or obtain legal advice when a supplier wishes to novate a contract to another supplier.

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, 11 pt, Expanded by 0.05 pt

Role of the Council Procurement Department

Council operates a centre-led procurement structure whereby all policy, strategy, technology, best practise and networking in procurement matters is led by the Contracts and Procurement Team.

Formatted: Font: (Default) Calibri, 11 pt, Bold, Not All caps, Expanded by 0.05 pt

Formatted: Font: +Body (Calibri), 11 pt

Formatted: Normal, Space Before: 0 pt, After: 0 pt

Formatted: Font: +Body (Calibri), 11 pt

Formatted: Font: +Body (Calibri), 11 pt

This means the Contracts and Procurement Team maintains oversight of Council procurements & contracts, and provides assistance to the Procuring Officer and Contract Manager. Responsibility for running procurement processes and managing contracts sits with the Procuring Officer and Contract Manager.

Formatted: Normal, Space Before: 0 pt, After: 0 pt, Line spacing: single, No bullets or numbering

Formatted: Font: +Body (Calibri), 11 pt

Formatted: Font: Bold

2.21 Conduct of Councillors and Council Staff

Councillors and Council staff members shall ~~must~~ at all times conduct themselves in accordance with the Councillors Code of Conduct and the Frankston City Council Code of Conduct for Staff, and in ways that are, and are seen to be, ethical and of the highest integrity.

All Councillors and Staff will;

- ensure fair, equitable, and unbiased treatment of all parties including potential and existing suppliers;
- use consistent and transparent processes;



- not seek or receive personal gain;
- maintain confidentiality of Commercial in Confidence information such as contract prices and other sensitive information;
- present the highest standards of professionalism and probity;
- deal with suppliers in an honest and impartial manner that does not allow conflicts of interest;
- be able to account for all decisions and provide feedback on them so that all decisions are understood and can be subsequently justified;
- ensure their actions embody the principles of sound financial and risk management; and
- comply with all legal and policy requirements.

All Councillors must, in accordance with their obligations under sections 76, 79 and 80 of the [Local Government Act, 1995](#) avoid the following in relation to procurement matters:

- Conflicts between their public duties and their personal interests and obligations.
- Improperly directing or influencing any Council officer in the exercise of any power or in the performance of any duty or function.

Formatted: Font: Not Italic

Formatted: Expanded by 0.05 pt

Formatted: Normal, Indent: Left: 1.5 cm, Hanging: 1 cm, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm

Formatted: Expanded by 0.05 pt

Councillor's Roles during a procurement

Procurement Lifecycle Stages - Procurement Planning and Evaluation

Councillor's ~~are to~~ will be consulted on significant tenders during the procurement process lifecycle. The role of a Councillor's is to provide a level of input during the project initiation phase that will assist responsible Service Units achieve their intended outcomes and overall community benefits. Councillor's may be informed of the scope and intentions of a procurement via involvement in the Major Projects Advisory Committee, Councillor Bulletins, Briefings or Memorandums.

Formatted: Font: Bold, Italic

Formatted: Normal, No bullets or numbering

In line with the Councillor's obligations within the LGA and the Councillor Code of Conduct, Councillor's are not permitted to form part of an evaluation panel or take on the responsibilities of a Procurement Sponsor or Project Director or Contract Superintendent/Manager. The Responsible Officer ~~procuring officer~~ is wholly responsible for the setting of evaluation criteria and criteria weightings. These criteria and weightings require endorsement by the [Contracts and Procurement](#)

Formatted: Normal



~~Unit and the~~ Procurement Sponsor and Project Director. Strict probity requirements [set in the planning stage of a procurement](#) must be met during the ~~evaluation~~ and award ~~lifecycle~~ stages and Evaluation Panel Members are not to disclose any element of an evaluation process while submissions are under consideration, this includes providing information to Councillors, other than to provide timeline updates when requested.

Procurement Lifecycle Stage – Awarding a Contract

The value of the procurement activity will determine the relevant financial delegate to consider and approve (or otherwise) the Award Memo.

The approving financial delegate cannot change the recommendation of the evaluation panel as to the preferred tenderer. That is, if the approving financial delegate does not agree with the findings of the evaluation panel, they cannot make a substitute decision as to which company will be awarded the tender. Awarding a tender without an application of the evaluation criteria may amount to engaging in misleading and deceptive conduct, breach of a 'process contract' or misuse of a delegation and give rise to legal action on the part of tenderers.

The approving financial delegate can reject a recommendation, on the basis that they are not satisfied that the process undertaken was compliant with Council's Procurement Policy or Procurement Guidelines. Additional information can be sought from the Evaluation Panel to clarify the analysis that was undertaken. Should the approving financial delegate determine that the evaluation was flawed the Evaluation Panel may be asked to undertake a more thorough assessment against the published criteria and report back to Council. An approving financial delegation may reject a recommendation and stop the tender process. This may only be done with due consideration of the operational and reputation cost of taking this action and only when halting the tender is in the best interests of Council.

In order to limit the occurrences of halting a tender at the award stage Councillors are to provide input in the initial planning stage, via the nominated channels above, to ensure that the resources committed to tendering are best used and that the scope of a project is adequately determined prior to going to market.

2.32 Procurement Processes

Formatted: Font: Italic

Formatted: Normal

Formatted: Normal

Formatted: Normal

Formatted: Normal



All procurement processes shall-must be conducted in accordance with the requirements of this Policy and any associated policies, procedures, relevant legislation, relevant Australian Standards and the [Local Government Act-1989Act](#).

2.43 External Probity Practitioners

There are circumstances where the use of an external probity practitioner is required. A probity practitioner may be a probity auditor or a probity advisor, see definition section at 1.4 for guidance on these terms.

The use of an external probity advisor is mandated when the value of the goods, services or works exceeds \$5 million (inclusive of GST).

The appointment of an external probity advisor for purchases below this value can also be considered and mandated by the relevant Director having considered:

- the complexity of the procurement project;
- where the risk associated with the procurement process is considered very high;
- where the procurement project has the potential for risk to Council's reputation; or
- the specialist nature of any potential issues.

Formatted: Indent: Left: 1.5 cm

Where a decision is made to appoint an external probity advisor it is recommended that the appointment be made as early as possible in the procurement process and a probity plan be prepared and in place no later than the procurement planning stage.

Should the service of a probity auditor be required seek advice from the Contracts and Procurement Team.

2.54 Conflict of interest

Councillors, Council staff and any external consultants engaged for the procurement shall-must at all times act in compliance with the conflict of interest requirements in the [Local Government Act-1989 Act](#) and associated guidelines. In particular, they shall-must:

- avoid situations in which private interests conflict, or might reasonably be perceived to conflict, or have the potential to conflict, with their Council duties;
- not participate in any action or matter associated with a procurement- where that person or any member of their immediate family has an interest, or holds a position of influence or power in a business tendering or quoting for Council work; and

Formatted: Indent: Left: 1.5 cm, Right: -0.04 cm

Formatted: Indent: Left: 1.5 cm



- note that the onus is on the individual involved being alert to and promptly declaring any actual, perceived or potential conflict of interest to Council.

Formatted: Indent: Left: 1.5 cm, Hanging: 1 cm, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm

2.5 Openness and fairness

Prospective contractors and suppliers must be afforded an equal opportunity to tender or quote by providing all suppliers with access to the same information. Impartiality must be maintained throughout the procurement process so it can withstand public scrutiny.

2.6 Accountability and transparency

Accountability in procurement means being able to establish that a procurement has been undertaken in line with Council's Procurement Policy and procurement procedures. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair, reasonable and consistent with the endorsed processes as outline in applicable policy and procedures

2.6.7 Gifts and hospitality

Councillors and Council staff members must at all times act in accordance with all laws, relevant policies, guidelines and employment agreements.

One of the underlining principles of Council's Gift and Hospitality Policy is that no member of Council staff shall must seek or accept favours or gifts from anyone who could benefit by inappropriate influence.

2.7.8 Disclosure of information

Commercial in confidence information received by Council must not be disclosed and is to be stored in a secure manner. Councillors and Council staff must not release or discuss any information that is Commercial in Confidence information or pre-contract information including but not limited to information provided in tenders and quotations or subsequently provided in pre-contract negotiations.

- Councillors and Council staff are to avoid references to current or proposed contracts in discussion with acquaintances or outside interests.
- Discussion with potential suppliers during tender or quotation evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier.
- At no stage should any discussion be entered into which could have potential contractual implications prior to the contract approval process being finalised other than authorised pre-contract negotiations.

Formatted: Expanded by 0.05 pt

Formatted: Normal, Indent: Left: 1.5 cm, Hanging: 1 cm, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm



- Failure to maintain confidentiality of commercial in confidence information is a breach of the Frankston City Council Code of Conduct.

Award of contracts in Open Council

Council may award contracts in open Council. Where a contract is awarded in open Council the Council report must not contain commercial in confidence information. Instead, any commercial in confidence information that supports the recommendations made to Council must be included as a confidential attachment.

Publication of awarded contracts on Council's website

From April 2020, Council will publish on the Council's website non-confidential details of an awarded contract that has resulted from a request for tender process, e.g. the nature, total value and parties to the agreement.

Formatted: Normal, Indent: Left: 0 cm

3 Procurement Methods

3.1 Integration with Council Strategy

Council's procurement ~~strategy-policy shall~~must support its corporate strategy, aims and objectives, including but not limited to those related to sustainability, protection of the environment, corporate social responsibility and meeting the needs of the local community such as:

- achieving long term community outcomes in Council's Corporate Plan ~~i.e. a Planned City, a Liveable city, a Well Governed City and a Well Managed City;~~
- feeling safe;
- living in a clean and pleasant environment; and
- receiving good quality and well managed Council services that represent value for money.

Formatted: Indent: Left: 1.5 cm, Hanging: 1 cm, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm

3.2 Methods

Council's procurement is conducted by public tender, direct quote or through an approved panel arrangement.

- Public tender means an approach to market such as a request for tender or expression of interest that has been published on Council's website and advertised in Council's prescribed newspapers.
- Direct quote means an approach to market such as request for quote that has been sent to one or more suppliers.

Formatted: Font: Bold

Formatted: Indent: Left: 1.5 cm, Hanging: 1 cm, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm



- Panel procurement means a panel established by MAV, Procurement Australia or Council has been used.

In addition to the above methods, Council may make purchases using:

Council's standard methods for purchasing goods, services and works shall be by the following methods:

- Approved store cards or credit cards in accordance with the applicable threshold limitations and policy; and
- Petty cash may be used for reimbursement of expenses incurred by staff relating to Council activities. The maximum claim is \$70 and must be authorised by the officer's supervisor. Petty cash is only to be used when no other alternative, such as a store or credit card, is available.

Formatted: Indent: Left: 1.5 cm, Hanging: 1 cm, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm

When drafting request documents, the Procuring Officer must decide which contract type is best suited to the goods and / or services being purchased. Options include:

Formatted: No bullets or numbering

- Australian Standards Contract
- Council contract
- Council Purchase Order terms and conditions
- Panel contract
- Supplier Contract
- ;
- Purchase order terms and conditions following quotation process;
- Under a standard Frankston City Council contract following a tender or quotation process;
- Under an approved internal panel agreement;
- using aggregated purchasing arrangements with other councils, Victorian State Government (e.g. State Purchase Contracts, Whole-of-Government contracts etc), Procurement Australia, MAV Procurement or other bodies; or
- other arrangements authorised by Council or the Chief Executive Officer on a as needs basis as required by unforeseen circumstances such as emergencies.

Formatted: Font: (Default) Calibri, Expanded by 0.05 pt

Formatted: Normal, Justified, Indent: Left: 1.5 cm, Hanging: 1 cm, Right: -0.04 cm, Space Before: 0 pt, After: 12 pt

Formatted: Font: English (United States), Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, Expanded by 0.05 pt

Formatted: Normal, Justified, Indent: Left: 1.5 cm, Hanging: 1 cm, Right: -0.04 cm, Space Before: 0 pt, After: 12 pt

Council may, at its discretion and based on the complexity and cost of the project, conduct a one stage or multi-stage procurement process. A multi-stage procurement process would typically commence with a publically advertised Expression of Interest followed by a tender process.



Expressions of Interest (EOI) may be appropriate where:

- the requirement is complex, difficult to define, unknown or unclear and Council requires advice from the market on how to best address a particular need;
- the requirement is capable of several technical solutions;
- tendering costs are likely to be high and Council seeks to ensure that companies don't incur unnecessary expense by having all interested suppliers complete a full tender; and/or
- it is unclear if there will be interest in the market for the proposed offer.

3.3 Financial Accountability

All Council staff are to ensure that procurement approvals are in accordance with Council financial delegations, as determined by Council and the CEO under instruments of delegation. Responsibility for financial management shall/must be accepted by Council staff in undertaking procurement activities, as outlined below:

- Council staff must ensure the availability of funds within an approved budget shall/must be established prior to the commencement of any procurement.
- Council staff must not authorise the expenditure of funds in excess of the financial delegation for their position (delegated level of authority);
- Council staff must not authorise or write multiple purchase orders to avoid the authorisation process requirements or their procurement authority; and
- Council staff must not approve expenditure that relates to them personally and expenditure of this nature must be referred to the next higher level of authority for approval; Council staff must ensure that any purchase orders are generated at the point where the commitment to purchase goods, services or works has been made i.e. a purchase order must be raised in Technology One when the goods, services or works are ordered and not when the invoice is received.

Formatted: Indent: Left: 1.5 cm, Hanging: 1 cm, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm

Formatted: Expanded by 0.05 pt

3.4 Threshold Requirements

The following table ~~is~~ states the method requires for spend thresholds.



Threshold amount (inclusive of GST)	<\$2,000	<\$10,000	<\$50,000	\$50,001 to tender threshold	Tender thresholds: Goods and Services: > \$150,000 Construction/works: >\$200,000
Quote requirements	Best price available*	1 written quote	2 Written Quotes	3 Written Quotes	Publicly advertised tender

*The project officer must be able to demonstrate that value of money was sought and obtained.

Publicly advertised tender

Purchase of all goods and services for which the estimated expenditure exceeds the thresholds contained in the [Local Government Act 1989 Act](#) must be undertaken by public tender. The threshold is determined by estimating the total contract value including the initial term plus any option years or extension periods.

~~Public tenders may also be called for procurement under the tender thresholds. The options for a procurement process compliant with the public tendering requirements contained in the Local Government Act include:~~

- ~~• Council running its own publicly advertised tender process;~~
- ~~• Council appointing an external agent to run a tender process on its behalf. Organisations such as Procurement Australia, MAV Procurement are active in this area;~~
- ~~• Council accessing Victorian State Government contracts (e.g. State Purchase Contracts, Whole-of-Government contracts etc.) that have been made available to Local Government and which Local Government can access without the need to comply with the requirements of Section 186 (1) of the Local Government Act; or~~
- ~~• Council accessing contracts for panels of suppliers where those panels have been put in place through a compliant tender process. These panel contracts may have been put in place through a Council run tender process, a tender process run by an external agent or be a Victorian State Government panel made available to Local Government.~~

~~Should where the nature of the requirement and the characteristics of the market be such that it is considered a public tender process would lead to a better result for Council, public tenders may also be called for procurement under the tender thresholds.~~ The relevant Director is authorised to approve the tender process under these circumstances.

The following applies to all publicly advertised tenders:



- no late tenders shall must be accepted without the approval of the Chief Executive Officer and limited circumstances where Council's systems cause the late submission or other reasonable circumstance out the control of the tenderer;
- evaluation criteria and weightings must be determined prior to public advertising and the evaluation criteria included in tender documents;
- an evaluation panel must be established prior to public advertising and consist of a minimum of three members;
- the evaluation process must be documented using an approved evaluation matrix template and sufficiently minuted;
- tenderers may be shortlisted, the intention to shortlist and the basis for shortlisting must be included in the tender documentation released to suppliers; and
- negotiations may be undertaken but must not result in a contract that does not reflect the scope or intent of the tender. This may include conducting a best and final offer negotiation process. All negotiations are to be properly documented.

Formatted: Normal, Indent: Left: 1.5 cm, Hanging: 1 cm, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm

3.54 Evaluation

The evaluation process must be robust, transparent and demonstrate that an unbiased decision has been made. The criteria and associated weighting by which quotes and tenders will be assessed must be determined prior to going to market and be clearly stated in the RFX documentation to inform suppliers of Council's priorities for assessing submissions. Refer to procurement procedures for direction on determining and weighting evaluation criteria.

Mandatory Criteria

All procurement for goods, services or works of value equal to or greater than \$100,000 must include Financial Cost to Council weighted at a minimum of 30% and a mandatory selection criteria of 'Local Content' weighted at 5% ~~and~~. These criteria may only be varied or excluded with approval from the relevant Director-delegate prior to issuing quote or tender documentation.

Environmental sustainability is to be included as an evaluation criterion where applicable.

When procuring goods, works and services under \$100,000 Council staff will endeavor to obtain a minimum of one quote from a local supplier whenever possible.

Assessing the Evaluation Criteria - Value for Money



Council's procurement activities will be carried out on the basis of obtaining value for money consistent with monetary and non-monetary consideration~~consistent with acceptable quality, reliability and delivery considerations.~~

Lowest price is not the sole determinant of best value. Best value in Council procurement is about selecting the supply of goods, services and works taking into account both cost-financial and non-cost financial factors including:

- contribution to the advancement of Council's priorities and objectives;
- non-cost factors such as fitness for purpose, quality, social and environmental impacts, service and support; and
- cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.

Formatted: Indent: Left: 1.5 cm, Hanging: 1 cm, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm

Value for money is best achieved by:

- developing, implementing and managing procurement strategies that support the co-ordination and streamlining of activities throughout the procurement lifecycle;
- aggregating purchasing whenever possible; and
- undertaking competitive procurement processes.

Formatted: Indent: Left: 1.5 cm, Hanging: 1 cm, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm

Evaluation Risk Assessment

In undertaking assessments against the published evaluation criteria Officers are to consider the risks that a submission may represent to Council. This risk analysis should be reflected in the comments and scoring provided for each criteria. The analysis will consider how each submission addresses the risks nominated in the project risk analysis, conducted in the procurement planning stage as well as any evidence within each submission. As examples, these risk may include supplier inexperience, very low pricing and or timeframes for delivery. A further risk analysis should be undertaken during consensus scoring as each submission is reviewed against the published criteria by all panel members. Commentary on the risk assessments is to be included against each evaluation criteria.

Role of Specifications

Specifications used in tenders and quotations are to be used to support-inform bid and quotation requests. They should be accurately detail the services, works or goods required in order to ensure that submissions received address Council's requirements. Well drafted specifications greatly assist when evaluating submissions as it allows a clearer comparison between offers received. Specifications will be incorporated into the contracts and therefore should be written in a manner that:

- sets out the performance and functional requirements;
- clearly describes what Council wishes to procure;

Formatted: Indent: Left: 1.5 cm, Hanging: 1 cm, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm



- ensures impartiality and objectivity;
- encourages the use of standard products;
- encourages sustainability; and
- eliminates unnecessarily stringent requirements.

Duties when undertaking evaluations

The role of officers appointed to evaluate an RFx is to:

- act objectively and fairly throughout the evaluation process to ensure that all respondents are given an equal chance to succeed with their response and that the integrity of the process is upheld;
- hold information received as part of a bid in the strictest confidence and not release this information outside the evaluation panel; and
- not divulge information on the deliberations and decisions of the evaluation panel at least until a formal recommendation has been approved by the appropriate officer or Council and the successful respondent has been formally notified. Council may also resolve to designate information relating to the award of a tender as confidential pursuant to section 77 of the LG-Act.

Formatted: Font: (Default) Calibri, Expanded by 0.05 pt

Formatted: Normal, Justified, Indent: Left: 1.5 cm, Hanging: 1 cm, Right: -0.04 cm, Space After: 12 pt, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm, Widow/Orphan control

Formatted: Font: Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, Expanded by 0.05 pt

Formatted: Font: Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, Expanded by 0.05 pt

The role of the Approver (Officers) Approving the award of a contract

The value of the procurement activity will determine the relevant financial delegate to consider and approve (or otherwise) the Award Memo.

The approving financial delegate cannot change the recommendation of the evaluation panel so as to the preferred tenderer. That is, the approving party cannot make a substitute decision as to the award of the RFx if they do not agree with the findings of the evaluation panel. The approving financial delegate can reject an Award Memo, on the basis that they are not satisfied that the process undertaken was compliant with this Procurement Policy or the Procurement Guidelines, or if they are not satisfied they are the relevant financial officer appropriate delegate to approve the award of the contract and the associated expenditure. Awarding a tender without an application of the evaluation criteria may amount to engaging in misleading and deceptive conduct, breach of a 'process contract' or misuse of a delegation and give rise to legal action on the part of tenderers.

3.65 Contract Management

The purpose of contract management is to ensure that Council receives the goods, services or works to the required standards of quality as provided for in a contract. This is achieved by:



- establishing a system for monitoring and achieving the responsibilities and obligations of both parties' under the contract;
- providing a means for the early recognition of issues and performance problems and the identification of solutions; and
- adhering to Council's adopted Risk Management Strategy and adhering to relevant Occupational Health and Safety Contractor Compliance Procedures.

Formatted: Font: (Default) +Body (Calibri), Not Expanded by / Condensed by

Formatted: Indent: Left: 1.5 cm, Hanging: 1 cm, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm

Council's Contract Management templates and guidelines are available on Council's Intranet (GrapeVine). The templates and guidelines provide assistance to Council staff in the administration and management of contracts and aims to ensure a consistent approach across Council to these activities.

4 Policy Exemptions and Breaches

An exemption from the Procurement Policy quote threshold requirements will only be considered in exceptional circumstances. The exceptional circumstances must be clearly detailed, including any market research undertaken, in an Exemption Request and submitted to the Contracts and Procurement team. A quote will still be required when seeking an exemption. The exemption must be approved by the relevant Director or CEO. Exceptional circumstances include the following:

- a requirement to integrate with a standard operating system, where there are no or limited options for system change;
- intellectual property rights infringements may occur;
- highly specialised skills or a specific product is required and only one supplier is available;
- procurement of goods and services from another government agency (i.e. Commonwealth, state or local government); and/or
- there are significant security or confidentiality requirements that limit the number of appropriate suppliers.
- Only the minister can approve exemptions above the quote threshold (i.e. \$150,000 GST inclusive).

Formatted: Expanded by 0.05 pt

Formatted: Normal, Indent: Left: 1.5 cm, Hanging: 1 cm, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm

Formatted: Font: (Default) +Body (Calibri), Not Expanded by / Condensed by

Formatted: Expanded by 0.05 pt

Formatted: Normal, No bullets or numbering

Formatted: Expanded by 0.05 pt

4.1 Emergency Situations

When an emergency occurs the CEO may determine that a contract will be entered into to address any immediate need, in this circumstance the threshold requirements will not apply. Emergencies are matters when there is urgent risk to public health, safety or security arising from unforeseen circumstances.

Contracts entered into must respond only to immediate needs and be limited to dealing with the emergency while a compliant procurement is undertaken.



4.2 Ministerial Approval

Procurements with an estimated value in excess of the tender thresholds mandated in the Act may only be exempt from public tender with Ministerial approval.

4.3 Inadequate number of quotes

When the number of quotes received does not meet the number required under the Policy thresholds a Compliance Report must be completed and submitted to the Contracts and Procurement Team. The report must detail the steps taken to secure quotes. All Compliance Reports require the approval of the relevant Director. If the value of the quote exceeds \$50,000 CEO approval is required.

No supplier may be engaged until the Compliance Report has been approved.

5 Internal Controls

Council will install and maintain a framework of internal controls over procurement processes, including regular internal audit review, and that will ensure:

- more than one person is involved in and responsible for a transaction end to end;
- transparency in the procurement process;
- a clearly documented audit trail exists for procurement activities;
- appropriate authorisations are obtained and documented; and
- systems are in place for appropriate monitoring and performance measurement.

Formatted: Indent: Left: 1.5 cm, Hanging: 1 cm, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm

6 Risk Management

Risk Management is to be appropriately applied at all stages of procurement activities which will be properly planned and carried out in a manner that will protect and enhance Council's capability to prevent, withstand and recover from interruption to the supply of goods, services and works

6.1 Risk Mitigation

Council will minimise its risk exposure through measures such as:

- use of standard-form contracts where appropriate. Council's standard-form contracts are provided by Council's Contracts and Procurement Unit. Initial enquiries regarding Council's current standard-form contracts should be directed to the Contracts and Procurement Unit;

Formatted: Indent: Left: 1.5 cm, Hanging: 1 cm, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm



- ensuring contracts are updated where appropriate to include current, relevant clauses;
- use of or reference to relevant Australian Standards (or equivalent), where appropriate;
- requiring security deposits, where appropriate;
- requiring contractual agreement before allowing the commencement of work;
- effectively managing the contract including monitoring and enforcing performance;
- ensure supply OH&S documentation is verified and assessed against Council's policies and other legislative requirements; and
- Ensure that the suppliers' insurance policies are in place.

7 Performance Measures and Continuous Improvement

The performance measurements developed will be used to:

- highlight trend and exceptions where necessary to enhance performance;
- improve the internal efficiency of the procurement process and where relevant the performance of suppliers; and
- facilitate programs to drive improvement in procurement to eliminate waste and inefficiencies across key spend categories.

Formatted: Indent: Left: 1.5 cm, Hanging: 1 cm, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm

8 Social Procurement

Council aims to use our procurement processes to generate positive social outcomes. Council is committed to exploring and implementing procurement practices and strategies that provide social value to the community by including social and environmental considerations into value for money evaluations. This allows Council to promote outcomes beyond financial benefits and contribute to building strong communities. Council is committed to the development of a Social Procurement Strategy that provides strategic direction and guides staff on how to achieve best practice in this area.

Council is currently committed to Social Procurement by:

- enhancing partnerships with other councils, providers and community stake holders;
- ensuring all procurement practices are sustainable and strategically aligned with the wider Council objectives;

Formatted: Expanded by 0.05 pt

Formatted: Normal, Indent: Left: 1.5 cm, Hanging: 1 cm, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm



- building and maintaining a strong community by exploring ways to generate local employment (particularly among disadvantaged residents and further strengthening the local economy; and
- purchasing ethical and fair trade goods to support equitable trade where possible.
- when procuring goods, works and services under \$100,000 Council staff will endeavor to obtain a minimum of one quote from a local supplier whenever possible.
- all procurement for goods, services or works of value equal to or greater than \$100,000 must include following mandatory selection criteria: 'local content' weighted at 5%.

Formatted: Font: (Default) Calibri, Expanded by 0.05 pt

Formatted: Expanded by 0.05 pt

Formatted: Font: (Default) Calibri, Expanded by 0.05 pt

8.1 Supporting local business

8.1.1 Council is committed to buying from local businesses within the City of Frankston and neighboring municipalities where such purchases may be justified on value for money grounds. With all factors being equal then Council may give preference to local economic benefit when sourcing products or service. These benefits must be identifiable & reasonable, and may take the form of:

- increased local employment by setting employment ratios;
- increased activity and spend in the local economy with identifiable benefits ; and/or
- the level of local content in the goods, services or works.

Formatted: Expanded by 0.05 pt

Formatted: Normal, Indent: Left: 1.5 cm, Hanging: 1 cm, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm

–The application of local content shall must have regard to:

Formatted: Indent: First line: 0 cm

- Frankston Industry Participation Plan 2014
- Best value principles in the Local Government Act 1989;
- Victorian Local Government Best Practice Procurement Guidelines 2013; and
- National Competition Policy (Competition and Consumer Act 2010).

Formatted: Expanded by 0.05 pt

Formatted: Normal, Indent: Left: 1.5 cm, Hanging: 1 cm, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm

Formatted: Font: Italic, Expanded by 0.05 pt

Formatted: Expanded by 0.05 pt

8.1.2 Procuring Australian and New Zealand goods and Services

Formatted: Font: Bold

When a procurement will include the supply of contestable items, these are goods or services that may be sourced from Australian or New Zealand suppliers or from international suppliers, Council will give preference to goods, services, equipment, material or machinery manufactured in Australia and New Zealand whenever practicable and best value is achieved. This is in accordance with s186 (3) of the Local Government Act.



8.2 Diversity

Council supports a socially sustainable community by promoting equality. Procurements with a social sustainability focus seek to provide opportunities for underrepresented communities and people with less opportunity. Promoting equality through procurement can improve competition, value for money, the quality of public services, satisfaction among users, and community relations.

8.3 Environmentally sustainable procurement

In the procurement of goods, services and works, Council is committed to reducing its environmental impact by:

- avoiding and reducing energy, water consumption and greenhouse gas emissions (which can reduce costs);
- avoiding and reducing waste (which can reduce waste disposal costs);
- avoiding and reducing the environmental health impacts of products and services;
- avoiding and reducing pollution, including ensuring the safe storage, transportation and disposal of all waste, including hazardous waste;
- avoiding loss of biodiversity and damage to ecosystems;
- supporting markets for new environmentally preferred products, including locally produced goods;
- buying goods made from recycled materials, to support the viability of the recycling industry;
- providing leadership to the community and encouraging suppliers to adopt good environmental practices;
- developing quotation and tender specifications to achieve good environmental outcomes; and
- including relevant specifications with regard to environmental legislation, codes, practices and standard.

Formatted: Font: (Default) Calibri, English (United States), Expanded by 0.05 pt.

Formatted: Normal, Justified, Indent: Left: 1.5 cm, Hanging: 1 cm, Right: -0.04 cm, Space After: 12 pt, Bulleted + Level: 1 + Aligned at: 2.14 cm + Indent at: 2.78 cm, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers

Council will seek to purchase environmentally responsible goods, services and works wherever they achieve the same function and deliver value for money outcomes. Council's evaluation criteria and weightings will address environmental responsibility using the above requirements as part of the selection process and including non-price-financial factors.



8.4 Ethical Standards for the Acquisition of Textiles, Clothing and Footwear

Council is committed to ensuring that ethical standards have been maintained through the supply chain when procuring textiles, clothing and footwear. Suppliers of these goods are required to demonstrate their commitment to observing ethical standards when supplying to Council.

Council staff may look to industry association endorsement as a means to determining a supplier's commitment to ensuring their supply chains are compliant with Australian laws.

Formatted: Space Before: 6 pt

9 ~~policy~~ Responsible policy officer and contact details

The Coordinator Contracts and Procurement is the designated responsible officer of this Policy. The responsible officer coordinates the implementation, maintenance and review of this Policy and ensures that stakeholders are aware of their accountabilities.

Formatted: Space After: 6 pt

Formatted: Right: -0.04 cm, Space Before: 6 pt

For further information or queries or feedback on this Policy, please contact the above responsible officer via email procurement@frankston.vic.gov.au or telephone (03) 9784 1886.

Formatted: Left



Procurement Policy

2020/21

Responsible Directorate: Corporate Development

Authorised by: Council

Date of adoption:

Review date: Annually, next review to be completed by 30 June 2021

(Note that the *Local Government Act 1989* requires that this Policy be reviewed at least once each financial year)



Contents

FOREWORD	4
1 What is Procurement	5
2 Principles	5
1.1 Procurement Policy Objectives	5
1.2 Guiding Principles	5
1.3 Scope	6
1.4 Treatment of GST	6
1.5 Definitions and Abbreviations	7
2 Ethics and Probity	9
2.2 Conduct of Councillors and Council Staff	12
2.3 Procurement Processes	13
2.4 External Probity Practitioners	14
2.5 Conflict of interest	14
2.6 Gifts and hospitality	14
2.7 Disclosure of information	15
3 Procurement Methods	15
3.1 Integration with Council Strategy	15
3.2 Methods	16
3.3 Financial Accountability	16
3.4 Threshold Requirements	17
3.5 Evaluation	18
3.6 Contract Management	20
4 Policy Exemptions and Breaches	21
5 Internal Controls	22
6 Risk Management	22
6.1 Risk Mitigation	22



7	Performance Measures and Continuous Improvement.....	23
8	Social Procurement	23
8.1	Supporting local business	24
8.2	Diversity.....	24
8.3	Environmentally sustainable procurement.....	24
8.4	Ethical Standards for the Acquisition of Textiles, Clothing and Footwear	25
9	Responsible policy officer and contact details	25



FOREWORD

Frankston City Council is required, under section 186 of the *Local Government Act 1989* (Act), to prepare, approve and comply with a procurement policy. The policy and accompanying procurement framework is to encompass principles, processes and procedures to be applied to all procurements of goods, services and works. It is a requirement under the Act that a Council's procurement policy be reviewed annually.

NOTE: *This Procurement Policy replaces the earlier Procurement Policy adopted by Council in DATE*

Document History

Version	Approval Date
Version 1	Adopted by Council 00/06/2016
Version 2	Adopted by Council 11/12/2017
Version 3	Adopted by Council 28/07/ 2018
Version 4	Adopted by Council 22/07/2019
Version 5	Adopted by Council [TBC]



1 What is Procurement

Procurement is the acquisition of goods and services by Council. It begins when a procurement need has been identified and continues through the processes of risk assessment, seeking and evaluating alternative solutions, awarding of a contract, delivery of and payment for the goods and services and, where relevant, the ongoing management of the contract and disposal of goods.

In addition to the acquisition of goods and services by Council, procurement also includes the acquisition of goods and services on behalf of another entity.

Procurement does not include grants, funding agreements, investments, sales, leases or loans.

2 Principles

1.1 Procurement Policy Objectives

The objectives of this Policy are to:

- Establish a framework to achieve value for money in the acquisition of goods, services and works by Frankston City Council.
- Ensure that Council resources are used efficiently and effectively to improve the overall quality of life of people in the local community.
- Achieve compliance with relevant legislative requirements.
- Achieve high standards of probity, transparency, accountability and risk management.
- Support Council's corporate strategies, aims and objectives.
- Seek continuous improvement opportunities including the implementation of electronic procurement solutions to reduce procurement costs.
- Give preference to the procurement of environmentally sustainable goods services and works.

1.2 Guiding Principles

The following principles will apply to all procurements undertaken by Council:

Value for money

Procurements will seek to achieve the best balance between quality, cost and fulfillment of requirements. Obtaining value for money does not mean that Council is obliged to accept the lowest price. Value for money is a combination of both financial and non-financial factors, such as; fit for



purpose, quality, quantity, risk, timeliness, support services, environmental sustainability, social value and whole-of-contract life costs.

Open and fair competition

All suppliers must be treated fairly and in an open manner. All suppliers approached, whether via a request for quote or request for tender, must be provided the same information about the procurement. Councils must adequately test the market in a consistent manner without any bias, or perception of bias, so that potential suppliers and the public have confidence in the outcome.

Accountability

All Council staff are responsible for the actions and decisions they take in relation to procurement and for the resulting outcomes. Staff must also ensure they provide adequate and reliable advice to the elected council to allow it to make sound decisions on procurement matters. All Councillors, Council officers, delegates and all persons undertaking procurement for and on behalf of Council must adhere to the Procurement Policy and any accompanying procurement procedures and guidelines. The accountable Council staff member undertaking the procurement will be identified on all procurement documents to facilitate audit processes.

Probity and Transparency

Councillor and Council officers must conduct Council business in a fair, honest and open manner, demonstrating the highest levels of integrity consistent with the public interest.

Contracts awarded as a result of a request for tender will be published on Council's website. This includes contracts awarded by Council

Risk management

All procurement carries some level of risk. It is important for Council staff to recognise this risk and to develop appropriate strategies to deal with it when undertaking procurement.

Continuous Improvement

Through the annual review of the Procurement Policy and accompanying procedures, Council aims to achieve best practice for all procurement and to seek opportunities for efficiencies and innovation.

1.3 Scope

This manual applies to Councillors, Council officers, Council staff, delegates and all persons undertaking procurement for and on behalf of Council. This Policy is supported with the Procurement Guideline.

1.4 Treatment of GST

All monetary values stated in this Policy include GST except where specifically stated otherwise.



1.5 Definitions and Abbreviations

Term	Definition
The Act	<i>Local Government Act 1989</i> (VIC). <i>Local Government Act 2020</i> (VIC). Whichever is in force.
Commercial in Confidence	Information that, if released, may prejudice the business dealings of a party e.g., prices, discounts, rebates, profits, methodologies and process information.
Contract management	The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives.
Council staff	Includes full-time, part-time and casual Council staff members, as well as temporary employees, contractors, consultants and authorised agents of Council.
Emergency	An unexpected event requiring immediate action that could result in risk to life or damage to property. This includes but is not limited to natural disasters, flooding, fire events and the unforeseen cessation of trading by a core service provider.
EMT	Council's Executive Management Team
Probity	Probity signifies integrity, fairness and honesty. To achieve high standards of probity procurement processes must demonstrate transparency of actions, equity, confidentiality and conflict of interest management.
Probity Advisor	The role of a probity advisor is to provide guidance throughout a procurement to ensure that the procurement is undertaken with high standards of probity.



Term	Definition
Probity Auditor	The role of a probity auditor is to review a procurement process that was undertaken to ensure that all actions taken as part of the procurement met the requirements of this Procurement Policy and the Act.
Procuring Officer	The officer tasked to conduct the procurement.
Supplier Code of Conduct	<p>The Supplier Code of Conduct (Code) sets out the standards of behavior that a supplier agrees to aspire to when under contract with Council.</p> <p>Council has introduced a Supplier Code of Conduct and incorporated it into Council's standard request for tender agreement. A copy is provided on Council's website.</p> <p>For contracts to which the Code applies, suppliers must be provided with a copy of the Code.</p>
Social Procurement	<p>Social procurement is when organisations use their buying power to generate social value above and beyond the value of the goods, services, or construction being procured.</p> <p>Council is developing a Social Procurement Strategy which is guided by and aligned with this Policy.</p>
Sustainability	In the procurement context, sustainability means the meeting of needs for works, goods and services in an environmentally responsible and ethical manner.
ReM	A record management system being Council's corporate electronic data storage system.
RFx	Acronym for request for quote or request for tender



Term	Definition
Tender or quotation process	The process of inviting parties to submit a proposal, followed by the evaluation of submissions and selection of a successful respondent. Council's invitation to parties may include a simple quotation request or a more formal request for expressions of interest or tenders.
Value for money	Value for money or best value in procurement is selecting the supply of goods, services and works taking into account both financial and non-financial factors. Lowest price is not the sole determinant of best value (subject to conditions).

2 Ethics and Probity

All Council procurement processes must be conducted in a fair, honest and transparent manner with the highest levels of integrity and in the public interest.

In the context of a procurement process, probity is a defensible process which is able to withstand internal and external scrutiny. It is one which achieves both accountability and transparency, and treats all respondents with fairly and equitably.

2.1 Accountabilities, roles and responsibilities

Delegations

The Act authorises Council to undertake a range of functions by way of delegation and sub-delegation to the Chief Executive Officer and to staff. For procurement this includes delegations to approve an approach to market, awarding a contract and varying a contract.

Delegations and sub-delegations are set out in Council's Instruments of Delegation.

Role of the Delegate

The Delegate must ensure that the procurement activity represents proper use of Council resources and promotes Council objectives. When exercising their delegation, the Delegate must ensure that the proposal is within the scope of their delegation as specified in Council's Instruments of Delegation.

Role of the Procuring Officer



The Procuring Officer's role is to:

- **Be accountable** for their actions and decisions. They must act with integrity and fairness in accordance with the Council's Code of Conduct, delegation instruments and the Act and other relevant legislation and policies;
- **Be responsible** for determining the scope of work, running and leading the procurement process, ensuring the Council achieves value for money and ongoing contract management. Procuring Officers should be comfortable to answer any potential questions at audit or other queries in relation to a procurement process;
- **Register** their procurement and resultant contract with the Contracts & Procurement Team;
- **Keep records** to ensure that sufficient procurement and contract management documentation to support the procurement activity is stored and maintained throughout the procurement and contract management lifecycle;
- **Be aware of legislation and policies** to ensure that they are familiar and compliant with local government legislation and policies, including relevant Council policies and frameworks;
- **Be widely engaged** to identify key stakeholders early in the process and actively engage with those key stakeholders; and
- **Be knowledgeable** to ensure they possess sufficient knowledge and training to undertake their role.

Role of the Contract Manager

Once a contract is established the appointed Contract Manager is responsible for managing the contract. This includes, but is not limited to, ensuring the supplier performs all services and deliverables within the timeframes and budget set out in the contract, managing contract variations and extensions, and closing contracts or disposing of assets.

Contract Managers play an important role in assisting Council to achieve value for money. As part of this role, Contract Managers should acknowledge their direct responsibilities in the following areas:

- **Contract** – have read and understand the contract deliverables and the terms and conditions of the contract;
- **Administration** – being the first point of contact for the contract and being responsible for all administrative tasks for the contract, including ensuring invoices align with the agreed rates and costs stated in the contract, payment of invoices, facilitating contract variations and extensions, transition planning, complaints or enquiries and proper record keeping throughout the contract lifecycle;



- **Payment** – raise a purchase order within 2 days of executing the contract and ensuring supplier invoices are paid within the agreed timeframes;
- **Performance or delivery** – monitoring performance and ensuring delivery of the goods or services specified in the contract in accordance with the terms and conditions and preserving value for money for Council;
- **Reporting** – ensure the counter signed contract or contract variation/ extension is provided to the Contract and Procurement Team within 10 working days of entering into the contract or variation/ extension;
- **Risk management** – ensure risks are identified, managed and controlled throughout the contract term;
- **Documentation** – ensure that records are accurate and complete;
- **Knowledge** – ensure they possess appropriate skills and have been adequately trained to undertake their role. They should also ensure they have a satisfactory level of understanding of the contract and of the subject matter;
- **Accountable and ethical** – ensuring that the Council’s code of conduct and values are upheld at all times. Act with integrity and fairness at all times and are accountable for their decisions and actions and be comfortable to answer any questions about the contract either internally or externally;
- **Remaining independent and critical** – ensure that a level of independence is maintained to allow for a critical examination of the delivery against the contract. Contract managers should work with the suppliers to facilitate successful delivery of goods and services and resolve any performance issues as they arise. However, they should be mindful that they are representing the Council in respect of the contract; and
- **Seeking advice as required** – liaising with subject matter experts to progress contract matters. For example, seeking advice from the Contracts and Procurement Team for less complex contract management issues or obtain legal advice when a supplier wishes to novate a contract to another supplier.

Role of the Council Procurement Department

Council operates a centre-led procurement structure whereby all policy, strategy, technology, best practise and networking in procurement matters is led by the Contracts and Procurement Team.

This means the Contracts and Procurement Team maintains oversight of Council procurements & contracts, and provides assistance to the Procuring Officer and Contract Manager. Responsibility for running procurement processes and managing contracts sits with the Procuring Officer and Contract Manager.



2.2 Conduct of Councillors and Council Staff

Councillors and Council staff members must at all times conduct themselves in accordance with the Councillors Code of Conduct and the Frankston City Council Code of Conduct, and in ways that are, and are seen to be, ethical and of the highest integrity.

All Councillors and Staff will;

- ensure fair, equitable, and unbiased treatment of all parties including potential and existing suppliers;
- use consistent and transparent processes;
- not seek or receive personal gain;
- maintain confidentiality of Commercial in Confidence information such as contract prices and other sensitive information;
- present the highest standards of professionalism and probity;
- deal with suppliers in an honest and impartial manner that does not allow conflicts of interest;
- be able to account for all decisions and provide feedback on them so that all decisions are understood and can be subsequently justified;
- ensure their actions embody the principles of sound financial and risk management; and
- comply with all legal and policy requirements.

All Councillors must in accordance with their obligations under sections 76, 79 and 80 of the Act avoid the following in relation to procurement matters:

- Conflicts between their public duties and their personal interests and obligations.
- Improperly direct or influence any Council officer in the exercise of any power or in the performance of any duty or function.

Councillor's Roles during a procurement

Procurement Planning and Evaluation

Councillor's will be consulted on significant tenders during the procurement process. The role of a Councillor is to provide a level of input during the project initiation phase that will assist responsible Service Units achieve their intended outcomes and overall community benefits. Councillor's may be informed of the scope and intentions of a procurement via involvement in the Major Projects



Advisory Committee, Councillor Bulletins, Briefings or Memorandums.

In line with the Councillor's obligations within the LGA and the Councillor Code of Conduct, Councillor's are not permitted to form part of an evaluation panel or take on the responsibilities of a Procurement Sponsor or Project Director or Contract Superintendent/Manager. The procuring officer is wholly responsible for the setting of evaluation criteria and criteria weightings. These criteria and weightings require endorsement by the Procurement Sponsor and Project Director. Strict probity requirements set in the planning stage of a procurement must be met during the evaluation and award stages and Evaluation Panel Members are not to disclose any element of an evaluation process while submissions are under consideration, this includes providing information to Councillors, other than to provide timeline updates when requested.

Awarding a Contract

The value of the procurement activity will determine the relevant financial delegate to consider and approve (or otherwise) the Award Memo.

The approving financial delegate cannot change the recommendation of the evaluation panel as to the preferred tenderer. That is, if the approving financial delegate does not agree with the findings of the evaluation panel, they cannot make a substitute decision as to which company will be awarded the tender. Awarding a tender without an application of the evaluation criteria may amount to engaging in misleading and deceptive conduct, breach of a 'process contract' or misuse of a delegation and give rise to legal action on the part of tenderers.

The approving financial delegate can reject a recommendation, on the basis that they are not satisfied that the process undertaken was compliant with Council's Procurement Policy or Procurement Guidelines. Additional information can be sought from the Evaluation Panel to clarify the analysis that was undertaken. Should the approving financial delegate determine that the evaluation was flawed the Evaluation Panel may be asked to undertake a more thorough assessment against the published criteria and report back to Council. An approving financial delegation may reject a recommendation and stop the tender process. This may only be done with due consideration of the operational and reputation cost of taking this action and only when halting the tender is in the best interests of Council.

In order to limit the occurrences of halting a tender at the award stage Councillor's are to provide input in the initial planning stage, via the nominated channels above, to ensure that the resources committed to tendering are best used and that the scope of a project is adequately determined prior to going to market.

2.3 Procurement Processes

All procurement processes must be conducted in accordance with the requirements of this Policy and any associated policies, procedures, relevant legislation, relevant Australian Standards and the Act.



2.4 External Probity Practitioners

There are circumstances where the use of an external probity practitioner is required. A probity practitioner may be a probity auditor or a probity advisor, see definition section at 1.4 for guidance on these terms.

The use of an external probity advisor is mandated when the value of the goods, services or works exceeds \$5 million (inclusive of GST).

The appointment of an external probity advisor for purchases below this value can also be considered and mandated by the relevant Director having considered:

- the complexity of the procurement project;
- where the risk associated with the procurement process is considered very high;
- where the procurement project has the potential for risk to Council's reputation; or
- the specialist nature of any potential issues.

Where a decision is made to appoint an external probity advisor it is recommended that the appointment be made as early as possible in the procurement process and a probity plan be prepared and in place no later than the procurement planning stage.

Should the service of a probity auditor be required seek advice from the Contracts and Procurement Team.

2.5 Conflict of interest

Councillors, Council staff and any external consultants engaged for the procurement must at all times act in compliance with the conflict of interest requirements in the Act and associated guidelines. In particular, they must:

- avoid situations in which private interests conflict, or might reasonably be perceived to conflict, or have the potential to conflict, with their Council duties;
- not participate in any action or matter associated with a procurement where that person or any member of their immediate family has an interest, or holds a position of influence or power in a business tendering or quoting for Council work; and
- note that the onus is on the individual involved being alert to and promptly declaring any actual, perceived or potential conflict of interest to Council.

2.6 Gifts and hospitality

Councillors and Council staff members must at all times act in accordance with all laws, relevant policies, guidelines and employment agreements.



One of the underlining principles of Council's Gift and Hospitality Policy is that no member of Council staff must seek or accept favours or gifts from anyone who could benefit by inappropriate influence.

2.7 Disclosure of information

Commercial in confidence information received by Council must not be disclosed and is to be stored in a secure manner. Councillors and Council staff must not release or discuss any information that is Commercial in Confidence information or pre-contract information including but not limited to information provided in tenders and quotations or subsequently provided in pre-contract negotiations.

- Councillors and Council staff are to avoid references to current or proposed contracts in discussion with acquaintances or outside interests.
- Discussion with potential suppliers during tender or quotation evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier.
- At no stage should any discussion be entered into which could have potential contractual implications prior to the contract approval process being finalised other than authorised pre-contract negotiations.
- Failure to maintain confidentiality of commercial in confidence information is a breach of the Frankston City Council Code of Conduct.

Award of contracts in Open Council

Council may award contracts in open Council. Where a contract is awarded in open Council the Council report must not contain commercial in confidence information. Instead, any commercial in confidence information that supports the recommendations made to Council must be included as a confidential attachment.

Publication of awarded contracts on Council's website

From April 2020, Council will publish on the Council's website non-confidential details of an awarded contract that has resulted from a request for tender process, e.g. the nature, total value and parties to the agreement.

3 Procurement Methods

3.1 Integration with Council Strategy

Council's procurement policy must support its corporate strategy, aims and objectives, including but not limited to those related to sustainability, protection of the environment, corporate social responsibility and meeting the needs of the local community such as:

- achieving long term community outcomes in Council's Corporate Plan;



- feeling safe;
- living in a clean and pleasant environment; and
- receiving good quality and well managed Council services that represent value for money.

3.2 Methods

Council's procurement is conducted by public tender, direct quote or through an approved panel arrangement.

- **Public tender** means an approach to market such as a request for tender or expression of interest that has been published on Council's website and advertised in Council's prescribed newspapers.
- **Direct quote** means an approach to market such as request for quote that has been sent to one or more suppliers.
- **Panel procurement** means a panel established by MAV, Procurement Australia or Council has been used.

In addition to the above methods, Council may make purchases using:

- Approved store cards or credit cards in accordance with the applicable threshold limitations and policy; and
- Petty cash for reimbursement of expenses incurred by staff relating to Council activities. The maximum claim is \$70 and must be authorised by the officer's supervisor. Petty cash is only to be used when no other alternative, such as a store or credit card, is available.

When drafting request documents, the Procuring Officer must decide which contract type is best suited to the goods and / or services being purchased. Options include:

- Australian Standards Contract
- Council contract
- Council Purchase Order terms and conditions
- Panel contract
- Supplier Contract

3.3 Financial Accountability



All Council staff are to ensure that procurement approvals are in accordance with Council financial delegations, as determined by Council and the CEO under instruments of delegation. Responsibility for financial management must be accepted by Council staff in undertaking procurement activities, as outlined below:

- Council staff must ensure the availability of funds within an approved budget must be established prior to the commencement of any procurement.
- Council staff must not authorise the expenditure of funds in excess of the financial delegation for their position (delegated level of authority);
- Council staff must not authorise or write multiple purchase orders to avoid the authorisation process requirements or their procurement authority; and
- Council staff must not approve expenditure that relates to them personally and expenditure of this nature must be referred to the next higher level of authority for approval; Council staff must ensure that any purchase orders are generated at the point where the commitment to purchase goods, services or works has been made i.e. a purchase order must be raised in Technology One when the goods, services or works are ordered and not when the invoice is received.

3.4 Threshold Requirements

The following table states the method requires for spend thresholds.

Threshold amount (inclusive of GST)	<\$2,000	<\$10,000	<\$50,000	\$50,001 to tender threshold	Tender thresholds: Goods and Services: > \$150,000 Construction/works: >\$200,000
Quote requirements	Best price available*	1 written quote	2 Written Quotes	3 Written Quotes	Publicly advertised tender

*The project officer must be able to demonstrate that value of money was sought and obtained.

Publicly advertised tender

Purchase of all goods and services for which the estimated expenditure exceeds the thresholds contained in the Act must be undertaken by public tender. The threshold is determined by estimating the total contract value including the initial term plus any option years or extension periods.

Public tenders may also be called for procurement under the tender thresholds where the nature of the requirement and the characteristics of the market be such that it is considered a public tender process would lead to a better result for Council. The relevant Director is authorised to approve the tender process under these circumstances.



The following applies to all publicly advertised tenders:

- no late tenders must be accepted without the approval of the Chief Executive Officer and limited circumstances where Council's systems cause the late submission or other reasonable circumstance out the control of the tenderer;
- evaluation criteria and weightings must be determined prior to public advertising and the evaluation criteria included in tender documents;
- an evaluation panel must be established prior to public adverting and consist of a minimum of three members;
- the evaluation process must be documented using an approved evaluation matrix template and sufficiently minuted;
- tenderers may be shortlisted, the intention to shortlist and the basis for shortlisting must be included in the tender documentation released to suppliers; and
- negotiations may be undertaken but must not result in a contract that does not reflect the scope or intent of the tender. This may include conducting a best and final offer negotiation process. All negotiations are to be properly documented.

3.5 Evaluation

The evaluation process must be robust, transparent and demonstrate that an unbiased decision has been made. The criteria and associated weighting by which quotes and tenders will be assessed must be determined prior to going to market and be clearly stated in the RFX documentation to inform suppliers of Council's priorities for assessing submissions. Refer to procurement procedures for direction on determining and weighting evaluation criteria.

Mandatory Criteria

All procurement for goods, services or works of value equal to or greater than \$100,000 must include Financial Cost to Council weighted at a minimum of 30% and a mandatory selection criteria of 'Local Content' weighted at 5%. These criteria may only be varied or excluded with approval from the relevant delegate prior to issuing quote or tender documentation.

Environmental sustainability is to be included as an evaluation criterion where applicable.

When procuring goods, works and services under \$100,000 Council staff will endeavor to obtain a minimum of one quote from a local supplier whenever possible.

Assessing the Evaluation Criteria - Value for Money

Council's procurement activities will be carried out on the basis of obtaining value for money consistent with monetary and non-monetary considerations.



Lowest price is not the sole determinant of best value. Best value in Council procurement is about selecting the supply of goods, services and works taking into account both financial and non-financial factors including:

- contribution to the advancement of Council's priorities and objectives;
- non-cost factors such as fitness for purpose, quality, social and environmental impacts, service and support; and
- cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.

Value for money is best achieved by:

- developing, implementing and managing procurement strategies that support the co-ordination and streamlining of activities throughout the procurement lifecycle;
- aggregating purchasing whenever possible; and
- undertaking competitive procurement processes.

Evaluation Risk Assessment

In undertaking assessments against the published evaluation criteria Officers are to consider the risks that a submission may represent to Council. This risk analysis should be reflected in the comments and scoring provided for each criteria. The analysis will consider how each submission addresses the risks nominated in the project risk analysis, conducted in the procurement planning stage as well as any evidence within each submission. As examples, these risk may include supplier inexperience, very low pricing and or timeframes for delivery. A further risk analysis should be undertaken during consensus scoring as each submission is reviewed against the published criteria by all panel members. Commentary on the risk assessments is to be included against each evaluation criteria.

Specifications

Specifications used in tenders and quotations are to be used to inform bid and quotation requests. They should be accurately detail the services, works or goods required in order to ensure that submissions received address Council's requirements. Well drafted specifications greatly assist when evaluating submissions as it allows a clearer comparison between offers received. Specifications will be incorporated into the contracts and therefore should be written in a manner that:

- sets out the performance and functional requirements;
- clearly describes what Council wishes to procure;
- ensures impartiality and objectivity;
- encourages the use of standard products;



- encourages sustainability; and
- eliminates unnecessarily stringent requirements.

Duties when undertaking evaluations

The role of officers appointed to evaluate an RFx is to:

- act objectively and fairly throughout the evaluation process to ensure that all respondents are given an equal chance to succeed with their response and that the integrity of the process is upheld;
- hold information received as part of a bid in the strictest confidence and not release this information outside the evaluation panel; and
- not divulge information on the deliberations and decisions of the evaluation panel at least until a formal recommendation has been approved by the appropriate officer or Council and the successful respondent has been formally notified. Council may also resolve to designate information relating to the award of a tender as confidential pursuant to section 77 of the Act.

Approving the award of a contract

The value of the procurement activity will determine the delegate able approve (or otherwise) the Award Memo.

The approving delegate cannot change the recommendation of the evaluation panel. That is, the approving party cannot make a substitute decision as to the award of the RFx if they do not agree with the findings of the evaluation panel. The approving financial delegate can reject an Award Memo, on the basis that they are not satisfied that the process undertaken was compliant with this Policy or the Procurement Guidelines, or if they are not satisfied they are the appropriate delegate to approve the award of the contract and the associated expenditure. Awarding a tender without an application of the evaluation criteria may amount to engaging in misleading and deceptive conduct, breach of a 'process contract' or misuse of a delegation and give rise to legal action on the part of tenderers.

3.6 Contract Management

The purpose of contract management is to ensure that Council receives the goods, services or works to the required standards of quality as provided for in a contract. This is achieved by:

- establishing a system for monitoring and achieving the responsibilities and obligations of both parties' under the contract;
- providing a means for the early recognition of issues and performance problems and the identification of solutions; and



- adhering to Council's adopted Risk Management Strategy and adhering to relevant Occupational Health and Safety Contractor Compliance Procedures.

Council's Contract Management templates and guidelines are available on Council's Intranet (GrapeVine). The templates and guidelines provide assistance to Council staff in the administration and management of contracts and aims to ensure a consistent approach across Council to these activities.

4 Policy Exemptions and Breaches

An exemption from the Procurement Policy quote threshold requirements will only be considered in exceptional circumstances. The exceptional circumstances must be clearly detailed, including any market research undertaken, in an Exemption Request and submitted to the Contracts and Procurement team. A quote will still be required when seeking an exemption. The exemption must be approved by the relevant Director or CEO. Exceptional circumstances include the following:

- a requirement to integrate with a standard operating system, where there are no or limited options for system change;
- intellectual property rights infringements may occur;
- highly specialised skills or a specific product is required and only one supplier is available;
- procurement of goods and services from another government agency (i.e. Commonwealth, state or local government); and/or
- there are significant security or confidentiality requirements that limit the number of appropriate suppliers.

Only the minister can approve exemptions above the quote threshold (i.e. \$150,000 GST inclusive).

4.1 Emergency Situations

When an emergency occurs the CEO may determine that a contract will be entered into to address any immediate need, in this circumstance the threshold requirements will not apply. Emergencies are matters when there is urgent risk to public health, safety or security arising from unforeseen circumstances.

Contracts entered into must respond only to immediate needs and be limited to dealing with the emergency while a compliant procurement is undertaken.

4.2 Ministerial Approval

Procurements with an estimated value in excess of the tender thresholds mandated in the Act may only be exempt from public tender with Ministerial approval.



4.3 Inadequate number of quotes

When the number of quotes received does not meet the number required under the Policy thresholds a Compliance Report must be completed and submitted to the Contracts and Procurement Team. The report must detail the steps taken to secure quotes. All Compliance Reports require the approval of the relevant Director. If the value of the quote exceeds \$50,000 CEO approval is required.

No supplier may be engaged until the Compliance Report has been approved.

5 Internal Controls

Council will install and maintain a framework of internal controls over procurement processes, including regular internal audit review, and that will ensure:

- more than one person is involved in and responsible for a transaction end to end;
- transparency in the procurement process;
- a clearly documented audit trail exists for procurement activities;
- appropriate authorisations are obtained and documented; and
- systems are in place for appropriate monitoring and performance measurement.

6 Risk Management

Risk Management is to be appropriately applied at all stages of procurement activities which will be properly planned and carried out in a manner that will protect and enhance Council's capability to prevent, withstand and recover from interruption to the supply of goods, services and works

6.1 Risk Mitigation

Council will minimise its risk exposure through measures such as:

- use of standard-form contracts where appropriate. Council's standard-form contracts are provided by Council's Contracts and Procurement Unit. Initial enquiries regarding Council's current standard-form contracts should be directed to the Contracts and Procurement Unit;
- ensuring contracts are updated where appropriate to include current, relevant clauses;
- use of or reference to relevant Australian Standards (or equivalent), where appropriate;
- requiring security deposits, where appropriate;
- requiring contractual agreement before allowing the commencement of work;



- effectively managing the contract including monitoring and enforcing performance;
- ensure supply OH&S documentation is verified and assessed against Council's policies and other legislative requirements; and
- Ensure that the suppliers' insurance policies are in place.

7 Performance Measures and Continuous Improvement

The performance measurements developed will be used to:

- highlight trend and exceptions where necessary to enhance performance;
- improve the internal efficiency of the procurement process and where relevant the performance of suppliers; and
- facilitate programs to drive improvement in procurement to eliminate waste and inefficiencies across key spend categories.

8 Social Procurement

Council aims to use our procurement processes to generate positive social outcomes. Council is committed to exploring and implementing procurement practices and strategies that provide social value to the community by including social and environmental considerations into value for money evaluations. This allows Council to promote outcomes beyond financial benefits and contribute to building strong communities. Council is committed to the development of a Social Procurement Strategy that provides strategic direction and guides staff on how to achieve best practice in this area.

Council is currently committed to Social Procurement by:

- enhancing partnerships with other councils, providers and community stake holders;
- ensuring all procurement practices are sustainable and strategically aligned with the wider Council objectives;
- building and maintaining a strong community by exploring ways to generate local employment (particularly among disadvantaged residents and further strengthening the local economy; and
- purchasing ethical and fair trade goods to support equitable trade where possible.
- when procuring goods, works and services under \$100,000 Council staff will endeavor to obtain a minimum of one quote from a local supplier whenever possible.



- all procurement for goods, services or works of value equal to or greater than \$100,000 must include following mandatory selection criteria: 'local content' weighted at 5%.

8.1 Supporting local business

Council is committed to buying from local businesses within the City of Frankston and neighboring municipalities where such purchases may be justified on value for money grounds. With all factors being equal then Council may give preference to local economic benefit when sourcing products or service. These benefits must be identifiable & reasonable, and may take the form of:

- increased local employment by setting employment ratios;
- increased activity and spend in the local economy with identifiable benefits ; and/or
- the level of local content in the goods, services or works.

The application of local content must have regard to:

- Frankston Industry Participation Plan 2014
- Best value principles in the *Local Government Act 1989*;
- Victorian Local Government Best Practice Procurement Guidelines 2013; and
- National Competition Policy (Competition and Consumer Act 2010).

Procuring Australian and New Zealand goods and Services

When a procurement will include the supply of contestable items, these are goods or services that may be sourced from Australian or New Zealand suppliers or from international suppliers, Council will give preference to goods, services, equipment, material or machinery manufactured in Australia and New Zealand whenever practicable and best value is achieved. This is in accordance with s186 (3) of the Act.

8.2 Diversity

Council supports a socially sustainable community by promoting equality. Procurements with a social sustainability focus seek to provide opportunities for underrepresented communities and people with less opportunity. Promoting equality through procurement can improve competition, value for money, the quality of public services, satisfaction among users, and community relations.

8.3 Environmentally sustainable procurement

In the procurement of goods, services and works, Council is committed to reducing its environmental impact by:



- avoiding and reducing energy, water consumption and greenhouse gas emissions (which can reduce costs);
- avoiding and reducing waste (which can reduce waste disposal costs);
- avoiding and reducing the environmental health impacts of products and services;
- avoiding and reducing pollution, including ensuring the safe storage, transportation and disposal of all waste, including hazardous waste;
- avoiding loss of biodiversity and damage to ecosystems;
- supporting markets for new environmentally preferred products, including locally produced goods;
- buying goods made from recycled materials, to support the viability of the recycling industry;
- providing leadership to the community and encouraging suppliers to adopt good environmental practices;
- developing quotation and tender specifications to achieve good environmental outcomes; and
- including relevant specifications with regard to environmental legislation, codes, practices and standard.

Council will seek to purchase environmentally responsible goods, services and works wherever they achieve the same function and deliver value for money outcomes. Council's evaluation criteria and weightings will address environmental responsibility using the above requirements as part of the selection process and including non-financial factors.

8.4 Ethical Standards for the Acquisition of Textiles, Clothing and Footwear

Council is committed to ensuring that ethical standards have been maintained through the supply chain when procuring textiles, clothing and footwear. Suppliers of these goods are required to demonstrate their commitment to observing ethical standards when supplying to Council.

Council staff may look to industry association endorsement as a means to determining a supplier's commitment to ensuring their supply chains are compliant with Australian laws.

9 Responsible policy officer and contact details

The Coordinator Contracts and Procurement is the designated responsible officer of this Policy. The responsible officer coordinates the implementation, maintenance and review of this Policy and ensures that stakeholders are aware of their accountabilities.



For further information or queries or feedback on this Policy, please contact the above responsible officer via email procurement@frankston.vic.gov.au.

Executive Summary**12.9 Implementation of Local Government Act 2020: Adoption of Council Expenses Policy and Public Transparency Policy**

Enquiries: (Brianna Alcock: Chief Financial Office)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

Purpose

To adopt the Council Expenses Policy and the Public Transparency Policy, as part of the implementation of the new Local Government Act 2020.

Recommendation (Chief Financial Officer)

That Council:

1. Notes that the draft Council Expenses Policy and the draft Public Transparency Policy were both publicly exhibited for a period of four weeks, and that no written submissions were received in relation to either Policy;
2. Notes that sections 41 and 57 of the Local Government Act 2020 require these Policies to be adopted on or before 1 September 2020;
3. Notes that the Council Expenses Policy, once adopted, will supersede the Councillor Expense Reimbursement Policy from 1 September 2020; and
4. Adopts the Council Expenses Policy and the Public Transparency Policy.

Key Points / Issues

- At its meeting on 29 June 2020, Council resolved:
That Council:
 1. *Notes the draft Council Expenses Policy and draft Public Transparency Policy;*
 2. *Endorses the draft Council Expenses Policy and draft Public Transparency Policy to be publicly exhibited for a period of four (4) weeks;*
 3. *Seeks a report back no later than the 31 August 2020 Ordinary Council Meeting to adopt both Policies, taking into account any feedback received by the community;*
 4. *Notes that a separate report is being tabled which seeks to amend and adopt the Councillor Expense Reimbursement Policy and Protocol, following an internal audit;*
 5. *Notes Section 41 and Section 57 of the Local Government Act 2020 requires both Policies to be adopted on or before 1 September 2020; and*
 6. *Notes the Council Expenses Policy, once adopted, will supersede the Councillor Expense Reimbursement Policy from 1 September 2020.*
- A notice was published on Council's website on Friday 3 July 2020 and the Herald Sun Newspaper on Tuesday 7 July 2020, inviting written submissions on the Council Expenses Policy and Public Transparency Policy. The deadline for written submissions was Thursday 6 August 2020. No written submissions were received.

12.9 Implementation of Local Government Act 2020: Adoption of Council Expenses Policy and Public Transparency Policy**Executive Summary***Council Expenses Policy*

- Section 41 of the Local Government Act 2020 (the new Act) requires Councils to develop a Council Expenses Policy, which must be adopted on or before 1 September 2020. This replaces the requirement in section 75B of the Local Government Act 1989, which only related to the reimbursement of Councillor Expenses.
- The Council Expenses Policy must:
 - Specify procedures to be followed in applying for reimbursement and in reimbursing expenses for Councillors and Delegated Committee members;
 - Comply with any requirements prescribed by the regulations in relation to the reimbursement of expenses;
 - Provide for child care costs for both Councillors and Delegated Committee Members; and
 - Have particular regard to expenses incurred by a Councillor who is a carer in a care relationship.
- The Council Expenses Policy, which is attached as **Attachment A**, is based on the current Councillor Expenses Reimbursement Policy, with the following changes and additions:
 - new provisions on the requirement for the Council Expenses Policy to be in accordance with the new Act and to apply to both Councillors and members appointed to Delegated Committees;
 - amended provisions to reflect the Chief Financial Officer (CFO) or delegate to perform specific functions, removing any conflict for the Chief Executive Officer (CEO);
 - reimbursement of child care costs and costs incurred by those who are carers within the meaning of Section 4 of the Carers Recognition Act 2012, which has been reflected under the definitions; and
 - clarity around events, meals and other requirements raised by Councillors and/or the Internal Auditors.
- Once adopted, the Council Expenses Policy will supersede the Councillor Expense Reimbursement Policy from 1 September 2020.

Public Transparency Policy

- Section 57 of the new Act requires Council to adopt and maintain a Public Transparency Policy. This policy must be adopted on or before 1 September 2020.
- The Public Transparency Policy, which is attached as **Attachment B**, is based on the Local Government Victoria (LGV) template, with customisation as appropriate for Frankston City Council.
- It describes the ways in which Council information is to be made publicly available including all policies, plans and reports required under the new Act or any other Act, as well as any other matters prescribed by the regulations.

12.9 Implementation of Local Government Act 2020: Adoption of Council Expenses Policy and Public Transparency Policy**Executive Summary****Financial Impact**

There are financial costs associated with the public notice, however, these costs can be accommodated within existing budgets.

Consultation**1. External Stakeholders**

A notice was published on Council's website on Friday 3 July 2020 and the Herald Sun Newspaper on Tuesday 7 July 2020, inviting written submissions on the Council Expenses Policy and Public Transparency Policy. The deadline for written submissions was Thursday 6 August 2020. No written submissions were received.

2. Other Stakeholders

EMT, Councillors, Manager Financial and Corporate Planning, Manager Arts and Culture, Senior Freedom of Information and Privacy Officer and Governance officers have provided input into the development of these Policies.

Analysis (Environmental / Economic / Social Implications)*Council Expenses Policy*

A clear and detailed Council Expenses Policy minimises the potential for confusion and disputes to arise in relation to particular claims for reimbursement of expenses.

Public Transparency Policy

The Public Transparency Policy formalises Council's support for transparency in its decision-making processes; it facilitates public awareness of Council information and provides community confidence and trust in its decision making.

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

It is a statutory requirement that Council must, by 1 September 2020, adopt its first Public Transparency Policy and Council Expenses Policy. Failure to do so would constitute a breach of sections 57(3) and 41(3) of the new Act.

Council Expenses Policy

Section 41 of the new Act, makes provision for Councils to adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of Delegated Committees.

In accordance with this section, the policy must:

- a) Specify procedures to be followed in applying for reimbursement and in reimbursing expenses;
- b) Comply with any requirements prescribed by the regulations in relation to the reimbursement of expenses;

12.9 Implementation of Local Government Act 2020: Adoption of Council Expenses Policy and Public Transparency Policy**Executive Summary**

- c) Provide for the reimbursement of child care costs where the provision of child care is reasonably required for a Councillor or member of a Delegated Committee to perform their role; and
- d) Have particular regard to expenses incurred by a Councillor who is a carer in a care relationship within the mean of Section 4 of the Carers Recognition Act 2012.

Public Transparency Policy

Section 57 of the new Act, makes provision for Councils to adopt and maintain a public transparency policy.

In accordance with this section, the policy must:

- a) Give effect to the transparency principles (outlined in section 58 of the new Act);
- b) Describe the ways in which Council information is to be made publicly available;
- c) Subject to section 58(b) of the transparency principles, specify which Council information must be publicly available, including all policies, plans and reports required under this Act or any other Act; and
- d) Include any other matters prescribed by the regulations.

Policy Impacts

The Draft Council Expenses Policy will replace the Councillor Expense Reimbursement Policy from 1 September 2020.

The Public Transparency Policy is a new policy requirement.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Risk Mitigation

In order to comply with the new requirement in sections 57(3) and 41(3) of the new Act, to adopt both Policies on or before 1 September 2020, a four week consultation period was undertaken. This mitigates the risk of failing to adopt both Policies by the statutory deadline.

Conclusion

Section 41 of the Local Government Act 2020 requires councils to develop a Council Expenses Policy and section 57 requires councils to adopt and maintain a Public Transparency Policy. These Policies must be adopted on or before 1 September 2020.

The draft Policies were placed out on public exhibition for a period of four weeks and no written submissions were received.

It is recommended that Council now resolves to adopt both Policies.

ATTACHMENTS

Attachment A: [↓](#) Council Expenses Policy

Attachment B: [↓](#) Public Transparency Policy

Council Expenses Policy



A4219637

Lifestyle Capital of Victoria

1. Purpose and Intent

The *Local Government Act 2020* (the Act) includes a specific requirement for Council to adopt and maintain an expenses policy in relation to the reimbursement of out of pocket expenses for Councillors and members of Delegated Committees.

This Policy intends to establish clear expectations in the:

- reimbursement of expenses for both Councillors and members of Delegated Committees; and
- resources and support that are necessary for Councillors, to enable the effective performance of their Council duties and functions.

2. Scope

This Policy applies to all Councillors and members of Delegated Committees in relation to the reimbursement of out of pocket expenses incurred in performing their duties and functions and to all Councillors in relation to resources support.

3. Definitions

Care Relationship	means a person who provides another person, or receives from another person, care because one of the persons in the relationship has a disability, is older, has a mental illness, has an ongoing medical condition (including a terminal or chronic illness or dementia). It also means a relationship where an individual has custody and guardianship of a child under a permanent care order, a relationship where a child is placed with an individual who provides care to that child under a child care agreement, a relationship where a child is placed with an individual who provides care to that child under a protection order under the various parts of the Children Youth and Families Act 2005. It <u>does not</u> apply to another person merely because he or she is the spouse, or the domestic partner within the meaning of the Children Youth and Families Act 2005, is the parent, child or relative of the other person, lives with the other person, is under a contract of service or a contract for the provision of services, under an employment contract or in the course of doing voluntary work for a community organisation or as part of the requirements of an education course or training.
CEO delegate or	means the Chief Executive Officer of Council, or another council officer who has been given the responsibility for performing the particular duty or function on the CEO's behalf.



CFO or delegate	means the Chief Financial Officer of Council, or another council officer who has been given the responsibility for performing the particular duty or function on the CFO's behalf.
Civic Function	means a function or event convened by Council which involves a guest or guests of honour and invited guests.
Council	means Frankston City Council
Council business	means activities and matters relevant to Council's objectives, roles and functions, as described in the Local Government Act 2020.
Councillor	means a person who holds the office of a member of a Council, as described in the Local Government Act 2020.
Delegated Committee	means a delegated committee established by Council under Section 63 of the Local Government Act 2020.
Electioneering	means activities likely or intended to influence voting, or connected with a campaign for the success of a particular candidate or political party for election or re-election to public office, whether as a Councillor or as a State or Federal member. It includes a Councillor's or Delegated Committee members own campaign, and the campaign of another person or party.
Event	means a function or event that is organised, hosted and/or fund by Council or another organisation. It includes a gathering of internal and/or external stakeholders to acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevant to the Council, another organisation or the community.
Formal study	means training or education provided by a recognised tertiary education provider that leads to a formal qualification that is relevant to the Councillor's performance of their role as a Councillor or as Mayor or the role of a member of a Delegated Committee.
Official duties and functions	<p>Councillors</p> <p>means activities consistent with the role of a Councillor as defined in s.28 of the Local Government Act 2020. It includes Council business, civic and statutory duties and activities conducted on behalf of Council to further the achievement of Council's objectives. Examples include preparing for, attending and participating in Council meetings, including joint Council meetings, Councillor briefings, committee meetings, workshops and inspections; attending civic functions, representing Council at ceremonies and community events where formally invited as Councillor to undertake an official duty; attending public meetings, annual meetings or presentation dinners where invited as a Councillor; and attending meetings of community groups where invited to speak about Council programs or initiatives; private meetings with residents, ratepayers, community groups, developers etc., where arranged through official Council channels and details of discussions are documented in official records or diaries.</p> <p>Members of a Delegated Committee</p>



	means Council business or duties and activities conducted on behalf of Council or the Committee to further the achievement of Council’s or the Committee’s objectives. Examples include preparing for, attending and participating in Delegated Committee meetings, including joint Delegated Committee meetings, workshops and inspections; attending civic functions, representing the Delegated Committee at community events to undertake an official duty, attending public meetings, annual meetings, presentation dinners where invited as a member of the Delegated Committee, private meetings with organisations that relate to the activities of the Committee, which are documented in official records or diaries.
Out of pocket expenses	means expenses that have been met by the Councillor or member of a Delegated Committee, using their own funds, which may later be reimbursed. Examples include meals and refreshments, apparel, training and education, travel, accommodation, registration fees, formal study, memberships, house seats and carer expenses.
Partner	means a Councillor’s or Delegated Committee members spouse, wife, husband, domestic partner or companion.
Personal use	means activity that is conducted for purposes other than Council business.
Reasonable	in relation to expenses and costs for Delegated Committee members, means expenses and costs incurred in performing official duties and functions which, in amount and nature, are consistent with public expectations. When determining whether an expense or cost is reasonable, relevant factors will include whether the expense or cost is necessary, cost-conscious and capable of withstanding public scrutiny.
Reasonably required	in relation to expenses, costs, resources and equipment for Councillors, means requirements for performing and conducting official duties and functions or Council business which, in amount and nature, are consistent with public expectations. When determining whether an expense, cost, resource or equipment is reasonably required, relevant factors will include whether it is necessary, cost-conscious and capable of withstanding public scrutiny.
Refreshments	means a light snack or drink and does not include alcohol.
Travel expenses	means costs for travelling by car, taxi, bus, train, tram or air, in relation to Council business or business related to the Delegated Committee.

4. Authorisation

This Policy is managed by the Governance and Information 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

5.1. Supply of Communications Equipment and Stationery for Councillors

- 5.1.1 Each Councillor is entitled to be provided with such communications equipment and stationery as is reasonably required to facilitate the effective performance of their official duties and functions.
- 5.1.2 The particulars of the Council supplied communications equipment and stationery will be determined by the CFO or delegate, or as determined by Council, and will be issued to the incoming Councillors at the commencement of each Council term, and may include any or all of: a mobile telephone or 'smart phone' with email access; a laptop computer and/or a tablet (e.g. iPad); data allowance; stationery including paper, writing implements, envelopes, diaries, business cards (in batches of 250), a name badge; a Councillor email account (managed through Council's administration) and a Councillor profile page on Council's website (managed through Council's administration).
- 5.1.3 Council will meet the reasonable costs associated with the purchase, installation, service connection, maintenance, rental and usage of Council supplied communications equipment.
- 5.1.4 A request for replacement of Council supplied communications equipment that has been lost or irreparably damaged must be accompanied by documentation to substantiate the loss or damage. Equipment will generally be replaced on a like-for-like basis, rather than on a new-for-old basis.
- 5.1.5 Council supplied communications equipment is intended to be used for Council business purposes.

However, minimal personal use is acceptable, provided that the use is legal and appropriate; and does not interfere with Council business; and involves minimal additional expense.
- 5.1.6 Where significant personal use has occurred, the additional costs must be repaid to Council.
- 5.1.7 Council will not meet or reimburse the cost of private interstate calls and international use of mobile devices unless a prior arrangement has been made with the Mayor and CFO, or as determined by Council.
- 5.1.8 Any use of Council supplied communications equipment may be monitored or recorded, read, copied and disclosed in accordance with applicable laws, regulations and policies.
- 5.1.9 The use of Council supplied communications equipment is subject to Council's 'Information Security Guidelines' and Council's 'Email and Internet Systems Use Guidelines'.

5.1.10 Councillors should make use of existing Council resources where possible.

If a Councillor elects to use their own equipment, reimbursement for communication expenses incurred in the performance of their duties as a Councillor may be declared and approved by the CFO or delegate, or as determined by Council.

Council may reimburse an amount less than the amount claimed, where the actual expense incurred is not considered to be reasonable.

5.1.11 The use of Council supplied equipment to maintain or support a personal private business or for electioneering purposes is strictly prohibited.

5.2. Councillors' Facilities

5.2.1 Councillors have access to a shared office space at the Civic Centre, which is equipped with a computer, a telephone, stationery and desk space. Limited administrative support can also be provided during business hours, upon request.

5.2.2 Meeting rooms in the Civic Centre can be booked for use by Councillors when required.

5.2.3 There are three (3) designated Councillor car parking spaces available at all times at the Civic Centre. An additional four (4) car parking spaces is made available after 3pm each day.

5.2.4 Councillors are entitled to claim reimbursement for the cost of such assistive devices, personnel and associated expenses, as are reasonably required to enable the Councillor to perform their official duties and functions.

5.3. Mayor's Facilities

5.3.1 A fully equipped office and administrative support will be provided to assist the Mayor to effectively undertake mayoral duties. The level of support is determined by the CEO or delegate, or as determined by Council, in consultation with the Mayor.

5.3.2 For the purpose of civic functions and ceremonies, the Mayor will be provided with ceremonial clothing including mayoral robes and chains of office. Council will meet the costs of laundering, cleaning and maintaining the ceremonial clothing. The ceremonial clothing must be returned to the CEO or delegate, or as determined by Council, two weeks prior to the conclusion of the mayoral term, so that appropriate laundering and any necessary repairs can be completed in time for the commencement of the incoming Mayor.

5.3.3 A mayoral vehicle is provided, which may be used by the Mayor for both official Council duties and private use.

- 5.3.4 The vehicle is associated with the office of the Mayor, rather than the incumbent Mayor. The mayoral vehicle is passed from one Mayor to the next. The commencement of a new Mayor does not necessitate the purchase of a new mayoral vehicle.
- 5.3.5 The mayoral vehicle is changed over in accordance with Council's Motor Vehicle Policy. The vehicle type will be of the same standard provided to the CEO, the Executive Management and Management Team.
- 5.3.6 Council will meet the costs associated with the mayoral vehicle including registration, insurance, maintenance and fuelling. Council will not meet the costs associated with cleaning or detailing the mayoral vehicle, except at the end of each mayoral term prior to handover of the vehicle to the incoming Mayor.
- 5.3.7 The mayoral vehicle may be driven by the Mayor; the Mayor's partner; or a Councillor or Council officer on the Mayor's behalf.
- 5.3.8 A designated car parking space is provided for the mayoral vehicle at the Civic Centre.
- 5.3.9 The mayoral vehicle must be returned to the CEO or delegate, or as determined by Council, 48 hours prior to the conclusion of the mayoral term, so that it can be serviced, cleaned and detailed in time for the commencement of the incoming Mayor.

5.4. Meals and Refreshments

- 5.4.1 Council will provide suitable refreshments during planned meetings regarding Council business for Councillors and members of a Delegated Committee.
- 5.4.2 Council will provide meals where Council meetings or Councillor Briefings are scheduled to be held at times which extend through normal meal times, or over an extended period, or are likely conclude at a late hour.
- 5.4.3 The type of refreshments and meals provided by Council will be determined by the CEO or delegate, or as determined by Council, in consultation with the Mayor. Factors relevant to the determination will include the type of meeting, the invitees, and the start and finish times.
- 5.4.4 Where a Councillor or member of a Delegated Committee is undertaking Council business that requires them to be away from home during normal meal times, or over an extended period, they are entitled to be reimbursed for the actual cost incurred for suitable refreshments and meals.

A tax invoice must be provided to substantiate the claim, and the amount reimbursed will not exceed the amount actually incurred.

The amount reimbursed will not exceed the meal allowance expense amounts in the most recent determination of the Australian Taxation Office, which is currently set at: Breakfast (\$28.15); Lunch (\$31.65) and Dinner (\$53.90). This also applies to members of a Delegated Committee.

Any meals that exceed this amount will be borne by the Councillor or member of a Delegated Committee. These amounts are current as at 1 July 2019 and will increase by CPI each year.

Reimbursement will not be made in circumstances where a meal was provided.

- 5.4.5 Where a Councillor has been formally invited to attend an event and there is an entry fee associated with that event, a tax invoice will need to be provided and paid by Council, which will be reflected in the Councillors expense.

5.5. Apparel for Councillors

- 5.5.1 Council will, upon request, provide to each Councillor once each term such protective clothing as is required to carry out the duties of office, comprising any or all of: a high visibility vest; hard hat; safety glasses; gumboots; and wet weather jacket.
- 5.5.2 The CEO or delegate, or as determined by Council, is responsible for determining any request for additional apparel.

5.6. Return of Council Supplied Equipment for Councillors

- 5.6.1 Councillors must return all Council supplied communications equipment to the CEO or delegate, or as determined by Council, one week prior to a general Council election.
- 5.6.2 Any stationery, apparel or other items which bear the Council's logo must be returned to the CEO or delegate, or as determined by Council, one week prior to a general Council election.
- 5.6.3 In the event of the resignation, retirement, suspension or disqualification of a Councillor, the Councillor must return to the CEO or delegate, or as determined by Council, all Council supplied communications equipment and any items which bear the Council's logo. Following the suspension, the equipment will be returned to the Councillor.

5.7. Training and Education Expenses and Events for Councillors

It is desirable that Councillors undertake appropriate training and professional development throughout their terms in office. Whilst some training is provided in-house, it is important that Councillors are able to attend other relevant forums, to further develop their understanding of the many issues faced within local government, and to network with other Councillors. Accordingly, Councillors are entitled to reimbursement of expenses incurred through attending recognised and industry approved conferences, seminars, events, study and training courses that are relevant to their role, and which provide a significant professional development opportunity to the benefit of Council.

5.7.1 Annual Budget Allocation

- 5.7.1.1 A specific Councillor training and education allocation may be made in the Council's annual budget, to meet or reimburse Councillors' reasonable costs associated with relevant training, education and professional development.

- 5.7.1.2 Each Councillor will be entitled to an equal share of the training and education allocation and the annual budget allocation for each Councillor cannot be exceeded, unless Council resolves to fund the additional amount.
- 5.7.1.3 No Councillor may spend more than the total projected professional development allowance for their term of office.
- 5.7.1.4 Councillors must not personally pay for any training or development and seek reimbursement of expenditure. All training providers are required to invoice Council and will be paid by Council following confirmation that the requirements for accreditation and registration have been met.

5.7.2 Conferences, Seminars, Events and Training Courses

- 5.7.2.1 A Councillor attending a conference, seminar, event or training course as an authorised representative of Council, is entitled to have all reasonable expenses for travelling / transport, accommodation, registration fees, meals and other necessary associated out of pocket expenses reimbursed or paid on their behalf.
- 5.7.2.2 Councillors' attendance at conferences, seminars, events and training within the state of Victoria must be approved by the CFO, or as determined by Council, in order for reimbursement of associated expenses to be claimable.
- 5.7.2.3 Councillors' attendance at conferences, seminars, events and training outside the state of Victoria is subject to prior approval by Council, after consideration of an officer's report.
- 5.7.2.4 Matters relevant to the approval of a Councillor's attendance at a particular conference, seminar, event or training course are:
 - a) course topic, content, location, date and duration;
 - b) relevance of conference to Council business and the Councillor's personal development requirements;
 - c) analysis of the costs including the course, course material, travel and accommodation for the Councillor; and
 - d) benefits expected to result from attendance.
- 5.7.2.5 All claims for reimbursement of out-of-pocket expenses for meals, any required transport or other necessities related to attendance at the conference, seminar, event or training course must be substantiated by the production of a tax invoice.
- 5.7.2.6 Where overnight accommodation is required, the CFO or delegate, or as determined by Council, will arrange booking and payment for a Councillor's accommodation at the conference hotel (or appropriate nearby venue, in accordance with Council's Procurement Policy, if the cost is less than that promoted by the conference organiser).

- 5.7.2.7 Councillors wishing to make their own arrangements for transport or accommodation will have reasonable expenses reimbursed, as determined by the CFO or delegate, or as determined by Council.
- 5.7.2.8 After attending a conference, seminar, event or training course, a Councillor will provide a written summary to Council, which outlines the purpose of the conference, learning outcomes, matters of relevance to the Frankston municipality, issues for consideration by Council and any recommendations.

5.7.3 Attendance of Partner at Events

- 5.7.3.1 Generally, Council will not meet or reimburse any of the costs associated with the attendance of a partner at seminars or conferences (i.e. registration fees, entry fees, meals and other necessary associated out of pocket expenses). Such costs must be met by the Councillor.
- 5.7.3.2 Payment or reimbursement of expenses associated with the attendance of a Councillor's partner at a civic function or event is subject to prior approval by the CFO and Mayor, or as determined by Council, or by Council.
- 5.7.3.3 Matters relevant to the approval of a payment or reimbursement of the costs associated with the attendance of a Councillor's partner include:
 - a) the additional cost to Council through the attendance of the partner and the availability of funds in the relevant budget;
 - b) whether there is an expectation or agreement for partners to attend (for example, if other attendees are generally accompanied, or if the partner is specifically included in the invitation; and
 - c) equity amongst all Councillors.

5.7.4 Formal Study

- 5.7.4.1 Where relevant to the role of the Mayor or a Councillor, and subject to annual budget limits, Councillors are entitled to be reimbursed for costs incurred for formal study.
- 5.7.4.2 Evidence of the successful completion of each unit of study must be produced in order to claim reimbursement of course or tuition fees.
- 5.7.4.3 Course or tuition fees may be paid by Council up-front, subject to a resolution of Council. Such payment must be refunded back to Council in the event that the unit of study is not successfully completed.

5.7.5 Memberships

- 5.7.5.1 Councillors are entitled to reimbursement of membership fees paid to any recognised organisation operating within Victoria, which provides access to information, training, seminars or networking directly relevant to the role of Mayor or Councillor.
- 5.7.5.2 Where a membership extends beyond the current term of the Councillor, reimbursement will be provided on a pro rata basis.

5.7.6 Frankston Arts Centre House Seat Tickets

- 5.7.6.1 Councillors are entitled to complimentary double House Seat tickets for a maximum of eight (8) theatre performances per year at the Frankston Arts Centre. These tickets are for use by the Councillor and one guest only, and cannot be transferred.
- 5.7.6.2 Requests for House Seat tickets will be determined by the CFO or delegate, in accordance with relevant policies and procedures.
- 5.7.6.3 Councillors must declare all House Seat tickets they have received on Council's Gifts Register, within one month of the performance to which the tickets relate.
- 5.7.6.4 The CFO or delegate will monitor and record Councillor usage of House Seat tickets, and the value of the tickets will be reported as Councillor expenses in accordance with clause 5.15 of this policy.

5.8. Training and Education Expenses and Events for Delegated Committee Members

5.8.1 Annual Budget Allocation

- 5.8.1.1 Subject to a resolution of Council, a specific Delegated Committee training and education allocation may be made in the Council's annual budget, to meet or reimburse members of a Delegated Committee reasonable costs associated with relevant training, education and professional development.
- 5.8.1.2 Subject to a resolution of Council, each member of a Delegated Committee will be entitled to an equal share of the training and education allocation and the annual budget allocation for each member, which cannot be exceeded, unless Council resolves to fund the additional amount.
- 5.8.1.3 Subject to a resolution of Council, members of a Delegated Committee may not spend more than the total projected professional development allowance for their term of office.
- 5.8.1.4 In the event Council makes provision in the annual budget for training and education, Delegated Committee members must not personally pay for any training or development and seek reimbursement of expenditure. All training providers will be required to invoice Council. This will be paid by Council following confirmation that the requirements for accreditation and registration have been met.

5.8.2 Conferences, Seminars, Events and Training Courses

- 5.8.2.1 A member of a Delegated Committee attending a conference, seminar, event or training course as an authorised representative of the Delegated Committee, is entitled to have all reasonable expenses for travelling / transport, registration fees and other necessary associated out of pocket expenses reimbursed or paid on their behalf.
- 5.8.2.2 Members of a Delegated Committee who wish to attend a conference, seminar, event or training within the state of Victoria, must seek approval by the CFO, or by Council, in order for reimbursement of associated expenses to be claimable.
- 5.8.2.3 Members of a Delegated Committees attendance at conferences, seminars, events and training outside the state of Victoria, is subject to prior approval by the CEO.
- 5.8.2.4 Matters relevant to the approval of a member of a Delegated Committees attendance at a particular conference, seminar, event or training course are:
- a) course topic, content, location, date and duration;
 - b) relevance of conference to Council business and the Delegated Committee members personal development requirements;
 - c) analysis of the costs including the course, course material, travel and accommodation for the Delegated Committee member; and
 - d) benefits expected to result from attendance.
- 5.8.2.5 All claims for reimbursement of out-of-pocket expenses for any required transport or other necessities related to attendance at the conference, seminar, event or training course must be substantiated by the production of a tax invoice.
- 5.8.2.6 Where overnight accommodation is required, the CEO or delegate, or as determined by Council, will arrange booking and payment for the Delegated Committee members accommodation at the conference hotel (or appropriate nearby venue, in accordance with Council's Procurement Policy, if the cost is less than that promoted by the conference organiser).
- 5.8.2.7 Members of a Delegated Committee wishing to make their own arrangements for transport or accommodation will have reasonable expenses reimbursed, as determined by the CFO or delegate, or as determined by Council.

5.8.3 Attendance of Partner at Events

- 5.8.3.1 Generally, Council will not meet or reimburse any of the costs associated with the attendance of a partner at seminars or conferences (i.e. registration fees, entry fees, meals and other necessary associated out of pocket expenses). Such costs must be met by the Delegated Committee member.

- 
- 5.8.3.2 Payment or reimbursement of expenses associated with the attendance of a Delegated Committee member's partner at a civic function or event is subject to prior approval by the CEO and/or Mayor, or as determined by Council, or by Council.
- 5.8.3.3 Matters relevant to the approval of a payment or reimbursement of the costs associated with the attendance of a Delegated Committee member's partner include:
- d) the additional cost to Council through the attendance of the partner and the availability of funds in the relevant budget;
 - e) whether there is an expectation or agreement for partners to attend (for example, if other attendees are generally accompanied, or if the partner is specifically included in the invitation; and
 - f) equity amongst all Delegated Committee members.

5.9. Travel Expenses

- 5.9.1 Councillors and members of a Delegated Committee are entitled to reimbursement of travel expenses incurred in performing their duties and functions.
- 5.9.2 When travel costs are to be paid or reimbursed from Council funds, it is expected that, wherever practicable:
- a) Travel must be undertaken as efficiently as possible, using the shortest practicable route, and by the most cost effective means of transport. Public transport should be used wherever feasible. Examples where it may not be feasible to use public transport include performing official duties and functions at events scheduled late into the evening or at venues located outside the public transport network, or where the use of a private vehicle would be more costly than travel by taxi or uber, such as travel to and from the airport which would also involve parking fees.
 - b) If in doubt about the appropriate form of transport, a:
 - Councillor should, if practicable, consult with the Mayor or CFO; and
 - Member of a Delegated Committee should, if practicable, consult with the appropriate Council officer nominated by the Chief Executive Officer.
 - c) Where more than one Councillor or Delegated Committee member attends the same function outside the municipal boundaries, a vehicle should be shared.
 - d) Where a Councillor or Delegated Committee member elects to use their own private vehicle to attend a seminar, event, training or a conference, a log book should be maintained to show the odometer record from the start and end of the period the private vehicle was used for, with a note to validate that it was for Council business related purposes. A photocopy of the logbook, along with tax receipts for petrol and/or e-tag use, should accompany the claim form.

- 
- 5.9.3 Any proportion of the travel costs that relate to activities other than the Councillor's or Delegated Committee members official duties and functions, will be excluded from the calculation of expenses to be paid.
- 5.9.4 The standard form of travel outside the state of Victoria will be economy class air. If a Councillor or Delegated Committee member chooses instead to use their own vehicle for interstate travel, the maximum amount for which they are entitled to be reimbursed is equivalent to the cost of the cheapest available return airfare to the destination.
- 5.9.5 Travel expenses associated with the use of a private vehicle within Victoria for the performance of a Councillor's or Delegated Committee members official duties and functions will be reimbursed in accordance with the rates specified in Council's Enterprise Agreement, upon submission of a completed Councillor Expense Claim Form (see **Attachment A**) or Delegated Committee Expense Claim Form (see **Attachment C**). This form includes a declaration to verify that the travel claimed was undertaken in the performance of the Councillor's or Delegated Committee members' official duties and functions and in compliance with this Policy.
- 5.9.6 Travel expenses will not be reimbursed in instances where the Councillor or Delegated Committee member is entitled to a sitting fee or payment from another organisation for their attendance.

5.10. Carer Expenses

- 5.10.1 The cost of care for a dependent child aged under 14 years, or a person who is in a care relationship pursuant to section 4 of the *Carers Recognition Act 2012*, may be claimed by a Councillor or Delegated Committee member where:
- a) the expense is incurred to enable the Councillor or Delegated Committee member to perform their official duties and functions; and
 - b) the child or person who requires care:
 - (i) resides in the Councillor's or Delegated Committee member's household and the Councillor or Delegated Committee member is the primary carer; or
 - (ii) is a person in respect of whom the Councillor or Delegated Committee member is entitled to a Commonwealth Carer Payment or Allowance; or
 - (iii) is a person for whom the Councillor's or Delegated Committee member's partner is the primary carer, when the partner is accompanying the Councillor or Delegated Committee member to a Council business function;
- and
- c) the care is provided by:
 - (i) a registered care provider; or
 - (ii) a person who does not reside with the Councillor or Delegated Committee member, and who does not have a familial or similar relationship with the



Councillor or Delegated Committee member (eg. partner, mother, father, sister, brother, aunt, uncle, cousin, niece, nephew, grandparent, sister-in-law, brother-in-law).

- 5.10.2 A claim for reimbursement of carer expenses must include the details of the meeting or Council business that was undertaken during the period of care, and must be substantiated by a tax invoice or receipt from the care provider which includes the dates and times when the care was provided, the care provider's signature and ABN (where relevant).
- 5.10.3 Where care is provided by a registered care provider, Council will reimburse the amount on the official tax invoice.
- 5.10.4 Care that is not provided by a registered care provider will be reimbursed at a maximum rate of \$25 per hour.

5.11. Claiming Expenses

- 5.11.1 Expenses must be claimed within 60 days of being incurred, or within 60 days from the date of return from the conference, event or study tour (whichever date is later).
- 5.11.2 An expense claim must be:
 - a) made on the appropriate claim form (see Attachments to this Policy);
 - b) accompanied by proof of expenditure, such as a tax invoice; and
 - c) signed by the Councillor or Delegated Committee member, to declare the nature of the Council business and to verify that the claim is accurate and complies with the relevant legislative provisions and Council policy; and
- 5.11.3 An expense claim which complies with clause 5.11.2 may be submitted to the CFO or delegate, or as determined by Council, for processing.
- 5.11.4 An expense claim that does not comply with clause 5.11.2, will be returned to the Councillor or Delegated Committee member, with a memorandum by the CFO or delegate explaining why the claim has not been accepted.
- 5.11.5 Councillors' and Delegated Committee member's expense claims will be assessed by the Governance Team and processed as quickly as possible, so that Councillors and Delegated Committee members receive rapid reimbursement for all reasonable out-of-pocket expenses incurred as a result of performing their official duties and functions.
- 5.11.6 Late claims will not be accepted.

5.12. Legal fees for Councillors

- 5.12.1 Legal fees for Councillor matters may be paid from Council's budget only where prior approval has been obtained from the CFO and Mayor, or as determined by Council, or by Council resolution.
- 5.12.2 Legal fees for Councillors will be paid from Council's budget if Council resolves that the actions taken were in good faith and part of the Councillors official duties.
- 5.12.3 The situations in which the CFO or delegate, or as determined by Council, or the Council by resolution, may approve payment from Council's budget of legal fees relating to a Councillor or Councillors include, but are not limited to:
 - a) Defending proceedings brought against a Councillor in relation to activities undertaken in good faith while carrying out official duties.
 - b) Responding appropriately to a Councillor conduct investigation, or to any other investigation by a regulatory body such as the Victorian Office of Local Government, the Independent Broad-based Anti-corruption Commission or the Victorian Ombudsman, which relates to activities undertaken in good faith while carrying out official duties.
 - c) Effective management of a complaint or dispute under the Councillor Code of Conduct.
 - d) Responding appropriately to an investigation conducted by Victoria Police in relation to the Councillor's duties and responsibilities (excluding criminal investigations).
 - e) A circumstance where the CFO or delegate, or as determined by Council, or the Council by resolution determines that external legal advice is required in relation to a Councillor's pecuniary interests or a potential conflict of interest.

5.13. Insurance

- 5.13.1 In accordance with section 43 of the Local Government Act 2020, Councillors and members of a Delegated Committee are indemnified against all actions or claims, as long as the acts giving rise to the action or claim were done in good faith and related to the Councillor's or Delegated Committee members official duties and functions.
- 5.13.2 Council holds a range of insurance policies including public liability and professional indemnity insurance, Councillors', Delegated Committee members, Community Asset Committee members and officers' liability insurance, travel insurance which includes cover for personal accident and illness, and motor vehicle insurance which covers the insurance excess or minor damage to a comprehensively insured personal vehicle damaged while being used for Council business.

5.14. Appeals

- 
- 5.14.1 A Councillor or member of a Delegated Committee is entitled to make a complaint or appeal in writing to the CFO against any decision regarding a reimbursement.
- 5.14.2 In the event of a complaint or appeal against a decision regarding a reimbursement under this policy, the CFO or delegate, or as determined by Council, will advise the Mayor of the reason or reasons for refusal of the claim.
- 5.14.3 If the matter remains unresolved, it will be reported to Council for determination. Council's decision on the matter will be final.

5.15. Reporting

- 5.15.1 In the interests of transparency and accountability, details of Councillor expenditure are published on Council's website as soon as practicable after the information is available.
- 5.15.2 All Councillor and Delegated Committee expenses paid are included in a register which is available upon request..
- 5.15.3 Details of expenses paid and reimbursed are also required to be included in Council's annual report.
- 5.15.4 Prescribed details in relation to overseas and interstate travel, comprising the Councillor's or Delegated Committee members name, the date, destination, purpose and total cost of the travel, are required to be included in a register that is available for public inspection. (Local Government (General) Regulations 2015).

5.16. Audit

- 5.16.1 Expenses paid or reimbursed under this policy will be subject to:
- regular review by Council's internal auditors; and
 - a half yearly review by Council's Audit and Risk Management Committee, in accordance with Section 40(2) of the Local Government Act 2020.

5.17. Register of Expense Claim Forms

- 5.17.1 A register consisting of the following Councillor and Delegated Committee members expense documents will be available for inspection by any Councillor upon request:
- a) All Councillor and Delegated Committee member Expense Claim Forms submitted to the CFO or delegate, or as determined by Council, for processing;
 - b) All Corporate Credit Card Charge Reconciliation Forms submitted by (or on behalf of) the Mayor or any Councillor; and
 - c) Documents regarding expenses attributable to any Councillor or Delegated Committee member, paid directly by the Council (eg. phone and internet charges, communications equipment and office supplies, conferences and training, memberships etc).
- 5.17.2 The register will include Councillor and Delegated Committee member expense documents from:

- the date on which Councillors were declared elected, being the commencement of the current Council term; and
- the date the Delegated Committee member joined the Committee.

5.17.3 The register will be maintained by the Governance Team.

5.18. Exclusions

The following expenses cannot be funded or reimbursed by Council:

- 5.18.1 any expense arising from a breach of road, traffic, parking, or other regulations or laws;
- 5.18.2 stationery, furniture or equipment additional to that provided for in this Policy;
- 5.18.3 damage to or loss of personal possessions;
- 5.18.4 expenses for a Councillor's or Delegated Committee's partner which are not expressly provided for within this Policy;
- 5.18.5 donations, tips or gratuities, gifts, the purchase of raffle tickets, unless endorsed by Council resolution;
- 5.18.6 tickets or entry fees to events, that are in addition to that provided for in this Policy;
- 5.18.7 hotel mini bar, room movies, room service and similar;
- 5.18.8 expenses incurred by third parties;
- 5.18.9 expenses claimed by a Councillor or Delegated Committee member as a tax deduction;
- 5.18.10 expenses which are fully or partly recoverable from a third party; and
- 5.18.11 expenses associated with the election campaign of any Councillor.

6. Roles and responsibilities

Each Councillor and member of a Delegated Committee is responsible for ensuring that they are familiar with the requirements of this Policy and is accountable for managing their own compliance. This includes the accurate completion and timely submission of a Councillor Expense Claim Form (see **Attachment A**), Corporate Credit Card Charge Reconciliation Form (see **Attachment B**) and Delegated Committee Expense Claim Form (see **Attachment C**), in accordance with this Policy.

Clarification or advice about the interpretation of this Policy may be sought in the first instance from the Chief Financial Officer (CFO) or the Manager Governance and Information.

Duties and functions that are ascribed in this Policy, may be performed by the CFO or delegate with an appropriate level of training relevant to the performance of the particular duty or function, or as determined by Council.

7. Policy non-compliance

Failure to comply with this Policy may constitute a breach of the Councillor Code of Conduct and/or the Local Government Act 2020.



Non-compliance with this Policy also has the potential to negatively impact on the reputation of individual Councillors, members of the Delegated Committee and of the Council.

8. Related documents

- Carer’s Recognition Act 2012;
- Charter of Human Rights and Responsibilities Act 2006;
- Children Youth and Families Act 2005;
- Councillor Code of Conduct;
- Councillor Expense Reimbursement Protocol;
- Councillor Training and Development Policy;
- Election Period Policy;
- Email and Internet Systems Use Guidelines;
- Equal Opportunity Act 2010
- Frankston City Council Enterprise Agreement;
- Freedom of Information Act 1989
- Gender Equity Act 2020;
- Governance Rules;
- Information Security Guidelines;
- Information Services Guidelines for the Disposal of Redundant IT Equipment;
- Instrument of Delegation by Council to the Frankston Arts Board;
- Local Government Act 2020;
- Mobile Device Guidelines;
- Procurement Policy;
- Public Transparency Policy.

9. Implementation of the Policy

This Policy (in conjunction with other Related Documents) will be published on Council’s website and intranet so it ca be used by Council officers when responding to queries in relation to the reimbursement of out-of-pocket expenses for Councillors and members of Delegated Committees, in addition, to queries relating to the resources and support necessary for Councillors to perform the duties and functions.

10. Document History

Date approved	Change Type	Version	Next Review Date
	New	1	August 2024



Councillor Expense Claim Form

This form must be used within 60 days to claim reimbursement for travel in a Councillor's own vehicle or other reasonable expenses incurred performing **official duties and functions***, in accordance with the Council Expenses Policy. Proof of expenditure (e.g. tax invoice) must accompany this form.

Name of Councillor			
1. Expense Category			
<input type="checkbox"/> Travel <input type="checkbox"/> Child Care <input type="checkbox"/> Conference and training <input type="checkbox"/> Information & communication tech <input type="checkbox"/> Car mileage (please go to section 2) Other (specify): _____			
Date	Details of Expense: <i>please clearly link the expense to your official duty or function</i>	GST	Cost (inc GST)
2. Car Mileage (note: all car mileage claims are GST free)			
Vehicle make and model		Vehicle Registration	
Number of cylinders of the vehicle	4 cylinder = \$1.01 per km 6 cylinder = \$1.23 per km <i>These rates are based on the Enterprise Bargaining Agreement No 9 (2019). Confirmation of current rates can be obtained from Payroll.</i>		
Date	Purpose	Odometer	
	Origin: Destination:	Start	End
Total kms			
Total cost (i.e. total kms x cylinder per km)		\$	



Date	Purpose	Odometer	
		Start	End
	Origin: Destination:		
Total kms			
Total cost (i.e. total kms x cylinder per km)		\$	
Declaration:			
I hereby declare that the expenses claimed on this form were incurred in the performance of my official duties and functions* as a Councillor and that this claim complies with the Council Expenses Policy.			
_____		____/____/____	
Signature of Councillor		Date	

*** Official duties and functions** as a Councillor means activities consistent with the role of a Councillor as defined in s.28 of the Act. It includes Council business, civic and statutory duties and activities conducted on behalf of Council to further the achievement of Council's objectives. Examples include preparing for, attending and participating in Council meetings, Councillor briefings, committee meetings, workshops and inspections; attending civic functions, representing Council at ceremonies and community events where formally invited as Councillor to undertake an official duty; attending public meetings, annual meetings or presentation dinners where invited as a Councillor; and attending meetings of community groups where invited to speak about Council programs or initiatives; private meetings with residents, ratepayers, community groups, developers etc, where arranged through official Council channels and details of discussions are documented in official records or diaries.



Office Use Only

Councillors Office:	
<input type="checkbox"/> Calendar invite attached	<input type="checkbox"/> Tax invoice attached
<input type="checkbox"/> No receipt, proof of expenditure (i.e. bank statement) and statutory declaration attached	
Governance Unit:	
Officer Name:	
<input type="checkbox"/> The expense complies with the Council Expenses Policy <input type="checkbox"/> The expense does not comply with the Council Expenses Policy. Memorandum prepared and forwarded to Chief Financial Officer with details as to the reasons why. <input type="checkbox"/> Register updated.	
Manager Signature:	Date: ____ / ____ / ____
Chief Financial Officer Recommendation:	
<input type="checkbox"/> I hereby determine that the expenses claimed on this form are suitable for reimbursement in accordance with the Council Expenses Policy. <input type="checkbox"/> I hereby determine that the expenses claimed on this form do not comply with the Council Expenses Policy and will not be approved.	
_____ Signature of Chief Financial Officer	____ / ____ / ____ Date
Returned to Councillors Office: <input type="checkbox"/> Yes <input type="checkbox"/> No	Date ____ / ____ / ____



Delegated Committee Member Expense Claim Form

This form must be used within 60 days to claim reimbursement for travel in a Councillor's own vehicle or other reasonable expenses incurred performing **official duties and functions***, in accordance with the Council Expenses Policy. Proof of expenditure (e.g. tax invoice) must accompany this form.

Name of Committee Member			
1. Expense Category			
<input type="checkbox"/> Travel <input type="checkbox"/> Child Care <input type="checkbox"/> Conference and training <input type="checkbox"/> Car mileage (please go to section 2) Other (specify): _____			
Date	Details of Expense: <i>please clearly link the expense to your official duty or function</i>	GST	Cost (inc GST)
2. Car Mileage (note: all car mileage claims are GST free)			
Vehicle make and model		Vehicle Registration	
Number of cylinders of the vehicle	4 cylinder = \$1.01 per km 6 cylinder = \$1.23 per km <i>These rates are based on the Enterprise Bargaining Agreement No 9 (2019). Confirmation of current rates can be obtained from Payroll.</i>		
Date	Purpose	Odometer	
	Origin: Destination:	Start	End
Total kms			
Total cost (i.e. total kms x cylinder per km)		\$	



Date	Purpose	Odometer	
		Start	End
	Origin: Destination:		
Total kms			
Total cost (i.e. total kms x cylinder per km)		\$	
Declaration:			
I hereby declare that the expenses claimed on this form were incurred in the performance of my official duties and functions * as a member of a Delegated Committee and that this claim complies with the Council Expenses Policy.			
_____		____/____/____	
Signature of Delegated Committee Member		Date	

* **Official duties and functions** includes Council business or duties and activities conducted on behalf of Council or the Committee to further the achievement of Council's or the Committee's objectives. Examples include preparing for, attending and participating in Delegated Committee meetings, including joint Delegated Committee meetings, workshops and inspections; attending civic functions, representing the Delegated Committee at community events to undertake an official duty, attending public meetings, annual meetings, presentation dinners where invited as a member of the Delegated Committee, private meetings with organisations that relate to the activities of the Committee, which are documented in official records or diaries.



Office Use Only

xx xx (need to determine who will do this):	
<input type="checkbox"/> Calendar invite attached	<input type="checkbox"/> Tax invoice attached
<input type="checkbox"/> No receipt, proof of expenditure (i.e. bank statement) and statutory declaration attached	
Governance Unit:	
Officer Name:	
<input type="checkbox"/> The expense complies with the Council Expenses Policy	
<input type="checkbox"/> The expense does not comply with the Council Expenses Policy. Memorandum prepared and forwarded to Chief Financial Officer with details as to the reasons why.	
<input type="checkbox"/> Register updated.	
Manager Signature:	Date: ____ / ____ / ____
Chief Financial Officer Recommendation:	
<input type="checkbox"/> I hereby determine that the expenses claimed on this form are suitable for reimbursement in accordance with the Council Expenses Policy.	
<input type="checkbox"/> I hereby determine that the expenses claimed on this form do not comply with the Council Expenses Policy and will not be approved.	
_____ Signature of Chief Financial Officer	____ / ____ / ____ Date
Returned to xx :	<input type="checkbox"/> Yes <input type="checkbox"/> No Date ____ / ____ / ____

Public Transparency Policy



A4279516

Lifestyle Capital of Victoria

1. Purpose and intent

This policy supports Council's commitment to good governance. It reinforces the importance of open and accountable conduct and decision-making and describes how Council information is to be made publicly available.

Council must adopt and maintain a public transparency policy under section 57 of the *Local Government Act 2020* (the Act). Council commits to the Public Transparency Principles outlined in section 58 of the Act:

- a) *Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;*
- b) *Council information must be publicly available unless –*
 - i. *The information is confidential by virtue of this Act or any other Act; or*
 - ii. *Public availability of the information would be contrary to the public interest;*
- c) *Council information must be understandable and accessible to members of the municipal community;*
- d) *Public awareness of the availability of Council information must be facilitated.*

2. Scope

This policy applies to Councillors and Council staff.

3. Definitions

Municipal community	Is defined in the Act to include: <ul style="list-style-type: none">• People who live in the Frankston City Council municipality• People and bodies who are ratepayers of Frankston City Council• Traditional owners of land in the Frankston City Council municipality• People and bodies who conduct activities in the Frankston City Council municipality
Public Interest Test	There is no definition in the Act as to when public availability of information would be contrary to the public interest. Council must identify and balance the competing public interests in each case to make a determination. Council may decide not to make information publicly available if it determines that the public harm likely to be created by releasing the information will exceed the public benefit in being transparent.

4. Authorisation

This Policy is managed by the Governance and Information 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

5.1 Transparent decision making

Decision making at Council meetings

- Will be undertaken in accordance with the Act and the Governance Rules.
- Will be conducted in an open and transparent forum, unless in accordance with the provisions in the Act and Governance Rules.
- Will be informed through community engagement, in accordance with the Community Engagement Principles and the Community Engagement Policy.
- Will be undertaken fairly and on the merits. Where any person's rights will be directly affected by a decision of the Council, that person will be entitled to communicate their views and have their interests considered.

5.2 Publicly available Council information

Council's Part II statement, published in accordance with the *Freedom of Information Act 1982*, lists publicly available Council information. This information includes but is not limited to:

Documents such as:

- Plans and Reports adopted by Council
- Policies
- Project and service plans
- Relevant technical reports and / or research that informs decision making

Process information such as:

- Practice notes and operating procedures
- Application processes for approvals, permits, grants, access to Council services
- Decision making processes
- Guidelines and manuals
- Community engagement processes
- Complaints handling processes

Council records such as:

- Council meeting agendas
- Minutes of Council meetings
- Reports from Advisory Committees to Council
- Audit and Risk Committee Performance Reporting
- Terms of reference or charters for Advisory Committees
- Register of gifts, benefits and hospitality offered to Councillors or Council Staff
- Register of travel undertaken by Councillors or Council Staff
- Register of Conflicts of Interest disclosed by Councillors or Council Staff
- Submissions made by Council
- Register of donations and grants made by Council
- Register of leases entered into by Council, as lessor and lessee
- Register of Delegations
- Register of Authorised officers
- Register of Election campaign donations
- Summary of Personal Interests returns
- Any other Registers or Records required by legislation or determined to be in the public interest

Publications

Council publishes a range of newsletters, reports and handbooks for residents, businesses and visitors. These can be downloaded from Council's website or a hard copy can be requested by contacting Council. Some of these publications are also available at Council's Libraries.

5.3 Council information which is not publicly available

Some Council information is not publicly available, for example if the information is confidential information, or if its release would be contrary to the public interest or the requirements of the *Privacy and Data Protection Act 2014*.

"Confidential information" is defined in section 3 of the *Local Government Act 2020*. It includes the types of information listed in the following table.

Type	Description
Council business information	Information that would prejudice the Council's position in commercial negotiations if prematurely released.
Security information	Information that is likely to endanger the security of Council property or the safety of any person if released.
Land use planning information	Information that is likely to encourage speculation in land values if prematurely released.



Type	Description
Law enforcement information	Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released.
Legally privileged information	Information to which legal professional privilege or client legal privilege applies.
Personal information	Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.
Private commercial information	Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released.
Confidential meeting information	Records of Council and delegated committee meetings that are closed to the public to consider confidential information
Internal arbitration information	Confidential information relating internal arbitration about an alleged breach of the councillor code of conduct.
Councillor Conduct Panel confidential information	Confidential information relating to a Councillor Conduct Panel matter
Confidential information under the 1989 Act	Information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i>

Council may decide, in the interests of transparency, to release information to the public even though it is confidential under the Act. However, this will not occur if release is contrary to law, likely to cause harm to any person, or is not in the public interest.

Where information is not confidential, and not already available, Council will apply the principles of a public interest test with consideration also of the resources required to respond to the request.

5.4 Access to information

Publicly available information will be made available on Council’s website, at the Council Civic Centre, or by request.

Requests for information or documents not available on Council’s website are to be directed to Council staff or Council’s Freedom of Information Officer. Officers will endeavour to provide as much information as possible free of charge within the parameters of this policy and the requirements of legislation.

Consideration will be given to accessibility and cultural requirements in accordance with the *Charter of Human Rights and Responsibilities Act 2006*.

If a requested document is not publicly available, an application for access can be made under the *Freedom of Information Act 1982*, which provides a right to seek access to any document held by Council.



Council is committed to, where possible, proactive and informal release of information in accordance with the Freedom of Information Professional Standards issued by the Victorian Information Commissioner. Read more at www.ovic.vic.gov.au.

6. Responsibilities

Party/parties	Roles and responsibilities	Timelines
Council	Champion commitment to the public transparency principles through leadership, modelling best practice and decision-making.	Ongoing
Executive Management Team	Champion behaviours that foster transparency and drive the principles through policy, process and leadership. Monitor implementation of this policy.	Ongoing
Management Team	Manage areas of responsibility to ensure public transparency, good governance and community engagement consistent with this policy.	Ongoing
All Staff	Public transparency is the responsibility of all employees as appropriate to their role and function. All staff respond to requests for information and facilitate the provision of information in consultation with their manager and in alignment with this policy.	Ongoing
Senior Freedom of Information and Privacy Officer	Provide guidance to staff for determinations regarding release of information.	Ongoing
Manager Governance and Information	Monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.	Ongoing

7. Human Rights Charter

This policy complies with section 13 of the *Charter of Human Rights and Responsibilities Act 2006*, as it recognises an individual's right not to have their privacy unlawfully or arbitrarily interfered with. It also aligns with section 18 which recognises a person's right to participate in the conduct of public affairs.

8. Non-compliance with this policy

If a member of the community wishes to question a decision about the release of information, this should be raised directly with the officer handling the matter in the first instance. If the matter

remains unresolved and the member of the community wishes to contest the decision, this can be reported to the Manager Governance and Information.

If not satisfied with Council's response, the concerns can be raised directly with the Victorian Ombudsman's office on (03) 9613 6222 or via the website – www.ombudsman.vic.gov.au.

9. Review

A periodic review of this policy will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner.

10. Related policies and legislation

Local Government Act 2020

Local Government Act 1989

Privacy and Data Protection Act 2014

Health Records Act 2001

Freedom of Information Act 1982

Charter of Human Rights and Responsibilities Act 2006

Governance Rules

Freedom of Information Part II statement

Privacy policy

Community Engagement policy

11. Document history

Date approved	Change type	Version	Next review date
	New	1	August 2024

Executive Summary**12.10 Implementation of Local Government Act 2020: adoption of draft Governance Rules**

Enquiries: (Brianna Alcock: Chief Financial Office)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

Purpose

To adopt the Governance Rules, as part of the implementation of the new Local Government Act 2020.

Recommendation (Director Chief Financial Office)

That Council:

1. Notes the draft Governance Rules were publicly exhibited for a period of four weeks, and that no submissions were received;
2. Notes section 60(7) of the Local Government Act 2020 requires the first Governance Rules to be adopted on or before 1 September 2020;
3. Notes the behaviour offences, penalties and provisions regarding use of the common seal from the existing Governance Local Law 2018 have been captured in a new Governance Local Law 2020, which will be presented to Council for adoption in a separate report; and
4. Adopts the Governance Rules.

Key Points / Issues

- At its meeting on 29 June 2020, Council resolved:

That Council:

1. *Notes the draft Governance Rules;*
2. *Endorses the draft Governance Rules to be publicly exhibited for a period of four weeks;*
3. *Seeks a report back no later than 31 August 2020, to adopt the Governance Rules, taking into account any submissions received;*
4. *Notes that a separate report is being tabled on the draft Councillor Expenses Policy and draft Public Transparency Policy, which are to be considered separately due to the significance of the draft Governance Rules; and*
5. *Notes Section 60(7) of the Local Government Act 2020 requires the first Governance Rules to be adopted on or before 1 September 2020.*
6. *Notes a report will be provided at the 20 July Ordinary Meeting, to publicly exhibit a draft Local Law, which captures penalty provisions and the use of the common seal, to complement the draft Governance Rules.*

12.10 Implementation of Local Government Act 2020: adoption of draft Governance Rules**Executive Summary**

- A notice was published on Council's website from 3 July 2020, and in the Herald Sun newspaper on 7 July 2020, inviting public submissions regarding the draft Governance Rules. The deadline for submissions was 6 August 2020. No submissions have been received.
- The draft Governance Rules document (Attachment A) is based on a template drafted by Council's lawyers to satisfy the requirements of section 60(1) of the Act. The draft was customised to suit the context of Frankston City Council as follows:
 - The provisions of Council's existing Governance Local Law have been inserted as Chapter 2 (Meeting Procedure for Council Meetings), with such amendments as were necessary to reflect the changed status of the document (i.e. that it is now Governance Rules rather than a local law) and changes to the legislation.
 - The Councillor Briefing provisions of Council's existing Governance Local Law have been inserted as Chapter 3.
 - The provisions of Council's existing Election Period Policy 2020 have been inserted as Chapter 7.
- The common seal and offence provisions in the Governance Local Law have not been included in the draft Governance Rules. These provisions have been preserved in a new local law which will be presented to Council for adoption in a separate report.

Financial Impact

There are no financial implications associated with this report.

Consultation**1. External Stakeholders**

The draft Governance Rules were advertised on Council's website from 3 July 2020 and in the Herald Sun on 7 July 2020, and public submissions were invited. No submissions were received.

2. Other Stakeholders

The draft Governance Rules template document was developed by Council's lawyers, and edits were made by officers to customise the document for Frankston City Council.

Councillor feedback regarding the draft Governance Rules was obtained during two briefing sessions held on 9 and 15 June 2020.

Analysis (Environmental / Economic / Social Implications)

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

Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities**

The draft Governance Rules are consistent with the Charter of Human Rights and Responsibilities.

12.10 Implementation of Local Government Act 2020: adoption of draft Governance Rules**Executive Summary**Legal

It is a statutory requirement that Council must, by 1 September 2020, adopt its first set of Governance Rules. Failure to do so would constitute a breach of section 60(7) of the Act.

The full text from section 60 of the Act is set out below:

60 Governance Rules

- (1) *A Council must develop, adopt and keep in force Governance Rules for or with respect to the following—*
 - (a) *the conduct of Council meetings;*
 - (b) *the conduct of meetings of delegated committees;*
 - (c) *the form and availability of meeting records;*
 - (d) *the election of the Mayor and the Deputy Mayor;*
 - (da) *the appointment of an Acting Mayor;*
 - (e) *an election period policy in accordance with section 69;*
 - (f) *the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee under section 130;*
 - (g) *the procedure for the disclosure of a conflict of interest by a Councillor under section 131;*
 - (h) *the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1);*
 - (i) *any other matters prescribed by the regulations.*
- (2) *The Governance Rules must provide for a Council to—*
 - (a) *consider and make decisions on any matter being considered by the Council fairly and on the merits; and*
 - (b) *institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.*
- (3) *A Council may amend its Governance Rules.*
- (4) *Subject to subsection (5), a Council must ensure that a process of community engagement is followed in developing or amending its Governance Rules.*
- (5) *Subsection (4) does not apply if the Council is developing and adopting or amending a Governance Rule that only adopts a good practice guideline issued by the Minister under section 87.*
- (6) *A Council must comply with its Governance Rules.*
- (7) *A Council must adopt the first Governance Rules under this section on or before 1 September 2020.*
- (8) *Until a Council adopts Governance Rules under this section, the Local Law Meeting Procedures made by the Council under the Local Government Act 1989 apply as if the Local Law Meeting Procedures had been adopted as Governance Rules under this section.*

12.10 Implementation of Local Government Act 2020: adoption of draft Governance Rules**Executive Summary**Policy Impacts

Upon adoption, the Governance Rules and new Governance Local Law 2020 will replace the existing Governance Local Law.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Risk Mitigation

Tight timeframes have been followed in order to comply with the new requirement in section 60(7) to adopt Governance Rules on or before 1 September 2020.

The attached draft Governance Rules were prepared by Council's lawyers to satisfy the requirements set out in section 60(1) of the Act, and Councillor feedback has been incorporated into the document. The draft Governance Rules were advertised on Council's website from 3 July 2020 and notice was given in the Herald Sun on 7 July 2020, inviting public submissions over a four week period. No submissions were received.

Conclusion

Council must adopt Governance Rules on or before 1 September 2020. The attached draft Governance Rules, which have been customised for Frankston City Council, have been publicly exhibited for four weeks. With no submissions having been received, it is recommended that Council now resolves to adopt the attached Governance Rules.

ATTACHMENTS

Attachment A:[↓](#) Draft Governance Rules

Frankston City Council Governance Rules

DRAFT 22/6/2020



Lifestyle Capital of Victoria



GOVERNANCE RULES

Introduction

1. Nature of Rules

These are the Governance Rules of Frankston City Council, made in accordance with section 60 of the *Local Government Act 2020*.

2. Date of Commencement

These Governance Rules commence on 1 September 2020.

3. Contents

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Framework
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Councillor Briefing Arrangements
Chapter 4	Meeting Procedure for Delegated Committees
Chapter 5	Meeting Procedure for Community Asset Committees
Chapter 6	Disclosure of Conflicts Of Interest
Chapter 7	Miscellaneous
Chapter 8	Election Period Policy

4. Definitions

In these Governance Rules, unless the context suggests otherwise the following words and phrases mean:

Act means the *Local Government Act 2020*.

Chief Executive Officer includes an Acting Chief Executive Officer.

Community Asset Committee means a Community Asset Committee established under section 65 of the Act.

Council means Frankston City Council.

Council meeting has the same meaning as in the Act.

Delegated Committee means a Delegated Committee established under section 63 of the Act.

Mayor means the Mayor of Council.

these Rules means these Governance Rules.



Chapter 1 – Governance Framework

1. Context

These Rules should be read in the context of and in conjunction with:

- (a) the overarching governance principles specified in section 9(2) of the *Act*; and
- (b) the following documents adopted or approved by *Council*:
 - (i) Public Submissions and Question Time Policy;
 - (ii) Public Transparency Policy;
 - (iii) Community Engagement Policy;
 - (iv) Councillor Code of Conduct;
 - (v) Councillor Expenses Policy; and
 - (vi) Notice of Motion Protocol.

2. Decision Making

- (a) In any matter in which a decision must be made by *Council* (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision:
 - (i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
 - (ii) on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations
- (b) *Council* must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of *Council* is entitled to communicate their views and have their interests considered).
- (c) Without limiting anything in paragraph (b) of this sub-Rule:
 - (i) before making a decision that will directly affect the rights of a person, *Council* (including any person acting with the delegated authority of *Council*) must identify the person or persons whose rights will be directly affected, give notice of the decision which *Council* must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
 - (ii) if a report to be considered at a *Council meeting* concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;
 - (iii) if a report to be considered at a *Delegated Committee meeting* concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and



- (iv) if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.

DRAFT



Chapter 2 – Meeting Procedure for Council Meetings

Contents

PART A – INTRODUCTION	1
1. Title	1
2. Purpose of this Chapter	1
3. Definitions and notes	1
PART B – ELECTION OF MAYOR.....	3
4. Election of the <i>Mayor</i>	3
5. Method of voting.....	3
6. Determining the election of the <i>Mayor</i>	3
7. Election of Deputy Mayor and Chairs of Delegated Committees	4
8. Appointment of Acting Mayor.....	5
PART C – MEETINGS PROCEDURE	6
DIVISION 1 – NOTICES OF MEETINGS AND DELIVERY OF AGENDAS	6
9. Dates and times of <i>meetings</i> fixed by <i>Council</i>	6
10. <i>Council</i> may alter <i>meeting</i> dates	6
11. <i>Meetings</i> not fixed by <i>Council</i>	6
12. Notice of <i>meeting</i>	6
DIVISION 2 – QUORUMS.....	7
13. Scheduled <i>meetings</i>	7
14. Inability to obtain a quorum.....	7
15. Inability to maintain a quorum.....	8
16. Adjourned <i>meetings</i>	8
17. Time limits for <i>meetings</i>	8
18. Cancellation or postponement of a <i>meeting</i>	9
DIVISION 3 – BUSINESS OF MEETINGS	9
19. Agenda and the order of business.....	9
20. Change to order of business.....	9
21. Urgent business	9
22. Reports of delegates.....	10
DIVISION 4 – MOTIONS AND DEBATE	11
23. Councillors may propose <i>notices of motion</i>	11
24. <i>Notice of motion</i>	11
25. Chair’s duty.....	12
26. Introducing a motion or an amendment.....	13
27. Right of reply	14
28. Moving an amendment	14
29. Who may propose and debate an amendment	14
30. How many amendments may be proposed	14
31. An amendment once carried.....	15
32. Foreshadowing motions	15
33. Withdrawal of motions.....	15



34.	Separation of motions	15
35.	<i>Chair</i> may separate motions or allow motions to be moved in block.....	15
36.	Priority of address	16
37.	Motions in writing	16
38.	Repeating motion and/or amendment	16
39.	Debate must be relevant to the motion.....	16
40.	Speaking times.....	16
41.	Addressing the <i>meeting</i>	17
42.	If lost	17
43.	Right to ask questions	17
DIVISION 5 – PROCEDURAL MOTIONS		18
44.	Procedural motions	18
DIVISION 6 – RESCISSION MOTIONS		21
45.	Notice of rescission.....	21
46.	If lost	22
47.	If not moved	22
48.	May be moved by any Councillor	23
49.	When not required	23
DIVISION 7 – POINTS OF ORDER		23
50.	Valid points of order	23
51.	Procedure for point of order	23
52.	<i>Chair</i> to decide.....	24
53.	No debate	24
54.	<i>Chair</i> may adjourn to consider	24
55.	Effect of ruling	24
56.	Dissent from <i>Chair’s</i> ruling	25
DIVISION 8 – PUBLIC QUESTION TIME.....		25
57.	Question time	25
DIVISION 9 – PETITIONS AND JOINT LETTERS		27
58.	Petitions and joint letters	27
59.	Submissions by incorporated associations.....	28
DIVISION 10 – PUBLIC SUBMISSIONS		28
60.	Individual presentations to <i>Council meetings</i>	28
61.	Requests to present.....	28
62.	When a presentation can be made	29
63.	Limitations upon speakers.....	29
64.	Questions but no discussion permitted	29
65.	Relaxation of requirement	29
DIVISION 11 – VOTING		30
66.	How motion determined	30
67.	Silence.....	30
68.	Recount.....	30
69.	Casting vote	30



70.	By show of hands.....	30
71.	Procedure for a division	30
72.	No discussion once declared	31
DIVISION 12 – MINUTES		31
73.	Confirmation of minutes	31
74.	No debate on confirmation of minutes.....	32
75.	Deferral of confirmation of minutes	32
76.	Form and availability of minutes	32
77.	Recording of <i>meetings</i>	33
DIVISION 13 – BEHAVIOUR		34
78.	Public addressing the <i>meeting</i>	34
79.	<i>Chair</i> may remove	34
80.	<i>Chair</i> may adjourn disorderly <i>meeting</i>	35
81.	Removal from Chamber	35
DIVISION 14 – ADDITIONAL DUTIES OF CHAIR		35
82.	The <i>Chair's</i> duties and discretions.....	35
DIVISION 15 – SUSPENSION OF STANDING ORDERS		35
83.	Suspension of standing orders	35
DIVISION 16 – MISCELLANEOUS.....		36
84.	<i>Meetings</i> conducted remotely	36
85.	Procedure not provided in this Chapter	36
86.	Policies and guidelines.....	36



PART A – INTRODUCTION

1. Title

This Chapter will be known as the "Meeting Procedures Chapter".

2. Purpose of this Chapter

2.1 The purpose of this Chapter is to provide for the orderly, efficient and equitable conduct of *Council meetings*.

2.2 Specifically, this Chapter is to:

2.2.1 provide a mechanism to facilitate the good government of *Council* through its formal meeting procedure to ensure effective and efficient *Council* decisions are made in a manner which acknowledges the role of local government within the Australian system of government;

2.2.2 promote and encourage community participation in the system of local government by providing mechanisms for *Council* to ascertain the community's views and expectations;

2.2.3 provide for the election of the Mayor and any Deputy Mayor;

2.2.4 provide for the appointment of any Acting Mayor;

2.2.5 provide for the procedures governing the conduct of Council meetings, to facilitate their orderly, efficient and equitable operation; and

2.2.6 set the rules of behaviour for those participating in or present at Council meetings.

3. Definitions and notes

3.1 In this Chapter:

"*agenda*" means the notice of a *meeting* setting out the business to be transacted at the *meeting*;

"*authorised officer*" means a person appointed as an Authorised Officer under section 224 of the *Local Government Act 1989*;

"*Chair*" means the Chairperson of a *meeting* and includes an acting, a temporary and a substitute Chairperson;

"*meeting*" means a *Council meeting*;



"*minute book*" means the collective record of proceedings of *Council*;

"*municipal district*" means the municipal district of *Council*;

"*notice of motion*" means a notice setting out the text of a motion, which it is proposed to move at the next relevant *meeting*;

"*notice of rescission*" means a *notice of motion* to rescind a resolution made by *Council*;

"*senior officer*" has the same meaning as in the *Local Government Act 1989*;

"*urgent business*" means business which is raised under Rule 21; and

"*written*" includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form, and *writing* has a corresponding meaning.

- 3.2 Introductions to Parts, headings and notes are explanatory notes and do not form part of this Chapter. They are provided to assist understanding.

DRAFT



PART B – ELECTION OF MAYOR

Introduction: This Part is concerned with the annual election of the *Mayor*. It describes how the *Mayor* is to be elected.

4. Election of the *Mayor*

The *Chief Executive Officer* must facilitate the election of the *Mayor* in accordance with the provisions of the Act.

5. Method of voting

The election of the *Mayor* must be carried out by a show of hands.

6. Determining the election of the *Mayor*

6.1 The *Chief Executive Officer* must open the *meeting* at which the *Mayor* is to be elected, and invite nominations for the office of *Mayor*.

6.2 Any nominations for the office of *Mayor* must be:

6.2.1 in writing and in a form prescribed by the Chief Executive Officer; and

6.2.2 seconded by another Councillor.

6.3 Once nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor*:

6.3.1 if there is only one nomination, the candidate nominated must be declared to be duly elected;

6.3.2 if there is more than one nomination, the Councillors present at the *meeting* must vote for one of the candidates and each of the candidates shall be allowed three minutes to speak to their nomination, which cannot be extended;

6.3.3 in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;

6.3.4 in the event that no candidate receives an absolute majority of the votes, the *meeting* must consider whether to exercise the discretion conferred by section 25(5) of the Act. If the *meeting* instead proceeds with the election, the candidate with the fewest number of votes will be declared to be a defeated candidate. The Councillors present at the *meeting* must then vote for one of the remaining candidates;

6.3.5 if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the *meeting* must consider



whether to exercise the discretion conferred by section 25(5) of the Act. If the *meeting* instead proceeds with the election, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;

6.3.6 in the event of two or more candidates having an equality of votes and one of them having to be declared:

- (a) a defeated candidate; and
- (b) duly elected

the declaration will be determined by lot.

6.3.7 if a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:

- (a) each candidate will draw one lot;
- (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
- (c) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).

7. Election of Deputy Mayor and Chairs of Delegated Committees

Any election for:

- 7.1 any office of Deputy Mayor; or
- 7.2 Chair of a *Delegated Committee*

will be regulated by Rules 4-6 (inclusive) of this Chapter, as if, in the case of any election for Deputy Mayor, the reference to the:



- 7.3 *Chief Executive Officer* is a reference to the *Mayor*; and
- 7.4 *Mayor* is a reference to the Deputy Mayor or the Chair of the *Delegated Committee* (as the case may be).
- 7.5 The role of the Deputy Mayor is to perform the duties ascribed to the *Mayor* where the *Mayor* is absent, unless the Deputy Mayor has a conflict or is unavailable.

8. Appointment of Acting Mayor

If *Council* has not established an office of Deputy Mayor and it becomes required to appoint an Acting Mayor, it can do so by:

- 8.1 resolving that a specified Councillor be so appointed; or
- 8.2 following the procedure set out in Rules 5 and 6 (inclusive) of this Chapter, at its discretion.

DRAFT



PART C – MEETINGS PROCEDURE

Introduction: This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a *meeting*. Collectively, the Divisions describe how and when a *meeting* is convened, when and how business may be transacted at a *meeting*.

DIVISION 1 – NOTICES OF MEETINGS AND DELIVERY OF AGENDAS

9. Dates and times of *meetings* fixed by Council

Subject to Rule 11, Council must from time to time fix the date, time and place of all Council *meetings*.

10. Council may alter *meeting* dates

Council may change the date, time and place of any Council *meeting* which has been fixed by it and must provide reasonable notice of the change to the public.

11. Meetings not fixed by Council

11.1 The Mayor or at least 3 Councillors may by a written notice call a Council *meeting*.

11.2 The notice must specify the date and time of the Council *meeting* and the business to be transacted.

11.3 The Chief Executive Officer must convene the Council *meeting* as specified in the notice.

11.4 Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the written notice can be transacted at the Council *meeting*.

12. Notice of *meeting*

12.1 A notice of *meeting*, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically (at the option of the Councillor) to every Councillor for each Council *meeting* after noon on a day which is at least four clear days before the *meeting*.

If a Council meeting is scheduled for a Monday evening, the notice of meeting (including the agenda) must be delivered or sent electronically by the immediately preceding Thursday evening.

12.2 Notwithstanding sub-Rule 12.1:



- 12.2.1 a draft *agenda* for each *Council meeting* must be delivered or sent electronically (at the option of the Councillor) to every Councillor at least ten clear days before the *meeting*; and
- 12.2.2 a notice of *meeting* or draft *agenda* need not be served on or sent to any Councillor who has been granted leave of absence unless the Councillor has requested the *Chief Executive Officer* in writing to continue to give notice of any *meeting* during the period of his or her absence.
- 12.3 Reasonable notice of each *Council meeting* must be provided to the public. *Council* may do this:
- 12.3.1 for *meetings* which it has fixed by preparing a schedule of *meetings* annually, twice yearly or from time to time, and arranging publication of such schedule on *Council's* website and in a local newspaper either at various times throughout the year, or prior to each such *Council meeting*; and
- 12.3.2 for any *meeting* by giving notice on its website and:
- (a) in each of its Customer Service Centres; and/or
- (b) in at least one local newspaper or daily metropolitan newspaper.
- 12.4 Copies of the *agenda* and any related material for *Council meetings* must be made available to members of the public after noon on a day which is at least four clear days before the *meeting*, by being made available at the Civic Centre and on *Council's* website.

If a Council meeting is scheduled for a Monday evening, the agenda and any related material must appear on Council's website by the immediately preceding Thursday evening. Hard copies of the agenda and any related material must be available for inspection or collection from the Friday morning immediately preceding the Monday evening meeting.

DIVISION 2 – QUORUMS

13. Scheduled *meetings*

The quorum for *Council meetings* is the presence of a majority of the Councillors.

14. Inability to obtain a quorum

If, after 30 minutes from the scheduled starting time of any *Council meeting*, a quorum cannot be obtained:



- 14.1 the *meeting* will be deemed to have lapsed;
- 14.2 the agenda for which will be identical to the agenda for the lapsed *meeting*; and
- 14.3 the *Chief Executive Officer* must give all Councillors *written notice* of the *meeting* convened by the *Mayor*.

15. Inability to maintain a quorum

- 15.1 If, during any Council *meeting*, a quorum cannot be maintained then Rule 14 will apply as if the reference to the *meeting* is a reference to so much of the *meeting* as remains.
- 15.2 Sub-Rule 15.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.

16. Adjourned meetings

- 16.1 The *Chief Executive Officer* must give notice to each Councillor of the date, time and place to which the *meeting* stands adjourned and of the business remaining to be considered.
- 16.2 If it is impracticable for the notice given under sub-Rule 16.1 to be in writing, the *Chief Executive Officer* must give notice to each Councillor by telephone, in person, by electronic mail or by SMS message.
- 16.3 Notice must also be provided to the public of the resumption of the adjourned *meeting* by publishing details on *Council's* website and posting a notice at the entrance to the Council Chambers and Civic Centre.

17. Time limits for meetings

- 17.1 A *Council meeting* must not continue for more than four hours from its commencement unless a majority of Councillors present vote in favour of it continuing.
- 17.2 Notwithstanding sub-Rule 17.1, a motion to continue the *meeting* need not be moved until after consideration of that item of business which was before the *meeting* as soon as four hours passed since the commencement of the *meeting*.
- 17.3 A continuance must not exceed 30 minutes.
- 17.4 In the absence of such continuance, the *meeting* must stand adjourned to a time, date and place announced by the *Chair* immediately prior to the *meeting* standing adjourned. In that event, the provisions of sub-Rules 16.1 and 16.2 apply.



18. Cancellation or postponement of a meeting

- 18.1 The *Chief Executive Officer* may, in the case of an emergency necessitating the cancellation or postponement of a *Council meeting*, cancel or postpone a *Council meeting*.
- 18.2 The *Chief Executive Officer* must present to the immediately following *Council meeting* a written report on any exercise of the power conferred by sub-Rule 18.1.

DIVISION 3 – BUSINESS OF MEETINGS

19. Agenda and the order of business

- 19.1 The *agenda* and the order of business for a *Council meeting* will be determined by the Mayor and the *Chief Executive Officer* jointly, so as to facilitate and maintain open, efficient and effective processes of government, but the views of Councillors expressed at any relevant Councillor briefing are to be taken into account in finalising the *agenda* and the order of business.
- 19.2 Notwithstanding sub-Rule 19.1, the *Chief Executive Officer* may vary the order of business to take advantage of opportunities which may arise from time to time.
- 19.3 Late reports can only be accepted into the *agenda* with the consent of *Council*.

20. Change to order of business

Once an *agenda* has been sent to Councillors, the order of business for that *meeting* may only be altered with the consent of *Council*.

21. Urgent business

- 21.1 Business which has not been listed on the *agenda* for a *meeting* must only be raised as *urgent business* by resolution of *Council*.
- 21.2 A Councillor who wishes to raise an item of *urgent business* must state the motion for the proposed item of *urgent business*, to enable *Council* to determine whether the item will be accepted as *urgent business*.
- 21.3 A Councillor may submit the motion in writing to all Councillors prior to the *Council meeting*, outlining the proposed item of *urgent business*.
- 21.4 Unless exceptional circumstances exist and *Council* approves by resolution, only items:
 - 21.4.1 of minimal impact; and



21.4.2 which have arisen since distribution of the *agenda* and cannot safely and conveniently be deferred until the next *Council meeting*

may be raised in *urgent business*.

21.5 The following items are deemed not to be items of minimal impact (and, therefore, unless exceptional circumstances exist and *Council* approves by resolution, cannot be raised in *urgent business*):

21.5.1 the creation or abolition of any office;

21.5.2 the appointment of any person to any office or termination of that appointment;

21.5.3 employment issues;

21.5.4 the sale or lease of any assets;

21.5.5 the declaration of any rate or charge;

21.5.6 the creation, alteration or abolition of any strategy, policy or guideline;

21.5.7 any request for an investigation which will unreasonably or substantially divert staff resources;

21.5.8 any request for a report which will unreasonably or substantially divert staff resources;

21.5.9 the commitment of funds, or in kind contributions, for any purposes which will exceed \$5,000; and

21.5.10 the content, and provision, of any media release.

22. Reports of delegates

22.1 A Councillor or member of *Council* staff who is a *delegate* may present to a *Council meeting* 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.

22.2 In presenting, the Councillor may for up to three minutes:

22.2.1 address *Council* on the contents of any *written* report which the Councillor has submitted for inclusion in the *agenda*; or

22.2.2 provide a verbal report on any matters otherwise arising out of the deliberations of the external body, association, group or working party.



DIVISION 4 – MOTIONS AND DEBATE

23. Councillors may propose *notices of motion*

Councillors may ensure that an issue is listed on an *agenda* by lodging a *notice of motion*.

24. *Notice of motion*

24.1 A *notice of motion* must be in writing signed by a Councillor, and be delivered or sent electronically to the *Chief Executive Officer* by no later than noon at least 11 clear days before the *meeting* at which it is intended to be considered.

If a Council meeting is scheduled for a Monday evening this means that any notice of motion must be lodged prior to noon on the Thursday eleven days prior to the meeting date.

24.2 A *notice of motion* will not be accepted if it:

24.2.1 relates to a matter in respect of which *Council* has no power to act;

This does not preclude a notice of motion which calls for Council to advocate or lobby to other levels of government for change.

24.2.2 declares a rate or charge;

24.2.3 is defamatory, indecent, abusive or objectionable in language or substance;

24.2.4 promotes or is likely to facilitate a threat to public order or safety; or

24.2.5 seeks to substantially affect the level of *Council* services, commit *Council* to significant expenditure not included in the adopted Budget or commit *Council* to any contractual arrangement, without first calling for a formal report to be prepared and presented to *Council* in response to the *notice of motion*.

24.3 The *Chief Executive Officer* may reject any *notice of motion* which is vague or unclear in intention but must:

24.3.1 notify the Councillor who lodged the *notice of motion* of the rejection and reasons for the rejection; and

24.3.2 provide reasonable assistance to the Councillor to help ensure that a *notice of motion*:



- (a) of similar intention; but
 - (b) which is neither vague nor unclear
- is lodged.

- 24.4 The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda* and, where practicable, will be accompanied by comments from a *senior officer* with responsibility for the subject matter or the issue to which the *notice of motion* relates.
- 24.5 The *Chief Executive Officer* must cause all *notices of motion* to be numbered, dated and entered in the *notice of motion* register in the order in which they were received.
- 24.6 Except by leave of *Council*, *notices of motion* before any *meeting* must be considered in the order in which they were entered in the *notice of motion* register.
- 24.7 If a Councillor who has given a *notice of motion* is absent from the *meeting* or fails to move the motion when called upon by the *Chair*, any other Councillor may move the motion.
- 24.8 If a *notice of motion* is not moved at the *meeting* at which it is listed, it lapses.
- 24.9 If a *notice of motion* is moved but not seconded, it lapses.
- 24.10 Except where the *notice of motion* is to confirm a previous resolution of *Council*, the *notice of motion* may be amended.
- 24.11 If the Councillor who has lodged or is moving a *notice of motion* wishes to amend it, he or she may do so by seeking leave of *Council* to amend the *notice of motion* prior to it being seconded. A motion must be put to the *meeting* to give approval for the Councillor moving the *notice of motion* to amend it, prior to putting forward the suggested amending words.
- 24.12 Once a *notice of motion* has been moved and seconded, the mover cannot amend it.
- 24.13 Notwithstanding sub-Rule 24.11 another Councillor may move an amendment to the *notice of motion*, which motion must be dealt with in accordance with sub-Rule 26.2.
- 24.14 A Councillor cannot foreshadow an alternate motion to amend another Councillor's *notice of motion*.

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 *urgent business*, or purports to be an amendment but is not,
- must not be accepted by the *Chair*.

26. Introducing a motion or an amendment

- 26.1 The procedure for moving any motion or amendment is:
 - 26.1.1 the mover must state the motion without speaking to it;
 - 26.1.2 the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;
 - 26.1.3 if a motion or an amendment is moved and seconded the *Chair* must ask:
“Does the mover wish to speak to the motion or amendment?”
 - 26.1.4 after the mover has addressed the *meeting* or been provided with an opportunity to address the *meeting*, the seconder may address the *meeting*;
 - 26.1.5 after the seconder has addressed the *meeting* (or after the mover has addressed the *meeting* if the seconder does not address the *meeting*), the *Chair* must invite debate or contributions by calling on any Councillor who wishes to speak to the motion (including the seconder if he or she has not already spoken to the motion), providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and
 - 26.1.6 if, after the mover has addressed the *meeting*, the *Chair* has invited debate or contributions and no Councillor speaks to the motion, then the *Chair* must put the motion to the vote.
- 26.2 No discussion on the item being considered may take place until such time as a motion is before the *Chair*. Questions of clarification may be asked of the *Chair* or members of *Council* staff present at the *meeting*.
- 26.3 The *Chair* may only debate a motion by speaking immediately after the mover and seconder of the motion have been given opportunity to speak to the motion.
- 26.4 If the *Chair* wishes to move or second a motion then the *Mayor* (if the *Chair* is not the *Mayor*) or Deputy Mayor (if the *Chair* is the *Mayor*) must take the chair



whereupon the *Chair* must vacate the chair and not return to it until the motion has been resolved upon.

27. Right of reply

- 27.1 The mover of a motion which has not been amended has a right of reply to matters raised during debate.
- 27.2 After the right of reply has been taken but subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

28. Moving an amendment

- 28.1 Subject to sub-Rule 28.2 a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 28.2 A motion to confirm a previous resolution of *Council* cannot be amended.
- 28.3 An amendment must not be directly opposite to the motion.
- 28.4 The mover of an amendment cannot exercise any right of reply.

29. Who may propose and debate an amendment

- 29.1 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- 29.2 Any one Councillor cannot, without the leave of the *Chair*, move more than two amendments in succession.
- 29.3 Any Councillor can debate an amendment irrespective of whether the Councillor has spoken or proposes to speak to the original motion.
- 29.4 Debate on an amendment must be restricted to the terms of the amendment.

30. How many amendments may be proposed

- 30.1 No more than three amendments may be proposed to a motion but only one amendment may be accepted by the *Chair* at any one time.
- 30.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.



31. An amendment once carried

- 31.1 If the amendment is carried, the motion as amended then becomes the motion before the *meeting*, and the amended motion must then be put.
- 31.2 The mover of the original motion retains the right of reply to that motion.

32. Foreshadowing motions

- 32.1 At any time during debate a Councillor may foreshadow a motion so as to inform *Council* of his or her intention to move a motion at a later stage in the *meeting*, but this does not extend any special right to the foreshadowed motion.
- 32.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the *Chair* being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 32.3 The *Chief Executive Officer* or person taking the minutes of the *meeting* is not required to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
- 32.4 A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a *Council meeting*.

33. Withdrawal of motions

Before any motion is put to the vote, it may be withdrawn by the mover and seconder with leave of *Council*, in which case the *Chair* must call for a substitute mover and seconder and, if no such substitute is forthcoming, the motion will lapse.

34. Separation of motions

- 34.1 Where a motion contains more than one part:
 - 34.1.1 *Council* by resolution; or
 - 34.1.2 in the absence of a resolution, the *Chair*
may require the motion to be put to the vote in separate parts.
- 34.2 Debate will not be permitted on any question that a motion in more than one part be put to the vote in separate parts.

35. *Chair* may separate motions or allow motions to be moved in block

- 35.1 The *Chair* may decide to put any motion to the vote in several parts.
- 35.2 The *Chair* may allow or request a Councillor to move items in block.



36. Priority of address

In the case of competition for the right to speak, the *Chair* must decide the order in which the Councillors concerned will be heard.

37. Motions in writing

37.1 The *Chair* may require that a long, complex or detailed motion be in writing.

37.2 *Council* may adjourn the *meeting* while the motion is being *written* or *Council* may defer the matter until the motion has been *written*, allowing the *meeting* to proceed uninterrupted.

38. Repeating motion and/or amendment

The *Chair* may request the person taking the minutes of the *meeting* to read the motion or amendment to the *meeting* before the vote is taken.

39. Debate must be relevant to the motion

39.1 Debate must always be relevant to the motion before the *Chair*, and, if not, the *Chair* must request the speaker to confine debate to the motion.

39.2 If after being requested to confine debate to the motion before the chair, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker not speak further in respect of the motion then before the *Chair*.

39.3 A speaker to whom a direction has been given under sub-Rule 39.2 must comply with that direction.

40. Speaking times

40.1 A Councillor must not speak longer than the time set out below, unless granted an extension by *Council*:

40.1.1 the mover of a motion or an amendment: three minutes;

40.1.2 the mover of a motion exercising a right of reply: three minutes; and

40.1.3 any other Councillor: three minutes.

40.2 Only one extension is permitted for each Councillor.

40.3 A motion to extend the speaking time cannot be moved:

40.3.1 until the original speaking time has expired; and



40.3.2 if another speaker has already commenced his or her contribution to the debate,

and must be seconded.

40.4 Any extended speaking time must not exceed three minutes.

41. Addressing the *meeting*

41.1 If the *Chair* so determines:

41.1.1 any person addressing the *Chair* must refer to the *Chair* as:

- (a) Madam *Mayor*; or
- (b) Mr *Mayor*; or
- (c) Madam *Chair*; or
- (d) Mr *Chair*

as the case may be;

41.1.2 all Councillors, other than the *Mayor*, must be addressed as Cr _____ (name).

41.1.3 all members of *Council* staff, must be addressed as Mr or Ms _____ (name) as appropriate or by their official title.

41.2 Except for the *Chair*, any Councillor who addresses a *Council meeting* must direct all remarks through the *Chair*.

42. If lost

If a *notice of motion* is lost, a similar *notice of motion* cannot be put before *Council* for at least 90 days from the date it was lost unless *Council* resolves that such a *notice of motion* be listed sooner.

43. Right to ask questions

43.1 A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the *Chair*.

43.2 Any question asked of a member of *Council* staff must not have the effect of:

- 43.2.1 embarrassing the member of staff; or
- 43.2.2 drawing the member of staff into the debate.



43.3 Any question asked in contravention of sub-Rule 43.2 may be disallowed by the *Chair*.

43.4 The *Chair* has the right to limit questions and direct that debate be commenced or resumed.

DIVISION 5 – PROCEDURAL MOTIONS

44. Procedural motions

44.1 Unless otherwise prohibited, a procedural motion may be moved at any time during a *Council meeting* and must be dealt with immediately by the *Chair*.

44.2 Procedural motions require a seconder.

44.3 The mover of a procedural motion must not have moved, seconded or spoken to the question before the *Chair* or any amendment of it.

44.4 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:

DRAFT



PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Adjournment of debate to later hour and/or date and place	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the <i>Council</i> has been made for that <i>meeting</i> in accordance with section 85 of the <i>Act</i> ; or (d) When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later <i>meeting</i> if on the agenda	Debate continues unaffected	Yes



Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During nominations for <i>Chair</i>	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

DRAFT



DIVISION 6 – RESCISSION MOTIONS

45. Notice of rescission

- 45.1 A Councillor who wishes to propose a *notice of rescission* must either:
- 45.1.1 flag their intention to do so during the *Council meeting* at which the resolution proposed to be rescinded was made; or
 - 45.1.2 notify the Mayor and *Chief Executive Officer* of their intention to do so within 24 hours of the conclusion of the *Council meeting* at which the resolution proposed to be rescinded was made.
- 45.2 A Councillor may propose a *notice of rescission* provided:
- 45.2.1 it has been signed and dated by at least four Councillors, including one Councillor who previously supported the resolution proposed to be rescinded;
 - 45.2.2 the resolution proposed to be rescinded has not been acted on; and
 - 45.2.3 the *notice of rescission* is delivered or sent electronically to the *Chief Executive Officer* within three *business days* of the conclusion of the *meeting* at which the resolution was carried, setting out:
 - (a) the resolution to be rescinded; and
 - (b) the *meeting* and date when the resolution was carried.

It should be remembered that a notice of rescission is a form of notice of motion. Accordingly, all provisions in this Chapter regulating notices of motion equally apply to notices of rescission.

- 45.3 A resolution will be deemed to have been acted on if:
- 45.3.1 its contents have or substance has been communicated in writing to a person whose interests are materially affected by it; or
 - 45.3.2 a statutory process has been commenced
- so as to vest enforceable rights in or obligations on *Council* or any other person.

If Council resolves to give Notice of a Decision to Grant a Planning Permit and the Notice is physically issued to the planning permit applicant (or the applicant's agent) or a letter or email is sent to the planning permit applicant (or the applicant's agent) advising of Council's decision, the resolution will have been 'acted on'. Its contents will have been formally communicated to a person whose interests are materially affected so as to vest



enforceable rights in the applicant and any objectors wishing to appeal, as well as obligations on Council to comply with its duties under the Planning and Environment Act 1987.

45.4 The *Chief Executive Officer* or an appropriate member of *Council* staff must defer implementing a resolution which:

45.4.1 has not been acted on; and

45.4.2 is the subject of a notice of rescission which has been delivered or sent electronically to the *Chief Executive Officer* in accordance with sub-Rule 45.2.3.

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Monday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the notice of rescission would not be dealt with until the next Monday evening (being the evening of the day on which the planning appeal is to be heard).

In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the notice of rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.

Sub-Rule 45.4 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.

46. If lost

If a *notice of rescission* is lost, a similar motion may not be put before *Council* for at least 90 days from the date it was last lost, unless *Council* resolves that the *notice of rescission* be re-listed at a future *meeting*.

47. If not moved

If a *notice of rescission* is not moved at the *meeting* at which it is listed, it lapses and a similar motion may not be put before *Council* for at least 90 days from the date on which it lapsed.



48. May be moved by any Councillor

A *notice of rescission* listed on an *agenda* may be moved by any Councillor present but may not be amended.

49. When not required

49.1 Unless sub-Rule 49.2 applies, a *notice of rescission* is not required where *Council* wishes to change policy.

49.2 The following standards apply if Council wishes to change policy:

49.2.1 if the policy has been in force in its original or amended form for less than 12 months, a notice of rescission must be presented to Council; and

49.2.2 any intention to change a Council policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

DIVISION 7 – POINTS OF ORDER

50. Valid points of order

A point of order may be raised in relation to anything which:

50.1 is contrary to this Chapter;

50.2 is irrelevant to the matter under consideration;

50.3 is outside the powers of Council;

50.4 is an error of fact;

50.5 constitutes improper behaviour;

50.6 is offensive;

50.7 constitutes a tedious repetition of something already said; or

50.8 is an act of disorder.

Rising to express a difference of opinion or to contradict a speaker is not a point of order.

51. Procedure for point of order

A Councillor raising a point of order must:



- 51.1 state the point of order; and
- 51.2 state any section, Rule, paragraph or provision relevant to the point of order.

52. Chair to decide

- 52.1 The *Chair* must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.
- 52.2 In the event a point of order is raised against the *Chair* then the *Mayor* (if the *Chair* is not the *Mayor*) or Deputy Mayor (if the *Chair* is the *Mayor*) must take the chair whereupon the *Chair* must vacate the chair and not return to it until the point of order has been resolved upon.
- 52.3 Should repeat points of order be raised during debate by a Councillor, which are ruled against by the *Chair*, the *Chair* may consider the conduct of the Councillor raising unsuccessful points of order disruptive for the purposes of Rule 79 and, in accordance with that Rule, order the removal of such Councillor from the Chamber for a specified period.

53. No debate

A Councillor must not debate a point of order or the merits of a point of order, however the *Chair* may request the Councillor to explain the point of order.

54. Chair may adjourn to consider

- 54.1 The *Chair* may adjourn the *meeting* to consider a point of order but otherwise must rule on it as soon as it is raised.
- 54.2 All other questions before *Council* are suspended until the point of order is decided.

55. Effect of ruling

If the *Chair*:



- 55.1 rules in favour of the point of order, the speaker may continue and no Councillor must do or say anything which would cause another like point of order to be raised; or
- 55.2 rules against the point of order, the speaker may continue.

56. Dissent from *Chair's* ruling

- 56.1 A Councillor may move that the *meeting* disagree with the *Chair's* ruling on a point of order, by moving:
 - "That the *Chair's* ruling [setting out that ruling or part of that ruling] be dissented from".
- 56.2 When a motion in accordance with this Rule is moved and seconded:
 - 56.2.1 the *Chair* must leave the chair and the *Mayor* (if the *Chair* is not the *Mayor*) or Deputy Mayor must chair the *meeting*; or
 - 56.2.2 if there is no Deputy Mayor the *Chair* must leave the chair and the chair must be assumed by a temporary Chairperson.
- 56.3 The Deputy Mayor or the temporary Chairperson must invite the mover to state the reasons for his or her dissent and the *Chair* may then reply.
- 56.4 The Deputy Mayor or the temporary Chairperson must put the motion in the following form:
 - "That the *Chair's* ruling be dissented from."
- 56.5 If the vote is in the negative, the *Chair* resumes the chair and the *meeting* proceeds.
- 56.6 If the vote is in the affirmative, the *Chair* must then resume the chair, reverse or vary (as the case may be) his or her previous ruling and proceed.
- 56.7 The defeat of the *Chair's* ruling is in no way a motion of censure or non-confidence in the *Chair*, and should not be so regarded by the *meeting*.

DIVISION 8 – PUBLIC QUESTION TIME

57. Question time

- 57.1 There must be a public question time at every *Council meeting* fixed under Rule 9 to enable members of the public to submit questions to *Council*. Questions may be asked of *Council*, and may not be directed to individual Councillors.
- 57.2 Public question time will be conducted in accordance with any policy adopted by *Council* from time to time.



The policy adopted by Council may distinguish between Questions With Notice (that are to be lodged a number of days before the Council meeting, and which must be the subject of a considered response at the meeting) and Questions Without Notice (that can be lodged shortly prior to the Council meeting, and to which a written answer may need to be given in the days following the meeting).

- 57.3 Questions submitted to *Council* must be:
- 57.3.1 in hard copy or be sent electronically, state the name and address of the person submitting the question and generally be in a form approved or permitted by *Council*; and
 - 57.3.2 lodged at *Council's* offices (in the case of a question submitted in hard copy) or sent to *Council* (in the case of a question submitted electronically) by the time specified in any policy adopted by *Council* from time to time.
- 57.4 No person may submit more than three questions at any one *meeting*. A question may be split into a maximum of two parts only. If more than two parts to a question are received, only the first two parts will be considered. Similarly, if more than three questions are received, only the first three questions will be considered. All parts of the question must be relevant to the same subject of enquiry.
- 57.5 The *Chair* or *Chief Executive Officer* must read to those present at the *meeting* a question in its entirety which has been submitted in accordance with this Rule.
- 57.6 Questions that relate to operational matters may be read but answered in writing by the *Chief Executive Officer* outside the *meeting*.
- 57.7 Notwithstanding sub-Rule 57.5, the *Chair* or *Chief Executive Officer* may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read.
- 57.8 A question may be disallowed by the *Chair* or *Chief Executive Officer* without causing it to be read if the *Chair* or *Chief Executive Officer* determines that it:
- 57.8.1 it is the nature of a statement or is so prefaced as to have its emphasis on a statement rather than a genuine enquiry (although, in that event, the *Chair* or *Chief Executive Officer* should, if practicable, read an edited version of the question);
 - 57.8.2 relates to a matter outside the duties, functions and powers of *Council*;
 - 57.8.3 is defamatory, abusive, offensive or objectionable in language or substance;
 - 57.8.4 deals with a subject matter already answered; or



- 57.8.5 is aimed at embarrassing a Councillor or a member of *Council* staff.
- 57.9 If a question is asked and is taken on notice or it is indicated that a written answer to the question will be given, the *Chief Executive Officer* must ensure that:
- 57.9.1 the questioner is asked to provide his or her contact details, unless those details are already known by *Council*;
- 57.9.2 a written answer to the question is delivered or sent electronically to the questioner within seven days of the *meeting* or any contact details being provided (whichever occurs last); and
- 57.9.3 the question be recorded in the minutes of the *meeting*, together with a copy of the written response.

DIVISION 9 – PETITIONS AND JOINT LETTERS

58. Petitions and joint letters

- 58.1 Unless *Council* determines to consider it as an item of *Urgent Business*, no motion (other than a motion to receive the same) may be made on any petition or joint letter until the next *Council meeting* after that at which it has been presented.
- 58.2 It is incumbent on every Councillor presenting a petition or joint letter to acquaint himself or herself with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to *Council*.
- 58.3 Every Councillor presenting a petition or joint letter to *Council* must confine himself or herself to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of any request.
- 58.4 Every petition or joint letter presented to *Council* must be written (other than pencil in a hard copy form), contain the request of the petitioners or signatories and, in the case of a petition, be signed by at least five people.
- 58.5 A petition must include a request on every page, consisting of the following words:
“We the undersigned hereby petition Frankston City Council”
- 58.6 Every petition or joint letter must be signed by the persons whose names are included in or appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else, and the address of every petitioner or signatory must be clearly stated.
- 58.7 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.
- 58.8 A copy of the text of the petition or joint letter must be included on the agenda for the next available *meeting*.



- 58.9 Every page of a petition must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition.
- 58.10 The only motions that may be moved in relation to petitions set out in the *agenda* are:
- 58.10.1 That the petition be received;
 - 58.10.2 That the petition be received and a report be submitted to a specific *meeting* cycle for consideration;
 - 58.10.3 That the petition be considered at a specific time or in conjunction with a specific item;
 - 58.10.4 That the petition be dealt with in conjunction with another item on the agenda or any other *Council meeting agenda*; and
 - 58.10.5 That the petition be referred to the *Chief Executive Officer* for consideration and response and the response to the petition be submitted to a specific *meeting* cycle for finalisation.
- 58.11 If a petition relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* for consideration.
- 58.12 No member of the public is permitted to speak to the petition when presented at a *Council meeting*. Individuals may request to speak to the petition when any report on the item is considered by *Council* at a later *Council meeting*.

59. Submissions by incorporated associations

It will be assumed that a submission which is presented on an incorporated association's letterhead, and which purports to be on behalf of the incorporated association, has, in fact, been appropriately authorised.

DIVISION 10 – PUBLIC SUBMISSIONS

60. Individual presentations to *Council meetings*

An individual wishing to present to a *Council* at a *Council meeting* may make a request to the *Chief Executive Officer* or his or her nominee to be registered to speak.

61. Requests to present

- 61.1 A request to present must be received by the *Chief Executive Officer* or any member of *Council* staff nominated by him or her, before a time specified in any policy adopted by *Council* from time to time.



61.2 A person requesting to present must, if asked to do so, specify their name, address and contact telephone number and must, in any event, nominate the item to which he or she wishes to speak.

61.3 Requests received after the time referred to in sub-Rule 61.1 will not be considered by the *Council*.

62. When a presentation can be made

A person may only present to a designated *Council meeting* if he or she:

62.1 proposes to present to an item on the *agenda*; and

62.2 has been registered to speak following a request made under Rule 60.

63. Limitations upon speakers

If *Council* at a *Council meeting* determines to hear from an individual who has been registered to speak, the person addressing the *Council meeting* must comply with any policy relating to presentation adopted by *Council* from time to time.

64. Questions but no discussion permitted

Following a speaker's presentation, Councillors at a *Council meeting* or members of *Council* staff at the *meeting* may only ask the speaker questions or seek clarification of issues raised by the speaker in his or her presentation which may assist in the deliberations prior to the elected body making a decision but no discussion will be allowed.

65. Relaxation of requirement

Nothing in this Division prevents:

65.1 the Chief Executive Officer determining which *meeting* will consider the request for the individual to be heard;



- 65.2 arranging for a deputation or individual to meet with a group of Councillors; or
- 65.3 *Council* from resolving to hear from a deputation or individual at any time.

DIVISION 11 – VOTING

66. How motion determined

To determine a motion before a *meeting*, the *Chair* must first call for those in favour of the motion and then those opposed to the motion, and must then declare the result to the *meeting*.

67. Silence

Voting must take place in silence.

68. Recount

The *Chair* may direct that a vote be recounted to satisfy himself or herself of the result.

69. Casting vote

In the event of a tied vote, the *Chair* must exercise a casting vote.

70. By show of hands

Voting on any matter is by show of hands.

71. Procedure for a division

71.1 Immediately after any question is put to a *meeting* and before the next item of business has commenced, a Councillor may call for a division.

71.2 When a division is called for, the vote already taken must be treated as set aside and the division will decide the question, motion or amendment.

71.3 When a division is called for, the *Chair* must:

- 71.3.1 first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of his or her hands. The *Chair* must then state, and the *Chief Executive Officer* or any member of *Council* staff taking the minutes must record, the names of those Councillors voting in the affirmative;



- 71.3.2 then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of his or her hands. The *Chair* must then state, and the *Chief Executive Officer* or any member of *Council* staff taking the minutes must record, the names of those Councillors voting in the negative; and
- 71.3.3 finally ask each Councillor wishing to abstain from voting to raise a hand and, upon such request being made, each Councillor wishing to abstain from voting must raise one of his or her hands. The *Chair* must then state, and the *Chief Executive Officer* or any member of *Council* staff taking the minutes must record, the names of those Councillors abstaining from voting.

72. No discussion once declared

Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

- 72.1 a Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or
- 72.2 foreshadowing a *notice of rescission* where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

For example, Rule 72 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.

Equally, Rule 72 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.

Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in sub-Rule 7272.2, to discussion about a positive motion were a resolution has just been rescinded.

DIVISION 12 – MINUTES

73. Confirmation of minutes

- 73.1 At every *Council meeting* the minutes of the preceding *meeting(s)* must be dealt with as follows:
- 73.1.1 a copy of the draft minutes must be delivered to each Councillor no later than 48 hours after the Mayor has signed the minutes;



73.1.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed;

73.1.3 if a Councillor is dissatisfied with the accuracy of the minutes, he or she must:

- (a) state the item or items with which he or she is dissatisfied; and
- (b) propose a motion clearly indicating the alternative language necessary to amend the minutes;

73.1.4 a resolution of *Council* must confirm the minutes and the minutes must, if practicable, be signed by the *Chair* of the *meeting* at which they have been confirmed; and

73.1.5 the minutes must be entered in the *minute book* and each item in the *minute book* must be entered consecutively.

73.2 Unless otherwise resolved or required by law, minutes of a *Delegated Committee* requiring confirmation by *Council* must not be made public until confirmed by *Council*.

74. No debate on confirmation of minutes

No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the *meeting* to which they relate is questioned.

75. Deferral of confirmation of minutes

Council may defer the confirmation of minutes until later in the *meeting* or until the next *meeting* if considered appropriate.

76. Form and availability of minutes

76.1 The *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the *meeting* and to take the minutes of such *meeting*) must keep minutes of each *Council meeting*, and those minutes must record:

- 76.1.1 the date, place, time and nature of the *meeting*;
- 76.1.2 the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;
- 76.1.3 the names of the members of Council staff present;
- 76.1.4 any disclosure of a conflict of interest made by a Councillor;



- 76.1.5 arrivals and departures (including temporary departures) of Councillors during the course of the *meeting*;
 - 76.1.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
 - 76.1.7 the vote cast by each Councillor, when the vote was not unanimous or when the vote was taken upon a division;
 - 76.1.8 the vote cast by any Councillor who has requested that his or her vote be recorded in the minutes;
 - 76.1.9 questions asked in Public Question Time and any answer given;
 - 76.1.10 the failure of a quorum;
 - 76.1.11 any adjournment of the *meeting* and the reasons for that adjournment; and
 - 76.1.12 the time at which standing orders were suspended and resumed.
- 76.2 The Chief Executive Officer must ensure that the minutes of any Council *meeting* are:
- 76.2.1 published on Council's website; and
 - 76.2.2 available for inspection at Council's office during normal business hours.
- 76.3 Nothing in sub-Rule 76.2 requires Council or the Chief Executive Officer to make public any minutes relating to a Council *meeting* or part of a Council *meeting* closed to members of the public in accordance with section 66 of the Act.

77. Recording of *meetings*

- 77.1 The *Chief Executive Officer* or his/her delegate must record on suitable recording equipment all proceedings of a *Council meeting* except where the *meeting* is closed to the public in accordance with section 66(2) of the *Act*. The copyright in the recordings of the proceedings will vest in *Council*, and permission must be sought to copy, communicate or transmit a recording of the proceedings, or part of a recording of the proceedings.
- 77.2 The proceedings will be live streamed and recordings of the proceedings will be retained and will be published on *Council's* website within 24 hours of the end of the *meeting*.
- 77.3 Members of the public are to be advised that the *meeting* is being recorded and the recording will be made available to members of the public via *Council's* website. Members of the public are to be advised by appropriate signage that while care is



taken to maintain a person's privacy as an attendee in the gallery, they may be recorded.

- 77.4 Subject to sub-Rule 77.1, members of the public must not operate photographic audio or video recording equipment or any other recording device at any *Council meeting* without first obtaining the consent of *Council*. Such consent may at any time during the course of such *meeting* be revoked by *Council*.

A member of the public who breaches sub-Rule 77.3 may also be breaching other legislation or become civilly liable, such as where the recording unlawfully infringes the privacy, or gives rise to harassment, of another who is present at the meeting.

- 77.5 All Councillors must have their microphones switched on when speaking at a *Council meeting*.

DIVISION 13 – BEHAVIOUR

78. Public addressing the *meeting*

- 78.1 Members of the public do not have a right to address *Council* and may only do so with the consent of the *Chair* or by prior arrangement.
- 78.2 Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the *Chair* whenever called on to do so.
- 78.3 A member of the public present at a *Council meeting* must not disrupt the *meeting*.

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 threaten his or her authority in chairing the meeting.

- 79.3 In the event the *Chair* causes the removal of a Councillor from a *meeting*, the *Chair* must specify the period of time for which the removal will take effect.



80. Chair may adjourn disorderly meeting

If the *Chair* is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the *meeting*, he or she may adjourn the *meeting* to a later time on the same day or to some later day as he or she thinks proper. In that event, the provisions of sub-Rules 16.1 and 16.2 apply.

81. Removal from Chamber

The *Chair* or *Council* may ask the *Chief Executive Officer* or *authorised officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the *Chair* has ordered to be removed from the *meeting* under Rule 79.

DIVISION 14 – ADDITIONAL DUTIES OF CHAIR

82. The Chair's duties and discretions

In addition to the duties and discretions provided in this Chapter, the *Chair*:

- 82.1 may demand retraction of any inappropriate statement or unsubstantiated allegation;
- 82.2 must ensure silence is preserved by all other persons while a Councillor or other speaker is addressing the *meeting*;
- 82.3 must call to order any member of the public who approaches the *Council* or *Committee* table during the *meeting*, unless invited by the *Chair* to do so;
- 82.4 must call to order any person who is disruptive or unruly during any *meeting*; and
- 82.5 must be impartial and fair, and must take steps to ensure that no Councillor is demeaned or denigrated during any Council *meeting*.

DIVISION 15 – SUSPENSION OF STANDING ORDERS

83. Suspension of standing orders

- 83.1 To expedite the business of a *meeting*, *Council* may suspend standing orders.

The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.

Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.



- 83.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of *Council*. An appropriate motion would be:

"That standing order be suspended to enable discussion on....."

- 83.3 No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of standing orders.

- 83.4 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

DIVISION 16 – MISCELLANEOUS

84. **Meetings conducted remotely**

If:

- 84.1 by law a *meeting* may be conducted electronically; and

- 84.2 *Council* decides that a *meeting* is to be conducted electronically,

the *Chair* may, with the consent of the *meeting*, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the *meeting*.

85. **Procedure not provided in this Chapter**

In all cases not specifically provided for by this Chapter, *Council* may determine the matter by resolution.

86. **Policies and guidelines**

Council may adopt any policies or guidelines from time to time for the purpose of exercising any discretion conferred by this Chapter.



Chapter 3 – Councillor Briefing Arrangements

1. Purpose of Chapter

This Chapter describes the nature and procedure for some informal meetings of Councillors.

2. Briefings

- 2.1 As part of *Council's* governance arrangements, Councillors may meet regularly at an informal gathering of Councillors known as a "Councillor Briefing" or such other name as *Council* from time to time adopts.
- 2.2 The purpose of such gatherings is for the organisation to provide advice to Councillors on items of a complex nature or of significant community impact. The briefing enables open discussion between the organisation and Councillors and assists both *Council* staff and Councillors develop better understanding of the matter for consideration.
- 2.3 The gatherings are not a decision-making forum.
- 2.4 The gatherings are not open to the public and will generally be held in the Civic Centre or in such other locations as *Council* nominates from time to time.
- 2.5 Rules 77.5, 79, 81 and 82 of Chapter 2 apply to any gathering of Councillors at a scheduled briefing as if any reference to:
 - 2.5.1 the *Chair* is a reference to the Councillor chairing the gathering;
 - 2.5.2 the meeting is a reference to the gathering; and
 - 2.5.3 the Chamber is a reference to the room in which the gathering is being held.
- 2.6 A Councillor who is unable to attend a scheduled briefing must give notice of their apology to the *Chief Executive Officer* as soon as possible but no later than four hours prior to the scheduled briefing commencement time, unless exceptional circumstances exist, so that reasonable notice can be given to other Councillors and Council staff if a briefing is to be cancelled due to insufficient numbers.
- 2.7 The operating meeting protocols and arrangements in relation to these gatherings will be reviewed from time to time and be subject to resolution of *Council*.



Chapter 4 – Meeting Procedure for Delegated Committees

1. Meeting Procedure Generally

If *Council* establishes a *Delegated Committee*:

1.1 all of the provisions of Chapter 2 apply to meetings of the *Delegated Committee*; and

1.2 any reference in Chapter 2 to:

1.2.1 a *Council meeting* is to be read as a reference to a *Delegated Committee* meeting;

1.2.2 a Councillor is to be read as a reference to a member of the *Delegated Committee*; and

1.2.3 the Mayor is to be read as a reference to the Chair of the *Delegated Committee*.

2. Meeting Procedure Can Be Varied

Notwithstanding Rule 1, if *Council* establishes a *Delegated Committee* that is not composed solely of Councillors:

2.1 *Council* may; or

2.2 the *Delegated Committee* may, with the approval of *Council*

resolve that any or all of the provisions of Chapter 2 are not to apply to a meeting of the *Delegated Committee*, in which case the provision or those provisions will not apply until *Council* resolves, or the *Delegated Committee* with the approval of *Council* resolves, otherwise.



Chapter 5 – Meeting Procedure for Community Asset Committees

1. Introduction

In this Chapter, “Instrument of Delegation” means an instrument of delegation made by the *Chief Executive Officer* under section 47(1)(b) of the Act.

2. Meeting Procedure

Unless anything in the instrument of delegation provides otherwise, the conduct of a meeting of a *Community Asset Committee* is in the discretion of the *Community Asset Committee*.

DRAFT



Chapter 6 – Disclosure of Conflicts of Interest

1. Introduction

The following Rules in this Chapter apply only upon Division 1A of Part 4 of the *Local Government Act 1989* being repealed.*

2. Definition

In this Chapter:

2.1 “meeting conducted under the auspices of *Council*” means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Chapter 3 and in Rule 1 of Chapter 7 (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name); and

2.2 a member of a *Delegated Committee* includes a Councillor.

3. Disclosure of a Conflict of Interest at a Council Meeting

A Councillor who has a conflict of interest in a matter being considered at a *Council meeting* at which he or she:

3.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Council meeting* immediately before the matter is considered; or

3.2 intends to be present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a written notice:

3.2.1 advising of the conflict of interest;

3.2.2 explaining the nature of the conflict of interest; and

3.2.3 detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:

(a) name of the other person;

(b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

(c) nature of that other person’s interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

* At the time of making these Rules the date on which Division 1A of Part 4 of the *Local Government Act 1989* is expected to be repealed is 24 October 2020.



The Councillor must, in either event, leave the *Council meeting* immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

4. Disclosure of Conflict of Interest at a Delegated Committee Meeting

A member of a *Delegated Committee* who has a conflict of interest in a matter being considered at a *Delegated Committee* meeting at which he or she:

- 4.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Delegated Committee* meeting immediately before the matter is considered; or
- 4.2 intends to present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the Delegated Committee meeting commences a written notice:
 - 4.2.1 advising of the conflict of interest;
 - 4.2.2 explaining the nature of the conflict of interest; and
 - 4.2.3 detailing, if the nature of the conflict of interest involves a member of a *Delegated Committee's* relationship with or a gift from another person the:
 - (a) name of the other person;
 - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - (c) nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The member of a *Delegated Committee* must, in either event, leave the *Delegated Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

5. Disclosure of a Conflict of Interest at a Community Asset Committee Meeting

A Councillor who has a conflict of interest in a matter being considered at a *Community Asset Committee* meeting at which he or she:

- 5.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Community Asset Committee* meeting immediately before the matter is considered; or



5.2 intends to present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Community Asset Committee* meeting commences a written notice:

5.2.1 advising of the conflict of interest;

5.2.2 explaining the nature of the conflict of interest; and

5.2.3 detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:

(a) name of the other person;

(b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

(c) nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Committee Asset Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

6. Disclosure at a Meeting Conducted Under the Auspices of Council

A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of *Council* at which he or she is present must:

6.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered;

6.2 absent himself or herself from any discussion of the matter; and

6.3 as soon as practicable after the meeting concludes provide to the *Chief Executive Officer* a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.

7. Disclosure by Members of Council Staff Preparing Reports for Meetings

7.1 A member of Council staff who, in his or her capacity as a member of Council staff, has a conflict of interest in a matter in respect of which he or she is preparing or contributing to the preparation of a Report for the consideration of a:

7.1.1 *Council meeting*;

7.1.2 *Delegated Committee meeting*;

7.1.3 *Community Asset Committee meeting*



must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* disclosing the conflict of interest and explaining the nature of the conflict of interest.

7.2 The *Chief Executive Officer* must ensure that the Report referred to in sub-Rule 7.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

7.3 If the member of Council staff referred to in sub-Rule 7.1 is the *Chief Executive Officer*:

7.3.1 the written notice referred to in sub-Rule 7.1 must be given to the *Mayor*; and

7.3.2 the obligation imposed by sub-Rule 7.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

8. Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power

8.1 A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest.

8.2 If the member of Council staff referred to in sub-Rule 8.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

9. Disclosure by a Member of Council Staff in the Exercise of a Statutory Function

9.1 A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest.

9.2 If the member of Council staff referred to in sub-Rule 9.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

10. Retention of Written Notices

The *Chief Executive Officer* must retain all written notices received under this Chapter for a period of three years.



Chapter 7 – Miscellaneous

1. Informal Meetings of Councillors

If there is a meeting of Councillors of the kind described in Chapter 3 or a meeting of Councillors that otherwise:

- 1.1 is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors;
- 1.2 is attended by at least one member of Council staff; and
- 1.3 is not a *Council meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting

the *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting are:

- (a) tabled at the next convenient *Council meeting*; and
- (b) recorded in the minutes of that *Council meeting*.

2. Confidential Information

- 2.1 If, after the repeal of section 77(2)(c) of the *Local Government Act 1989*, the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, he or she may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- 2.2 Information which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.



Chapter 8 – Election Period Policy

1. Policy statement

Frankston City Council is committed to probity in its elections.

Special statutory restrictions apply during the 32 day period leading up to a general Council election; a Council must avoid actions and decisions that could be seen to influence voters or which would have a significant impact on the incoming Council. These requirements are often referred to as election “caretaker” requirements.

The Local Government Act 1989 (“the Act”) requires a Council to have an election period policy. Section 93B of the Act stipulates that an election period policy must include:

- a. procedures to prevent the Council from making inappropriate decisions or using resources inappropriately during the election period before a general election;
- b. limits on public consultation and the scheduling of Council events; and
- c. procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the election.

2. Reason for Policy

This policy has been prepared to satisfy the requirements of section 93B of the Act, and to provide guidance to candidates, Councillors, staff and the community about the particular requirements and expectations that apply during the election period.

3. Scope

3.1 *Election period start and finish dates*

This policy applies during the election period which:

- STARTS at midnight at the end of the last day of nominations, being Tuesday 22nd September 2020; and
- FINISHES at 6:00pm on election day, Saturday 24th October 2020.

3.2 *What does this policy cover?*

This policy applies to:

- a. all material published by Council (excluding any document that is required by the Act to be published, for example the annual report);
- b. decisions made by Council, a special committee of the Council, or a delegate of the Council;
- c. the use of Council resources;
- d. public consultation;
- e. the scheduling of Council events and functions;
- f. attendance at and participation in functions and events;
- g. access to Council information;



- h. communication services;
- i. equity in assistance to candidates; and
- j. other matters related to elections.

4. Authorisation

This policy was adopted by Council at Ordinary Meeting 2019/OM11 on 2 September 2019.

5. Revision date

This policy will be reviewed and presented to Council by September 2024, or earlier if deemed necessary by Council or the CEO.

6. Principles

This policy covers the following principles:

- 6.1 Decisions during the election period
- 6.2 Council publications during the election period
- 6.3 Public consultation during the election period
- 6.4 Events and functions during the election period
- 6.5 Preventing misuse of Council resources
- 6.6 Access to Council information
- 6.7 Communication services
- 6.8 Equity in assistance to candidates
- 6.9 Staff member standing for election
- 6.10 Election signage

6.1 Decisions during the election period

6.1.1 Who does this part of the policy apply to?

This section of the Election Period Policy applies to decisions made by the Council or a delegate of the Council.

6.1.2 What decisions are prohibited during the election period?

Section 93A of the Act prohibits a Council from making major policy decisions during the election period, unless extraordinary circumstances apply and a Ministerial exemption from the prohibition has been granted.

Major policy decisions include:

- the appointment or dismissal of a Chief Executive Officer, or the remuneration of a Chief Executive Officer;
- approval of contracts with a total value exceeding \$1,222,110 (ie 1% of Council's total revenue from rates and charges levied under s.158 in the 2018/19 financial year); and



- the exercise of any entrepreneurial power under s.193.

6.1.3 Preventing inappropriate decisions

In the interests of good governance, and to preserve the integrity of the election process and the authority of the incoming Council, Council will not make inappropriate decisions during the election period.

Inappropriate decisions during the election period are decisions that would affect voting in an election; or may unreasonably bind an incoming council, and could reasonably be made after the election, including:

- approval of contracts that require significant funding in future financial years or are regarded as politically sensitive;
- decisions that have significant impacts on Council's income or expenditure or that relate to expenditure on politically sensitive matters;
- changes to strategic objectives and strategies in the Council Plan;
- policy or strategy decisions;
- allocation of community grants or other direct funding to community organisations;
- major planning scheme amendments; and
- decisions of a politically sensitive nature.

6.1.4 Scheduling the consideration of decisions

The Chief Executive Officer will ensure that any matters that would constitute an inappropriate decision during the election period are either considered by Council prior to the election period, or scheduled for determination by the incoming Council.

No Council meetings will be held during the election period, unless exceptional circumstances require a Council decision (ie. a decision is absolutely necessary for Council operational purposes, or pursuant to a statutory or legal requirement).

In deciding whether exceptional circumstances warrant the consideration of an item by Council during the election period, the Chief Executive Officer will have regard to a number of factors including:

- whether a decision is necessary to enable the continuation of an essential Council service or operation;
- the urgency of the issue (that is, can it wait until after the election?);
- the possibility of financial or other repercussions if the decision is deferred;
- whether a decision is likely to be controversial; and
- whether a decision is in the best interests of the municipality.



6.1.5 Council meeting reports and agendas

If extraordinary circumstances necessitate the consideration of an item by Council during the election period, the Chief Executive Officer will ensure that an “election period statement” is included in the officer’s report.

The following are examples of an “election period statement”:

- a. The recommended decision is not a “major policy decision”, as defined in section 93A of the *Local Government Act 1989*, or an “inappropriate decision” as defined in section 93B (5) of the *Local Government Act 1989*.
- b. The recommended decision is to seek an exemption from the Minister because the circumstances require the making of a “major policy decision” (as defined in section 93A of the *Local Government Act 1989*) during the election period.
- c. The recommended decision is a “major policy decision”, as defined in section 93A of the *Local Government Act 1989*, but an extraordinary circumstances exemption was granted by the Minister for Local Government on [insert date].

6.1.6 Announcement of decisions made prior to the election period

The election period restrictions apply to the actual making of decisions, rather than to the announcement of decisions that have been made prior to the election period. However, as far as practicable such announcements should be made before the commencement of the election period.

6.2 Council publications during the election period

6.2.1 Prohibition on publishing materials during election

It is prohibited under section 55D of the Act for Council to print, publish or distribute; or to cause, permit or authorise others to print, publish or distribute on behalf of the Council, any advertisement, handbill, pamphlet or notice that contains electoral matter during the election period.

The Act also requires that all Council publications during the election period must be certified in writing by the Chief Executive Officer. An Election Period Certification Procedure has been developed as a related document.

Publications should be read broadly to include all documents that are produced for the purpose of communicating with people in the community, including Council newsletters, advertisements and notices, media releases, leaflets and brochures, emails and mailouts to multiple addresses, electronic information and web based productions including Council’s website, Facebook account and Twitter page.

The controls do not cover advertisements that simply announce the holding of a meeting or about the election process itself.



Electoral matter is any matter that is “intended or likely to affect voting in an election” and this includes (but is not limited to) material that deals with the election, candidates or issues of contention in the election.

Material is definitely electoral matter if it:

- publicises the strengths or weaknesses of a candidate;
- advocates the policies of the Council or of a candidate;
- responds to claims made by a candidate; or
- publicises the achievements of the elected Council.

Councillors may publish campaign material on their own behalf, but cannot purport for that material to be originating from, or authorised by, Council or Frankston City Council i.e. by use of Council logos.

The prohibition does not apply to documents published before the election period, or documents that are published in accordance with a requirement of the Act (eg. the Annual Report, rate notices, food premises registrations, parking fines).

6.2.2 Council publications

Any Council material that is required to be published during the election period will be reviewed by Council’s Governance department, and then (if appropriate) sent to the Chief Executive Officer to be certified in writing in accordance with the Election Period Certification Procedure, prior to publication.

6.2.3 Considerations in granting publication approval

In considering whether to grant approval for the publication of material during the election period, in accordance with the provisions in the Act, the Chief Executive Officer:

- must not permit any materials to be published which include reference to:
 - the election;
 - a candidate in the election;
 - a current Councillor; or
 - an issue before the voters in connection with the election.
- may approve publication of material which only contains information about:
 - the election process itself; or
 - Council services (as long as the material does not include any reference to a current Councillor, an issue before the voters in



connection with the election, or any content that is otherwise precluded by this policy).

6.2.4 Frankston City Council website and social media

During the election period Council's corporate website will not contain material precluded by this policy. Any references to the election will only relate to the election process. Information about Councillors will be restricted to titles, names and contact details. Other information will be removed for the duration of the election period.

The ability for members of the public to post comments on Council's social media sites will be removed for the duration of the election period.

6.3 Public consultation during the election period

Public consultation is an integral part of Council's policy development, process and operations. However, public consultation undertaken in the lead up to an election has the potential to become an election issue in itself, and can influence voting.

For the purposes of this policy, public consultation means a process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

It is prohibited under this policy for public consultation (new or ongoing) to be commissioned or undertaken during the election period on an issue that is contentious unless prior approval has been given by the Council or the Chief Executive Officer.

In considering whether to grant approval for public consultation during the election period, the Council or Chief Executive Officer will have regard to a number of factors including:

- whether special circumstances make it necessary for the consultation to occur during the election period;
- the possibility of financial or other repercussions if the consultation is deferred; and
- whether the risks of influencing the election can be mitigated or avoided.

This clause does not apply to public consultation that is required to be undertaken in accordance with section 223 of the Act, or under the Planning and Environment Act 1987. However, consideration will be given to whether such statutory processes can be delayed until after the election period.



6.4 Events and functions during the election period

The scheduling of Council events and functions during the period leading up to an election can create issues due to a perception that such events and functions have the potential to be used by sitting Councillors for electioneering purposes.

For the purposes of this policy, **events** and **functions** include any gathering of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community. An event or function may take the form of a conference, workshop, forum, Annual General Meeting, launch, promotional activity or a social occasion such as a dinner, reception, ball or similar.

6.4.1 Public events and functions staged by external bodies

Councillors may continue to attend events and functions staged by external bodies during the election period. However, Council resources cannot be used to facilitate attendance or participation in such events. Any speeches prepared by Council officers for the Mayor or the Mayor's representative for events during the election period will include only basic material, and will not include any content that could be construed as **electoral matter** (see definitions).

6.4.2 Council events and functions

Where possible, public Council events and functions will be scheduled outside the election period. Council organised events and functions held during the election period will be reduced to only those essential to the operation of the Council. This may be varied by a Council resolution or where the Chief Executive Officer has given prior approval.

In considering whether to grant approval for a Council event or function to be held during the election period, the Council or Chief Executive Officer will have regard to a number of factors including:

- whether special circumstances make it necessary for the event or function to occur during the election period;
- the possibility of financial or other repercussions if the event or function is deferred; and
- whether the risks of influencing the election can be mitigated or avoided.

6.4.3 Accords and community meetings

Meetings of accords, local area community working groups and committees will not be held during the election period.



6.5 Preventing misuse of Council resources

Council is committed to ensuring that due propriety is observed in the use of all Council resources.

During the election period, additional measures will be implemented to prevent the use of Council resources by candidates for electioneering purposes.

For the purposes of this policy, **Council resources** include Council officers and support staff, hospitality services, vehicles, property, equipment and stationery.

6.5.1 Use of Council resources

Council resources will be used exclusively for normal Council business during the election period, and will not be used in connection with an election campaign. Some specific examples of Council's commitment to this principle are set out below:

- a. The use of resources including bulk paper, photocopying and printing, will be monitored.
- b. Photographs and images taken by or on behalf of Council will not be used for the purposes of electioneering.
- c. Equipment and facilities provided to Councillors for the purpose of conducting normal Council business will not be used for election campaign purposes.
- d. Council email addresses will not be used for election campaign purposes.
- e. Where a Councillor has an existing Council funded service (mobile phone, smart phone, land line or internet connection) and it is impractical to discontinue use of the service during the election period, the Councillor will reimburse Council for any usage of the service during the election period that exceeds normal usage levels.

It is acknowledged that certain improper actions during the election period can have serious consequences; for example, the use of Council resources for private purposes such as electioneering can be a criminal misuse of a Councillors' position, in breach of section 76D of the Act.

6.5.2 Council officers

Council staff should avoid assisting Councillors or candidates in any way that could create a perception that they are being used for electoral purposes.

The Mayor and Councillors' support staff must not be asked to undertake any tasks connected directly or indirectly with an election campaign.

In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice will be sought from the Chief Executive Officer.

6.5.3 Mayor and Councillors' correspondence

General correspondence addressed to the Mayor and/or Councillors will be answered in accordance with Council's usual administrative procedures.



However, the Mayor and Councillors will sign only the necessary minimum of correspondence during the election period. Correspondence in respect to significant, sensitive or controversial matters will be signed by the Chief Executive Officer. All correspondence will be prepared so as to protect Council staff from perceptions of political bias.

6.5.4 Expenses incurred by Councillors

Section 75 of the Act provides that Councillors are entitled to be reimbursed for any reasonable out-of-pocket expenses incurred in performing their duties as a Councillor.

A claim for payment or reimbursement of a Councillor's out-of-pocket expenses incurred during the election period should only relate to necessary costs that have been incurred in the performance of normal Council duties. Reimbursement will not be paid for any expenses that are connected with campaigning, or that could be perceived as supporting or being connected with a candidate's election campaign.

In the case where a Councillor's expenses claim covers a combination of Council and election-related business, the Chief Executive Officer may approve a partial reimbursement to cover Council activities.

6.5.5 Council branding and stationery

Items bearing Frankston City Council's logo, letterhead or other Frankston City Council branding will not be used for, or linked in any way to, a candidate's election campaign.

6.6 Access to Council information

All candidates have equal rights to access public information relevant to their election campaigns from the Council administration. Neither Councillors nor candidates will be provided with information or advice from Council staff that might be perceived to support election campaigns, and there shall be transparency in the provision of all information and advice during the election period.

6.6.1 Councillor briefings

Councillor briefings are informal gatherings of Councillors at which the Council administration provides advice to Councillors on items of a complex nature or of significant community impact.

Councillor briefings will not be held during the election period, except in relation to urgent matters.



6.6.2 Information and briefing material

Information and briefing material prepared or secured by staff for a Councillor during the election period must be necessary to the carrying out of the Councillor's role, and must not be related to election issues or to issues that might be perceived to be of an electoral nature.

6.6.3 Candidate information request register

The Governance team will maintain a register of candidate information requests during the election period. The register will include all requests made by Councillors and candidates for information (including requests that were unable to be met) and the responses given to those requests. The register will be available for public inspection.

6.6.4 Candidate information file sharing site

To facilitate the secure, swift and efficient sharing of information with candidates, a candidate information file sharing site will be established for use during the election period. Documents that the Council administration has supplied to a candidate will be uploaded to the candidate folder on the FTP site wherever practicable, so that they can be viewed by all candidates. The login credentials will be supplied to candidates as soon as possible after the close of nominations.

6.7 Communication services

Council's communication services are intended to promote Council activities or initiatives and must not be used in any way that might favour a candidate.

6.7.1 Media advice

Any requests for media advice or assistance from Councillors during the Election Period will be channelled through the Chief Executive Officer or his delegate. No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves specific Councillors.

6.7.2 Media releases and spokespersons

Media releases during the election period will not refer to specific Councillors. Where it is necessary to identify a spokesperson in relation to an issue the Chief Executive Officer will determine the appropriate person.



6.7.3 Publicity campaigns

During the election period publicity campaigns (other than for the purpose of conducting the election) will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council activity, the Chief Executive Officer or his delegate must approve it. Council publicity during the election period will be restricted to communicating normal Council activities and initiatives.

6.7.4 Restriction on Councillors

Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign.

6.7.5 Public statements by Council employees

During the election period no Council employee may make any public statement that relates to an election issue unless the statement has been approved by the Chief Executive Officer.

6.8 Equity in assistance to Candidates

Council affirms that all candidates will be treated equally.

6.8.1 Candidate assistance and advice

Any assistance and advice provided to candidates as part of the conduct of the elections will be offered equally to all candidates.

6.8.2 Election process enquiries

All election process related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer.

6.9 Staff member standing for election

In the event that a member of Council's staff is contemplating standing for election as a Councillor for Frankston City Council, they would need to:

- take leave to stand for election to the office of Councillor (with leave commencing, at the latest, from the time of nominating as a candidate); and



- if elected, resign from the Council staff immediately upon being declared elected.

These requirements are set out in section 29(1)(d) and (3) of the Act.

6.10 Election signage

The rules which apply to signs that promote candidates in an election, or that relate to election issues, are set out in Council's Election Signs and Events Policy. This document can be accessed on Council's website.

7. Roles and responsibilities

This policy will be managed by the Governance and Information Department.

8. Policy non-compliance

Non-compliance with this policy has the potential to compromise the integrity of the election process and the authority of the incoming Council.

It is acknowledged that certain improper actions during the election period can have serious consequences; for example, the use of Council resources for private purposes such as electioneering can be a criminal misuse of a Councillors' position, in breach of section 76D of the Act.

9. Related documents

- Local Government Act 1989 and in particular:
 - section 55D *Prohibition on Council*;
 - section 76D *Misuse of position*;
 - section 93A *Conduct of Council during election period*;
 - section 93B *Council to adopt an election period policy*.
- Election Period Certification Procedure.
- Register of Candidates' Requests for Information.
- Election Signs and Events Policy.

10. Implementation of the Policy

In accordance with section 93B(4) of the Act, the Chief Executive Officer will ensure that a copy of the election period policy is:

- given to each Councillor as soon as possible after it is adopted; and
- available for inspection by the public at the Civic Centre; and
- published on Council's website.



As soon as possible and no later than 30 days prior to the commencement of the election period, the Chief Executive Officer will ensure that all staff are informed of the requirements of this policy.

11. Definitions and notes

Relevant definitions from various sources including some Acts of Parliament have been consolidated below. In this policy:

document	<p>includes, in addition to a document in writing—</p> <p>(a) any book, map, plan, graph or drawing;</p> <p>(b) any photograph;</p> <p>(c) any label, marking or other writing which identifies or describes anything of which it forms part, or to which it is attached by any means whatsoever;</p> <p>(d) any disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom;</p> <p>(e) any film (including microfilm), negative, tape or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and</p> <p>(f) anything whatsoever on which is marked any words, figures, letters or symbols which are capable of carrying a definite meaning to persons conversant with them.</p> <p style="text-align: right;"><i>Interpretation of Legislation Act 1984, s.38</i></p>
Chief Executive Officer	means the Chief Executive Officer of Council or his/her delegate.
Council resources	include Council officers and support staff, hospitality services, vehicles, property, equipment and stationery.
Councillor briefings	are informal gatherings of Councillors at which the Council administration provides advice to Councillors on items of a complex nature or of significant community impact.
	Part D of the <i>Frankston City Council Governance Local Law .1</i>
election period	in relation to an election, means the period that –



	<p>starts on the last day on which nominations for that election can be received; and ends at 6 p.m. on election day.</p> <p><i>Local Government Act 1989, s.3</i></p>
electoral matter	<p>means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election.</p> <p>Matter is taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on –</p> <ul style="list-style-type: none"> - the election; or - a candidate in the election; or - an issue submitted to, or otherwise before, the voters in connection with the election. <p><i>Local Government Act 1989, s.3 (1A) and (1B)</i></p>
event	<p>includes a gathering of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community. An event may take the form of a conference, workshop, forum, Annual General Meeting, launch, promotional activity or a social occasion such as a dinner, reception, ball or similar.</p>
function	<p>includes a gathering of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community. A function may take the form of a conference, workshop, forum, Annual General Meeting, launch, promotional activity or a social occasion such as a dinner, reception, ball or similar.</p>
inappropriate decisions	<p>made by a Council during an election period includes decisions that would affect voting in an election; and decisions that could reasonably be made after the election.</p> <p><i>Local Government Act 1989, s.93B(5)</i></p>



<p>major policy decision</p>	<p>means any decision</p> <p>(a) relating to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer;</p> <p>(b) to terminate the appointment of a Chief Executive Officer under section 94;</p> <p>(c) to enter into a contract the total value of which exceeds whichever is the greater of—</p> <p>(i) \$100 000 or such higher amount as may be fixed by Order in Council under section 186(1); or</p> <p>(ii) 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year;</p> <p>(d) to exercise any power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100 000 or 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year.</p> <p style="text-align: right;"><i>Local Government Act 1989, s.93A(6)</i></p>
<p>public consultation</p>	<p>means a process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.</p>
<p>publish</p>	<p>means including by publication on the internet.</p> <p style="text-align: right;"><i>Local Government Act 1989, s.3</i></p>
<p>All references to Councillors should be read as including the Mayor.</p>	

Executive Summary

12.11 Adoption of Governance Local Law 2020

Enquiries: (Brianna Alcock: Chief Financial Office)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.2 Vibrant and Engaged
Priority Action	2.2.5 Improve the presentation and cleanliness of Frankston City

Purpose

To hear and consider any submissions made in response to notice of Council's intention to make the Governance Local Law 2020, and decide whether to proceed with making the local law.

Recommendation (Chief Financial Office)

That Council:

1. Notes that the proposed Governance Local Law 2020 was advertised in accordance with the requirements of sections 119 and 223 of the *Local Government Act 1989*;
2. Notes that no submissions were received;
3. Having complied with the legislative requirements, resolves to make the Governance Local Law 2020 for the following reason:

The proposed Local Law will provide procedures to regulate the use of the Common Seal; provide for offences in the event of inappropriate conduct at Council meetings and Delegated Committee meetings; provide for offences in relation to the misuse of the common seal or any petition or joint letter; and set penalties for offences;
4. Authorises the Governance Local Law 2020 to be signed and sealed;
5. Gives notice in the Victoria Government Gazette, and a public notice, of the making of the Governance Local Law 2020; and
6. Sends a copy of the Governance Local Law 2020 to the Minister for Local Government.

Key Points / Issues

- At the Ordinary Meeting 2020/OM10 held on 20 July 2020, Council endorsed the draft Governance Local Law 2020 (Attachment A) for commencement of the statutory procedure for the making of a new local law.
- Council resolved:

That Council:

 1. *Endorses the draft Governance Local Law 2020 for commencement of the statutory procedure for the making of a new local law;*
 2. *Notes the draft Governance Local Law 2020 will be placed on public exhibition for a period of four (4) weeks;*
 3. *Gives a notice in the Victoria Government Gazette and a public notice in a newspaper of its intention to make the Governance Local Law 2020 and inviting any person affected by the proposed new local law to make a submission under section 223 of the Local Government Act 1989, with the option to be heard at a future Council meeting;*

12.11 Adoption of Governance Local Law 2020**Executive Summary**

4. *Notes that a Community Impact Statement will be available for inspection together with the draft Local Law during the public consultation period;*
 5. *Notes that any submissions received will be presented for consideration at a future Council meeting, which is expected to be on 31 August 2020;*
 6. *Notes that a report will be presented to a future Council meeting, which is expected to be in September, regarding the outcome of the submissions process, to enable Council to determine whether to adopt the draft Governance Local Law 2020; and*
 7. *Notes that the dates of the meetings referred to in paragraphs 5 and 6 of this resolution are subject to any potential delays and impacts associated with Council's response to the COVID-19 pandemic.*
- Notice was given in the Herald Sun on Friday, 31 July 2020 and in the Victoria Government Gazette on Thursday, 6 August 2020. The public notice and relevant documents were also available on Council's website from Friday, 31 July 2020 and the opportunity for any interested person to make a submission was posted on Council's Facebook page. The submissions period will close on Friday, 28 August 2020.
 - At the time of writing this report, no submissions have been received. If any written submissions are received prior to the Council meeting, they will be distributed under separate cover prior to the meeting. Any submitters will also be given the opportunity to address Council in support of their submission, should they wish to do so.

Financial Impact

There are no financial implications associated with this report.

Consultation**1. External Stakeholders**

The draft Local Law was advertised for community consultation from Friday, 31 July 2020 for a period of four weeks. A Community Impact Statement was also available during the consultation period. No submissions have been received.

2. Other Stakeholders

The local law was drafted in response to a request made by Councillors at a briefing session in June, regarding the new Governance Rules. The draft Local Law was prepared by Council's external lawyers.

Analysis (Environmental / Economic / Social Implications)

From 1 September 2020 due to changes introduced by the Local Government Act 2020, Council's meeting procedures (and other prescribed matters) must be set out in Governance Rules, instead of in a local law.

Therefore, it was proposed to revoke the existing Governance Local Law and replicate the provisions which do not appear in the Governance Rules in a new Governance Local Law 2020. The draft Governance Local Law 2020 was developed by Council's lawyers, and only deals with:

- arrangements to regulate the use of the common seal, and offences for misuse;

12.11 Adoption of Governance Local Law 2020**Executive Summary**

- offences for inappropriate conduct at Council meetings and meetings of Delegated Committees; and
- offences in relation to the misuse of a petition or joint letter.

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

The draft Local Law is considered to be consistent with the human rights set out in the Charter of Human Rights and Responsibilities.

Legal

It is noted that the Local Government Act 2020 ('LGA 2020') received Royal Assent on 24 March 2020, and is being implemented in 4 stages. The LGA 2020 local law provisions are not due to commence operation until 1 July 2021 (unless proclaimed sooner). For the time being, any local laws must be made under the process prescribed in the Local Government Act 1989 ('LGA 1989').

Section 119 of the LGA 1989 prescribes the procedure for making a local law. Section 223 sets out further statutory requirements regarding the right to make a submission in relation to a proposed new local law.

Policy Impacts

At its meeting on 29 June 2020, Council endorsed the draft Governance Local Law for community consultation.

The new Governance Local Law provisions will complement the Governance Rules, which are being presented to Council for adoption in a separate report.

The Governance Local Law has been drafted to be consistent with existing Council policies, strategies and plans.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Risk Mitigation

Engaging the community and relevant stakeholders mitigates the risk of community dissatisfaction with any adopted local law. In this case, the proposed local law only replicates the provisions in the existing Governance Local Law 2018 which are not included in the new Governance Rules document.

Conclusion

From 1 September 2020 due to changes introduced by the Local Government Act 2020, Council's meeting procedures (and other prescribed matters) must be set out in Governance Rules.

The attached draft Governance Local Law 2020 has been prepared to revoke and replace the existing Governance Local Law, and to complement the new Governance Rules.

If adopted, the Local Law will provide procedures to regulate the use of the Common Seal; provide for offences in the event of inappropriate conduct at Council meetings and Delegated Committee meetings; provide for offences in relation to the misuse of the common seal or any petition or joint letter; and set penalties for offences.

12.11 Adoption of Governance Local Law 2020**Executive Summary**

The proposed Local Law was advertised in accordance with the legislative requirements, and no written submissions were received. It is recommended that Council now resolves to make the Governance Local Law 2020.

ATTACHMENTS

Attachment A: [↓](#) Proposed Governance Local Law 2020

DRAFT 2/7/2020

Frankston City Council

Local Law No. 3 of 2020

GOVERNANCE LOCAL LAW



Lifestyle Capital of Victoria



TABLE OF CONTENTS

PART ONE - PRELIMINARY PROVISIONS	1
1. Title	1
2. Objectives	1
3. Authorising Provision	1
4. Commencement and End Date	1
5. Revocation	1
6. Definition of Words Used in this Local Law	1
PART TWO - USE OF THE COMMON SEAL	3
7. Security of the Common Seal	3
8. Signatures to Accompany Common Seal	3
9. Seal Register	3
PART THREE - OFFENCES AND PENALTIES.....	3
10. Offences	3
11. Infringement Notices.....	4



FRANKSTON CITY COUNCIL
GOVERNANCE LOCAL LAW
No. 3 of 2020

PART ONE - PRELIMINARY PROVISIONS

1. Title

This Local Law is the "Governance Local Law".

2. Objectives

The objectives of this Local Law are to provide a mechanism to facilitate good governance of Frankston City Council, and to:

- (1) regulate the use of the Common Seal;
- (2) provide for offences in the event of inappropriate conduct at Council meetings and meetings of Delegated Committees, and for offences in relation to the misuse of the Common Seal or any petition or joint letter; and
- (3) revoke Local Law No. 1 of 2018.

3. Authorising Provision

This Local Law is made under section 111 of the *Local Government Act 1989*.

4. Commencement and End Date

This Local Law:

- (1) commences operation on the day following the day on which notice of the making of this Local law is published in the *Victoria Government Gazette*, and operates throughout the municipal district; and
- (2) ends on the 10th anniversary of the day on which it commenced operation, unless revoked earlier.

5. Revocation

Upon this Local Law coming into operation Local Law No. 1 of 2018 is revoked.

6. Definition of Words Used in this Local Law

Unless the contrary intention appears in this Local Law, the following words and phrases are defined to mean:

"**Act**" means the *Local Government Act 2020*.

"**Authorised Officer**" means a person appointed as an Authorised Officer pursuant to section 224 of the *Local Government Act 1989*.



"**Chair**" means the Chairperson of a meeting and includes an acting, temporary or substitute Chairperson.

"**Chief Executive Officer**" means the Chief Executive Officer of Council and includes a person acting as Chief Executive Officer.

"**Common Seal**" means the common seal of Council.

"**Council**" means Frankston City Council.

"**Council Meeting**" has the same meaning as in the Act.

"**Councillor**" means a Councillor of Council.

"**Delegated Committee**" means a Delegated Committee established by Council.

"**Offence**" means an act or default contrary to this Local Law.

"**Penalty Units**" means a penalty unit as prescribed in the *Sentencing Act 1992*.

"**Petition**" means a formal written application, typed or printed without erasure, from one or more persons whose names and physical addresses also appears and on which each page of the petition bears the wording of the whole of the petition.



PART TWO - USE OF THE COMMON SEAL

7. Security of the Common Seal

The Chief Executive Officer must ensure the security of the Common Seal at all times.

8. Signatures to Accompany Common Seal

Every document to which the Common Seal is affixed must be attested by not less than two persons, comprising both:

- (1) one Councillor and the Chief Executive Officer; or
- (2) in the absence of the Chief Executive Officer, one Councillor and a member of Council staff authorised to perform this function.

9. Seal Register

Where Council authorises the Common Seal to be affixed to any document, the Chief Executive Officer must:

- (1) cause the sealed documents to be allocated a seal register number; and
- (2) ensure that the description of the document sealed is entered into the seal register.

PART THREE - OFFENCES AND PENALTIES

10. Offences

It is an offence for:

- (1) any person (including a Councillor) who is guilty of any improper or disorderly conduct to refuse to leave a Council Meeting or a meeting of a Delegated Committee when requested to do so by the Chair;

Penalty: Two (2) Penalty Units

- (2) any person to fail to obey a direction of the Chair in relation to the conduct of a Council Meeting or a meeting of a Delegated Committee and the maintenance of order;

Penalty: Two (2) Penalty Units

- (3) any person to use the Common Seal of the Council or any device resembling the Common Seal without the authority of Council; and

Penalty: Ten (10) Penalty Units

- (4) any person to inscribe upon to a petition or joint letter a name or signature purporting to be that of any other person or in the name of any other person.

Penalty: Five (5) Penalty Units



11. Infringement Notices

- (1) An Authorised Officer may, as an alternative to prosecution, issue an infringement notice to any person who has committed an offence against this Local Law.
- (2) The fixed penalty in respect of an infringement is set out in the Schedule to this Local Law.
- (3) The relevant authorised officer may withdraw the infringement notice within 28 days after its date by sending a notice to the person on whom the infringement notice was served.
- (4) If the person pays the penalty before the infringement notice is withdrawn, the person is entitled to a refund of the penalty.
- (5) If the person pays the penalty within the time specified in the notice or, if the relevant authorised officer allows, before a summons is served on the person in respect of the infringement, the following provisions apply:
 - (a) further proceedings for an offence are not to be taken against the person; and
 - (b) there is to be no conviction recorded against the person for the infringement.
- (6) A penalty paid under this clause must be applied as if the person who paid it was convicted of the infringement in a Magistrates' Court on the information of a person authorised by Council to bring proceedings on its behalf.
- (7) If a person served with an infringement notice has not paid the penalty within the time specified in the notice or any extension of that time or if an infringement notice is not withdrawn proceedings may still be taken or continued to prosecute the alleged offence.
- (8) To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- (9) A person issued with an infringement notice is entitled to disregard the infringement notice and defend any prosecution in court.



Resolution for making this Local Law was agreed to by Frankston City Council on **[insert 2020 date]**.

Notices of the proposal to make and of the making of this Local Law were included in the *Victoria Government Gazette* dated the **[insert date]** and **[insert date]** respectively.

Public notice of the proposal to make and confirmation of the making of this Local Law were inserted in the **[insert name of paper]** on **[insert date]** and **[insert date]** respectively.

A copy of this Local Law was sent to the Minister for Local Government on **[insert date]**.



Schedule

Penalties Fixed for On the Spot Infringements

Local Law Provision	Offence	Penalty Units
10(1)	Refusing To Leave Meeting When Requested To Do So	2
10(2)	Failing To Comply With Direction Of Chair	2
10(3)	Using The Common Seal Or Replica Without Authority	10
10(4)	Fraudulently Signing A Petition Or Joint Letter	5

Executive Summary**12.12 Community Engagement Plan: Sustainable Economy and Skilled Community Workforce Policies and Strategies**

Enquiries: (Suzane Becker: Communities)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.1 Employment, education and economy
Priority Action	2.1.2 Develop a knowledge, creativity and skills based economy that generates employment opportunities

Purpose

To brief Council on the Community Engagement Plan associated with the development of the Sustainable Economy Policy and Strategy and Skilled Community Workforce Policy and Strategy.

Recommendation (Director Communities)

That Council:

1. Notes the schedule of policy and strategy work, previously adopted by Council 20 July 2020, includes the development of the Sustainable Economy Strategy and Skilled Community Workforce Strategy;
2. Endorses the Community Engagement Plan to commence the development of the Sustainable Economy Policy and Strategy and Skilled Community Workforce Policy and Strategy;
3. Notes, an Emerging Ideas Paper will be presented to Councillors in December 2020, summarising engagement results, research and analysis completed and identified ideas and issues to be considered within the draft policies and strategies;
4. Seeks a report back by March 2021 Ordinary Council Meeting with the draft Sustainable Economy and Skilled Community Workforce Policies and Strategies to be considered for a six(6) week public consultation process;
5. Seeks a report back in May 2021 Ordinary Council Meeting to consider the results of consultation and endorse the draft Policies and Strategies; and
6. Notes that the report back is subject to any potential delays and impacts associated with Council's response to the COVID19 pandemic.

Key Points / Issues

- Council's Economic Development Strategy (EDS 2016) identifies nine high level primary outcomes (priorities) which aimed to grow the municipal economy by driving sustainable job creation and building a resilient local labour market. These outcomes were accompanied by secondary outcomes that have either now been achieved or, Council has determined not to pursue the priority entirely.
- At Ordinary Council Meeting 20 July, Council approved a significant amount of policy and strategy development work to be undertaken over the next eighteen months, including the development of a revised Economic Development Strategy (to be called Sustainable Economy Strategy) and an independent Skilled Community Workforce Strategy, in line with Council's Community Building Outcomes Framework (CBOF) and Policy Domains.

**12.12 Community Engagement Plan: Sustainable Economy and Skilled Community
Workforce Policies and Strategies****Executive Summary**

- Previously, EDS 2016 was responsible for supporting many of the outcomes that attributed to the Skilled Community Workforce policy domain including fostered entrepreneurship, market required competencies and research informed education. A Skilled Community Workforce Policy and Strategy to date has not been developed.

Council has recognised the opportunity to develop the Sustainable Economic Skilled Community Workforce Policies and Strategies with accompanying initiatives and approach to resourcing, to ensure Council can achieve the desired outcomes.

With an aspirational vision for Frankston City to be the Lifestyle Capital of Victoria, the strategies will guide projects, services and Council's annual budget through to 2030.

- Skilled Community Workforce Policy and Strategy

Through a place-based, access and inclusion approach to universal service delivery, Council seeks to encourage a skilled community workforce through access to both formal and informal lifelong learning opportunities.

Service delivery will support the overall health and wellbeing of our community, promote pathways to education and employment that are matched to the opportunities provided through our local economy, and for people to be more informed and active citizens.

The Skilled Community Workforce Policy and Strategy will guide Council's universal services, programs, projects, partnerships and advocacy activities, support diverse and innovative opportunities to meet the learning demands of our community across the life course, improving productivity and the wellbeing of our community. The Skilled Community Workforce outcomes Council seek to improve are:

- Literacy;
- Market required competencies;
- Research and industry informed education;
- Fostered entrepreneurship; and
- Intergenerational lifelong learning.

The acquisition of skills and knowledge throughout the life course is an essential element of our quality-of-life. It inspires us, enhances insight, understanding and new ideas, employability, social inclusion and active citizenry.

- Sustainable Economy Policy and Strategy

Through a place based, attraction and innovation approach to universal service delivery, Council seeks to build economic capacity, resilience and investment; to create local employment opportunities for people that will reduce travel time and costs and improve quality of life for happier and healthy lifestyles.

The Sustainable Economy Policy and Strategy will guide Council's universal services, programs, projects, partnerships and advocacy activities, support diverse and innovative investment opportunities to enhance local employment options and provide an improved quality of life. The Sustainable Economy outcomes Council seek to improve are:

12.12 Community Engagement Plan: Sustainable Economy and Skilled Community Workforce Policies and Strategies**Executive Summary**

- Transport and business infrastructure
- A skilled workforce pool
- Viable investment
- Supply chains
- A diverse economy

The economy is an essential foundation of a community. It enhances opportunities for local employment, innovation and prosperity.

- A key component to the development of the Sustainable Economy and Skilled Community Workforce Policies and Strategies is community engagement with local residents, businesses and industry. Through the engagement process, the community workforce's values will be identified and prioritised.
- A Sustainable Economy and Skilled Community Workforce Policies and Strategies Community Engagement Plan (Attachment A) has been developed in accordance with Council's Community Engagement Policy and Framework to guide the engagement process. The Plan proposes engagement at three stages of development of the strategies– pre-development, development and public exhibition.
- The first two stages aim to involve the local community and key stakeholders in identifying sustainable economy and skilled community workforce values and opportunities, issues and to guide the development of the draft strategies. An Emerging Ideas Paper will be prepared to summarise and discuss the results of the first 2 stages of this work.
- The third stage will involve drafting the Strategies which will be presented to Council in March 2021, to seek approval to undertake a six week public exhibition period (stage 3) to gain comments and feedback from the community on the draft strategies.
- The Community Engagement Plan identifies a wide array of consultation methods from facilitated community workshops, targeted workshops with industry leaders and video's. Officers will ensure engagement activities are advertised widely to gain maximum uptake from across the City.
- SGS Planning and Economics have been appointed to assist Council in the development of the Strategies. Following Council's endorsement of the Community Engagement Plan, preliminary engagement with key industry stakeholders will commence and conclude prior to Council's caretaker period.

Financial Impact

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

Consultation**1. External Stakeholders**

- Frankston City Businesses
- Frankston residents and visitors
- Secondary Schools

12.12 Community Engagement Plan: Sustainable Economy and Skilled Community Workforce Policies and Strategies**Executive Summary**

- Monash University, Peninsula Campus
- Chisholm, Frankston campus
- Peninsula Health
- Committee for Greater Frankston
- Industry leaders
- Investors
- Frankston Mornington Peninsula Local Learning and Employment Network
- Employment and job seeker services

2. Other Stakeholders

The following departments will be involved in the development of the strategies:

- Policy, Planning and Environmental Strategies
- Arts and Culture
- Community Strengthening
- Community Relations
- Engineering Services
- Community Safety
- Sustainable Assets
- Capital Works Delivery
- Operations

Analysis (Environmental / Economic / Social Implications)

The Sustainable Economy and Skilled Community Workforce Policies and Strategies seek to positively contribute to environmental, economic and social outcomes within Frankston City, in line with Council's Community Building Outcomes Framework (CBOF).

Council's CBOF was developed to provide a roadmap for ensuring a systematic and coordinated approach to plan and deliver a vibrant and liveable city.

The CBOF outlines the foundation outcomes and methodology that will be used to support the growth of the City's economy and liveability as well as providing a governance framework that influences the greatest positive change.

The CBOF includes seven (long-term) policy domains, two of which include, a Sustainable Economy and a Skilled Community Workforce.

The theory of change at work in Council's planning processes ensures that all Council decisions are made based on whether the plan, the action, the partnership, or activity will achieve the desired outcomes contributing to Frankston City becoming the premier lifestyle city by the bay. This involves working back from that aim, and only investing in business opportunities which will influence this reality.

The Community Engagement Plan provides guidance to the use of deeper community engagement methods in developing the Sustainable Economy and Skilled Community

**12.12 Community Engagement Plan: Sustainable Economy and Skilled Community
Workforce Policies and Strategies****Executive Summary**

Workforce Strategies. These methods will assist with building community trust in Council.

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

Community engagement is a key requirement of the Local Government Act 2020.

Policy Impacts

The Community Engagement Plan has been prepared in accordance with Council's Community Engagement Policy and 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

The Community Engagement Plan aims to achieve the best possible outreach during the COVID-19 pandemic.

Conclusion

Council is committed to improving outcomes for all aspects of community wellbeing including; a skilled community workforce, healthy community, sustainable environment, stronger families, a sustainable economy, community strength, and safe community.

The production of a Skilled Community Workforce and Sustainable Economy Policies and Strategies is a critical planning process for Council. The Policies and Strategies will guide projects, services and Council's annual budget through to 2030.

The success of the Sustainable Economy and Skilled Community Workforce Policies and Strategies will be contingent on a thorough engagement process with the local community, businesses, industry and institutions.

A Community Engagement Plan has been prepared to ensure extensive involvement of the community occurs in the development of these strategies

ATTACHMENTS

Attachment A:[↓](#) Community Engagement Plan

Community Engagement Plan

Project name: Sustainable Economy and Skilled Community Workforce Policies and Strategies

Approved by: Dana Harding

Date: 30 July 2020

The project has been endorsed by EMT	YES	The project has been approved by Council	YES
Are planning permit approvals required	NO	Are building permit approvals required	NO
<p>Key Risks:</p> <p>1. The success of the Sustainable Economy Policy and Strategy and Skilled Community Policy and Strategy will depend on engagement with local community, industry and institutions. COVID19 has impacted on the way Council would normally engage with the community.</p> <p>2. Council elections will be held in October 2020. Council will enter into a caretaker period from 22 September to 24 October 2020. During this time, no public engagement can occur.</p>		<p>Risk Mitigation:</p> <p>1. Engagement has been designed within the framework of the IAP2 philosophy and tailored towards specific stakeholders, expectations and client needs during the COVID19 pandemic. The engagement process will involve:</p> <ul style="list-style-type: none"> - Thorough planning - Respectful communication - Thoughtful analysis; and - Realistic expectations. <p>2. Accordingly, this engagement plan has been prepared around caretaker period. This will ensure all targeted interviews with external stakeholders will be conducted before caretaker period, and that public exhibition and community engagement will occur in early 2021, after the new Council has been appointed.</p>	

Purpose of the engagement is to:

- Collect key stakeholder feedback from Council staff and industry representatives about the development of the Sustainable Economy and Skilled Community Workforce policies and strategies for Frankston City. Establish the direction and scope of actions with members of the broader community.
- To gather data from the community, external organisations and internal stakeholders
- To gather feedback on opportunities and issues

- Seek comments and feedback from the key stakeholders on the draft plan

Key messages:

The intention of the development of the policies strategies as noted is to;

- Provide strategic direction for the municipalities economic and skilled community workforce agenda’s
- Obtain technical information related to economy policy and planning actions and the role local institutions and businesses play in skills matching and sustainable local economies
- Deep dive into social factors around the local workforce

What are the requirements for the project?	Project step /phase and engagement activity	What is your engagement activity objective?*(tick the relevant objective)					Who is involved?	Timeframes	Who is responsible?	Method of Engagement:
		To Inform	To Consult	To Involve	To Collaborate	To Empower				
1. Information Gathering	2-hour workshop to review findings and ideas emerging from information gathering tasks.	X	X	X	X		Council departments: <ul style="list-style-type: none"> • Policy, Planning and Environmental Strategies • Community Relations • Community strengthening • Community Safety • Business Transformation • Sustainable Assets • Engineering Services • Capital Works • Arts and culture 	September 2020	SGS Planning and Economics and Council Project team	Internal workshop - virtual

Item 12.12 Attachment A: Community Engagement Plan

What are the requirements for the project?	Project step /phase and engagement activity	What is your engagement activity objective?*(tick the relevant objective)					Who is involved?	Timeframes	Who is responsible?	Method of Engagement:
		To Inform	To Consult	To Involve	To Collaborate	To Empower	Stakeholders			
	10 X Targeted interviews (semi-structured)		X	X	X	X	Key organisations/groups who can inform the development of the strategies	September 2020	SGS Planning and Economics	Virtual 30 minute interviews
2. Review and Validate	2-hour workshop focused on expanding concepts and barriers/challenges identified in the information gathering stage		X	X	X	X	Council departments: <ul style="list-style-type: none"> • Policy, Planning and Environmental Strategies • Community Relations • Community strengthening • Community Safety • Business Transformation • Sustainable Assets • Engineering Services • Capital Works • Arts and culture 	September 2020	SGS Planning and Economics and Council Project team	Internal workshop - virtual
3. Councillor Input	Emerging Ideas Paper and Councillor workshop	X	X	X			Councillors EMT	Dec 2020 – Jan 2021	SGS Planning and Economics and Council Project team	Memo with attached Emerging Ideas Paper. Councillor Workshop

Item 12.12 Attachment A: Community Engagement Plan

What are the requirements for the project?	Project step /phase and engagement activity	What is your engagement activity objective?*(tick the relevant objective)					Who is involved?	Timeframes	Who is responsible?	Method of Engagement:
		To Inform	To Consult	To Involve	To Collaborate	To Empower				
	<i>Complete details across the plan for each project step /phase</i>						Stakeholders			
4. Public Exhibition of Draft Strategies	Distribute draft for comments and feedback		X	X			Residents Businesses Industry organisations	March 2021	Council Project team	Website Social Media Newspapers eNewspaper FCN
5. Community Workshops	Workshops with community members, during public exhibition of the draft strategies	X	X	X	X	X	Community members	March - April 2021	SGS Planning and Economics and Council Project team	May be remote (TBC)
6. Consideration of Public Submissions		X	X	X			Members of the public who wish to make a formal submission or address Council at the Ordinary Council Meeting	May 2021	Manager Policy, Planning and Environmental Strategy Coordinator Economic Policy, Planning and Environmental Strategy	Council Meeting

Item 12.12 Attachment A: Community Engagement Plan

What are the requirements for the project?		What is your engagement activity objective?*(tick the relevant objective)					Who is involved?	Timeframes	Who is responsible?	Method of Engagement:
		To Inform	To Consult	To Involve	To Collaborate	To Empower				
<i>Project step /phase and engagement activity</i>	<i>Complete details across the plan for each project step /phase</i>						Stakeholders			
7. Release of adopted Strategies		X					Public Council Departments	April 2021	Coordinator Economic Policy and Planning	Media Articles Email Website Video eNewspaper FCN

Executive Summary**12.13 Frankston Arts & Culture Strategy 2020 - 2023**

Enquiries: (Andrew Moon: Communities)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.2 Vibrant and Engaged
Priority Action	2.2.2 Promote Frankston City's reputation as an arts, festivals and events destination

Purpose

To brief Council on the result of public consultation on the Frankston Arts & Culture Strategy 2020 – 2023.

Recommendation (Director Communities)

That Council:

1. Notes that the Frankston Arts and Culture Strategy was consulted on for a period of five weeks from 12 June to 17 July 2020 and there were 227 respondents;
2. Adopts the draft Frankston Arts & Culture Strategy 2020 – 2023; and
3. Notes that officers will notify respondents of its decision accordingly.

Key Points / Issues

- At its meeting on 16 December 2019 Council resolved that:
 - “1.Receives the Minutes of the Frankston Arts Board meeting of 19 November 2019;
 - 2. Notes discussions and decisions regarding sculpture loans as outlined in the confidential minutes; and
 - 3. Approves the draft Frankston Arts & Culture Strategy 2019 – 2022 to be released for public consultation.”
- The Draft Frankston Arts & Culture Strategy 2019 – 2020 was developed with the involvement of the Frankston Arts Board (FAB), members of the Arts & Culture team and an external facilitator.
- Consultation was conducted from 12 June 2020 to 17 July 2020. A copy of the consultation questions is Attachment A.
- Responses were overwhelmingly in support of the direction of the Draft Strategy with 89% of respondents ‘agreeing’ or ‘strongly agreeing’.
- A high level summary of some of the key demographics and results of the consultation, is Attachment B. Stand out findings are:
 - 89% support the overall direction and key initiatives of the Draft Arts & Cultural Strategy
 - 79% strongly agree that Arts & Culture activities - improve mental health and well being

12.13 Frankston Arts & Culture Strategy 2020 - 2023**Executive Summary**

- 71% strongly agree that Arts & Culture activities - increase community connectedness
- 63% strongly agree that Arts & Culture activities - reduce social isolation
- At its meeting on 28 July 2020 the Frankston Arts Board considered the results of the community consultation and subsequently endorsed amendments to the strategy; recommending Council adopts the draft Frankston Arts & Culture Strategy 2020 – 2023.
- The recommended Frankston Arts & Culture Strategy 2020 – 2023 is at Attachment C.

Financial Impact

There are financial costs; however, these costs can be accommodated within Arts & Culture budgets.

Consultation**1. External Stakeholders**

Community and local arts practitioners were consulted and all feedback was considered. There was consistent strategic level feedback on a few items and this was incorporated in the recommended Frankston Arts & Culture Strategy 2020 – 2023. Non-strategic; specific activity level feedback will be extremely useful in the planning and delivery of the strategy.

2. Other Stakeholders

Frankston Arts Board and Arts & Culture officers were consulted and feedback utilised in the recommended Frankston Arts & Culture Strategy 2020 – 2023

Analysis (Environmental / Economic / Social Implications)

The respondents to the consultation recognised and articulated that beyond entertainment; arts & culture activities are a way to broaden knowledge, improve mental health & wellbeing, increase community connectedness and reduce social isolation.

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

Statutory obligations have been met by conducting an open consultation process.

Policy Impacts

The recommended Frankston Arts & Culture Strategy 2020 – 2023 is focussed on the future needs of the local arts sector, arts and culture participants and patrons and is consistent with current Council direction.

Officer's Declaration of Interests

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

12.13 Frankston Arts & Culture Strategy 2020 - 2023**Executive Summary****Risk Mitigation**

Reputation and perception risks have been mitigated by the running of an open consultation process, allowing for those with no, or limited internet access to participate via hard copy responses.

Risks associated with the delivery of the Frankston Arts & Culture Strategy will be reviewed, mitigated or eliminated at a program delivery level.

Conclusion

The consultation process highlighted strong support for the draft Frankston Arts & Culture Strategy 2020 – 2023. Amongst the 227 respondents, 89% support the overall direction and key initiatives.

A clear outcome of the consultation is that there is strong support for the Frankston Arts & Culture Strategy 2020 – 2023.

On the basis of the support received via community consultation the Frankston Arts Board recommends that council approve the Frankston Arts & Culture Strategy 2020 – 2023.

It is recommended that the Frankston Arts & Culture Strategy 2020 – 2023 is adopted.

ATTACHMENTS

Attachment A: [↓](#) Attachment A - Consultation Questions

Attachment B: [⇒](#) Attachment B - Summary Results (*Under Separate Cover*)

Attachment C: [↓](#) Attachment C - Recommended Strategy

12.13 Frankston Arts & Culture Strategy 2020 - 2023**Officers' Assessment****Background**

The Draft Frankston Arts & Culture Strategy 2019 – 2020 was developed with the participation of the Frankston Arts Board (FAB), members of the Arts & Culture team and an external facilitator.

The Draft Strategy was approved by Council to be released for public consultation at its 2019/OM15.

Consultation was conducted via an 'Our Say' web based survey, individuals who were unable to access the internet were provided a hard copy survey to complete and return.

The consultation survey opened on 12 June 2020 and closed on 17 July 2020. A copy of the survey questions is Attachment A.

At its meeting on 28 July 2020 the Frankston Arts Board considered the results of the community consultation on the Frankston Arts & Culture Strategy 2020 – 2023; discussing the results and feedback in detail.

Frankston Arts Board endorsed the minor changes made to the strategy as a result of the community consultation, noting that the majority of feedback was already covered within the Key Initiatives of the strategy and non-strategic feedback would be extremely useful background information during the planning and delivery of the strategy.

Frankston Arts Board recommended that Council approve the Frankston Arts & Culture Strategy 2020 – 2023.

A high level summary of some of the key demographics and results of the consultation, is Attachment B.

Issues and Discussion

The consultation period resulted in 227 responses.

The responses were overwhelmingly in support of the direction of the Draft Strategy with 89% of respondents 'agreeing' or 'strongly agreeing', 9% were 'neutral' and 2% 'disagreed'.

Information provided by respondents will be a valuable resource for future planning and engaging with local artists.

Some stand out findings are:

- 89% support the overall direction and key initiatives of the Draft Arts & Cultural Strategy
- 36% stated that Arts & Culture Activities are a - fundamental part of their life
- 32% say Arts & Culture activities are way to - broaden their knowledge
- 29% attend to be - moved emotionally and challenged intellectually
- 79% strongly agree that Arts & Culture activities - improve mental health and well being
- 71% strongly agree that Arts & Culture activities - increase community connectedness
- 63% strongly agree that Arts & Culture activities - reduce social isolation

There were three 'free text' response questions in the survey:

1. What three Arts & Culture priorities would you like to see happen in the next five years?

12.13 Frankston Arts & Culture Strategy 2020 - 2023

Officers' Assessment

2. What two actions would you like to see Council include in the Arts & Culture Strategy?

3. Name three ways Frankston City Council can foster Arts & Culture further

The 'free text' responses fell naturally into one of seven categories:

- i. Program & Events
- ii. Accessibility/Inclusivity
- iii. Local Focussed
- iv. Cultural Diversity
- v. Space
- vi. Promotion related
- vii. Funding

In the main these categories were well covered in the Strategy, however the Strategy has been reviewed by Arts & Culture staff and the Frankston Arts Board to ensure that the seven categories are appropriately represented.

The table below shows where the seven categories are covered in the strategy and where minor changes were made to reflect the feedback.

Summary of Suggestions		
Seven Categories	Area where covered in Strategy	Change to draft was required?
Program & Events	A Quality Program of Events	No
	Planning Principles	Yes
Accessibility/Inclusivity	Purpose	No
	Planning Principles	No
Local Focussed	Purpose	No
	Community Capacity	No
	Planning Principles	Yes
Cultural Diversity	Purpose	No
	A Quality Program of Events	No
	Planning Principles	No
Space	Physical and digital readiness	No
Promotion related	Planning Principles	No
Funding	A Quality Program of Events (indirectly)	No

The feedback and resultant changes, although minor, enhance the Strategy.

The recommended Frankston Arts & Culture Strategy 2020 – 2023 is Attachment C.

Options Available including Financial Implications

Approve the recommended Frankston Arts & Culture Strategy 2020 - 2023, which would come into effect immediately as Councils previous Arts & Culture Strategy has reached the end of its period of cover.

There are financial costs; however, these costs can be accommodated within Arts & Culture budgets.



ATTACHMENT A

Frankston City Council is seeking your feedback in regards to the Draft Arts & Culture Strategic Plan.

Council is committed to delivering vibrant and engaging artistic programs, events and opportunities that enrich lives, provide for active and deeper engagement, reach new audiences and create a more connected community through learning and new experiences.

Artistic programs, events and opportunities that are inclusive, respectful to all community groups, embrace diversity, First Nation's peoples and their culture and respect and protect our environment are vital to the arts ecosystem in the region.

The Strategy is underpinned by six key initiatives (outlined below for easy reference) that will provide the direction of Arts & Culture priorities over the next four years.

After you have read the Draft Arts & Culture Strategic Plan (attached) please take the time to fill out the survey which includes both multiple choice questions and also provides the opportunity for more detailed feedback.

The survey will take approximately 15 minutes to complete.

Key Initiatives as outlined in Draft Arts & Culture Strategic Plan

Key Initiative 1 Community capacity

Build the capacity of local creatives to deliver high quality and sustainable events and programs that create pathways for local artists, writers and entrepreneurs.

Key Initiative 2 Revolutionise Frankston Libraries

Initiate and embrace new and progressive engagement opportunities for our library attendees. Improve literacy levels within the community. Provide welcoming hubs for all, so all members of the community feel free to attend, participate and create.

Key Initiative 3 Physical and digital readiness

Continue facility and technology upgrades of the Libraries, Arts Centre and Function Centre that maintain and contribute to both physical and virtual attendances. Investigate infrastructure needs and gaps, ensure links to Frankston City Council Planning Department allowing early discussions regarding developers 'social contributions' through creative spaces, hubs and art / arts activations.

Build digital capability of the Libraries, Arts Centre, Function Centre, Events and Public art to realise engagement potential, attendance and financial returns.

Key Initiative 4 A quality program of events

A quality program of events that represent diverse communities and provide opportunities for meaningful engagement in a broad range of programs and events. The program offer will include representation of our first nation's people, it will enhance the image of Frankston, providing social cohesion and resilience via arts

experiences, opportunities and public art; putting arts and culture at the centre of the lifestyle capital of Victoria.

Increase attendances from all attendee geographic locations; local, Melbourne, intrastate, interstate and international.

The Frankston Arts Centre program will present quality accessible arts experiences that embrace cultural diversity, champion the work of First Nations' artists and provide engaging opportunities that will entertain, enlighten, inspire and educate the community. The program will support the creation of local contemporary practice to build the capacity of artists, while providing leadership and support for the arts to flourish in the region.

Key Initiative 5 Sculpture as an iconic attractor

Build the FCC sculpture collection via ongoing investment in iconic gateway sculptures, well placed midscale pieces, through a program of commissioning, loans and leases from a varied network of suppliers, for example; *McClelland Sculpture Park, Sculpture by the Sea*, individual artists, and collectors.

Increase engagement with and partnership programs with our neighbours, *McClelland Sculpture Park & Gallery, Baluk Arts* and other arts orientated businesses.

Key Initiative 6 A bold and audacious street art program

Embed the street art program as a loved community asset that attracts cultural tourists, builds business confidence and civic pride.

Survey Questions

1. What is your postcode? _____

2. What is your age profile?

Under 18 years of age

18 - 39 years of age

40 - 59 years of age

60+ years of age

3. What is your gender?

Male

Female

Non-binary

Prefer not to say

4. Are you a member of Frankston Arts Centre as part of their annual paid membership program?

Yes

No

5. Are you a member of Frankston Libraries?

Yes

No

6. Are you a member of any other cultural organisations based in Frankston City?

Yes, please list _____

No

7. In what industry do you work?

Do not undertake paid work

Student

Sport / Recreation

Arts and Culture

Events

Government

Agriculture

Business

Education

Health

IT

Other (please specify) _____

8. Are you responding to this survey as an individual or part of an organisation?

Individual

Organisation, please list _____

9. How often on average, do you attend arts and cultural activities? (pre-COVID)

Daily

Weekly

Monthly

Yearly

A couple times a year

Never

10. Do you work in the creative sector?

Yes

No

If yes please list your profession: _____

11. Do you participate in an arts & culture as a hobby/practice?

Yes

No (If no, please move directly on to question 17)

If yes, please choose the option that best describes your practice:

Musician

Actor

Dancer

Circus performer

Roving performer

Painter

Photographer

Writer

Digital

Street Art

Sculpture

Designer

Art therapist

Other, please list _____

12. As a creative practitioner what kind of space do you practice your art form?

Home studio space

Shared space with other creatives

Community Hall

Organisation office

Other, please list _____

13. As a creative practitioner what additional programs would you like Frankston City Council to support? Rank in order 1 to 5

Artist in Residency Programs

Capacity building workshops to increase knowledge

Exhibition opportunities

Grants for artistic outcomes

Mentorships with industry professionals

Performance opportunities

Rehearsal/studio space

Writing opportunities

Other, please list _____

14. How regularly do you actively participate in arts and cultural practice?

Daily

Weekly

Monthly

Yearly

Never

15. Do you intend that your practice will develop into a professional career for you?

Yes

No

Unsure

Other _____

16. What kind of support do you require to enhance your artistic career path? Please list top 3

E-Marketing inc Social Media

Vision and Branding
Financial Management
Grant Writing Skills
Opportunities for Networking
Business Planning
Mentor in the field
Other please list, _____

17. In the past twelve months have you attended? Please circle all that apply

Cheeky Pups at McComb's Reserve
Cheeky Classics at McComb's Reserve
Cruden Farm
Frankston Arts Centre
Frankston Library
Frankston's Christmas Festival of Lights
Melbourne Street Eatz Food Truck Park at Frankston Foreshore
McClelland Gallery and Sculpture Park
Mulberry Hill
Outdoor Cinema at George Pentland Botanical Gardens
Party in the Park/
Pets' Day Out
Stellar Short Film Festival
Seaside Street Food Festival at Frankston Foreshore
The Waterfront Festival
The Mayor's Family Picnic
The Big Picture Festival
Ventana Fiesta
Others, please list _____

18. How satisfied are you with the opportunities to attend arts and cultural activities in the local area?

Very Satisfied
Satisfied
Not Satisfied, why? _____

19. What would cause you to attend arts or cultural events more frequently? (Please select all that apply)

More information about the events

Ticket affordability

More accessible options that cater for people with a disability or those with mobility issues

Improved transportation

More relevant events that cater to my interest, please list example _____

Events that are more inclusive, please list example _____

If I had more free time

Other (please specify) _____

20. Which arts and cultural activities do you engage with most frequently, either as an active participant or attendee? (Please select two.)

Exhibitions

Library programs, please list _____

Live streaming or online programs

Music gigs

Outdoor Festivals

Public Art

Street Art

Theatre performances

Workshops, please list type/genre e.g. – dance classes _____

Other (please specify) _____

21. Which event offerings are most important to you? (Please only select three.)

Creative art workshops, please list specific event/program, _____

Capacity building workshops that enhance my knowledge of my creative practice

Exhibitions/visual Arts

History, architecture and scenic sites

Library programs, please list specific event/program, _____

Live streaming and online programs

Live performances in theatres

Live performances at outdoor events
Outdoor festivals and events
Public art

22. Why are arts & culture activities important to you? Choose top three

Engage in a shared experience
Celebrate diverse cultures and traditions
To broaden my knowledge
Entertainment and enjoyment
New experiences
To be moved emotionally and challenged intellectually
Build memories and cultural richness
It's a fundamental part of your life
To improve education and literacy levels

23. Arts & Culture has the power to:

Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

Contribute to civic pride Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree
Transform the perception of an area Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree
Improve mental health and wellbeing Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree
Reduce social isolation - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree
Contribute to the local economy - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree
Enhance empathy and understanding - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree
Improve educational outcomes - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree
Increase community connectedness - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

24. Frankston City Council is currently performing well in the following areas. Do you agree or disagree?

Museums, heritage and cultural sites - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree
Access to view visual arts exhibitions - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree
Availability of online and streaming programs- Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

Celebrating First Nations culture via the ArtsDiversity of festival and events - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

Diversity of affordable arts and cultural workshops/programs- Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

Promotion of arts and cultural events- Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

Enhancing cultural vibrancy via Street Art -Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

Sculpture as an iconic attractor- Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

Frankston Arts Centre Programs and Events - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

Frankston Library Programs and Events - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

Reducing barriers for people with a disability to participate in the arts- Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

25. Do you perceive Frankston as a 'cultural destination' for the arts?

Frankston Library - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

Frankston Arts Centre - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

Frankston's Christmas Festival of Lights - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

Party in the Park - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

Pets' Day Out - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

The Big Picture Fest - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

The Waterfront Festival - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

The Mayor's Family Picnic - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

Sculpture/Public Art - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

Street Art Walking Tours - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

Ventana Fiesta - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

26. Frankston is a cultural destination please state for which communities?

Local residents that live within Frankston City - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

Local residents from neighbouring municipalities - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

Inner city visitors - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

Intrastate visitors- Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

Interstate visitors - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

International visitors - Strongly Agree /Agree /Neutral /Disagree / Strongly Disagree

27. Taking into consideration the six key initiatives outlined in the Draft Arts & Culture Strategy what are the most important to you? Please rank 1 to 6

Key Initiative 1	Community capacity to create pathways for local artists, writers and entrepreneurs.
Key Initiative 2	Revolutionise Frankston Libraries
Key Initiative 3	Physical and digital readiness of venues
Key Initiative 4	A quality program of events
Key Initiative 5	Sculpture as an iconic attractor
Key Initiative 6	A bold and audacious street art program

28. Do you use any of the additional access options that reduce barriers to participation in arts and culture?

Auslan Interpreted

Open Captioning

Audio description

Social scripts

Sensory Spaces

Companion Card

Frankston Arts Centre Ticket Subsidy

Other, please list _____

Open Ended questions

29. What three Arts and Cultural priorities would you like to see happen in the next five years?

30. What two actions would you like to see Council include in the Arts and Culture Strategy?

31. Name four ways Frankston City Council can build an environment that fosters Arts and Culture:

32. On a scale of 1 to 10 do you support the overall direction and key initiatives of the Draft Arts & Cultural Strategy? PLEASE CIRCLE

1 Strongly Disagree 2 3 4 5 Neutral 6 7 8 9 10 Strongly Agree

Please outline your reasons:

Thank you for taking the time to provide your feedback. All feedback is required by 5pm Friday 17 July.

Please return the survey to Frankston City Council - Civic Centre at 30 Davey Street Frankston or via post to:

Arts & Culture Survey
PO Box 490
Frankston VIC 3199

If you would like to be entered in the draw to win one of three \$100 vouchers for Frankston Arts Centre, please provide your contact details below.

Name: _____

Email: _____ **Phone:** _____

The winners will be drawn on conclusion of the survey and will be notified via email or phone.

Draft - 31 August 2020

Attachment C

Frankston Arts & Culture Strategic Plan 2020 - 2023

We respectfully acknowledge that we are situated on the traditional land of the Boon Wurrung and Bunurong in this special place now known by its European name, Frankston. We recognise the contribution of all Aboriginal and Torres Strait Islander people to our community in the past, present and into the future.

Vision

The Frankston community is vibrant and are active participants in literature and the arts. The community is known for its arts, culture, events and love of learning.

Purpose

Vibrant and engaging artistic programs, events and opportunities that enrich lives, provide for active and deeper engagement, reach new audiences and create a more connected community.

Strengthening our community through learning and new experiences.

Artistic programs, events and opportunities that are inclusive, respectful to all community groups, embrace diversity, first nations peoples and their culture, respecting and protecting our environment.

Context

In 2019, Frankston is a city with a population of approximately 140,000 people, expected to increase to 160,000 by 2050.

Arts and Culture is a department of the Frankston City Council, which incorporates Frankston Libraries, Frankston Major Events, Frankston Arts Centre and council's public art programs and commissions.

During the life of the previous Arts & Culture strategy Council invested in upgrades of the ageing Frankston Arts Centre and its infrastructure, these investments have been well received by audiences and staff alike. They have proven that relevant and up to date facilities along with great programming keep audiences coming and diversifying. With changes in technical and digital technologies, evolving rapidly, the need to continue investment in core systems and infrastructure has never been greater.

Under the 'A Liveable City' strategy in the Frankston City Council Plan 2017–2021 Council set out to:

- Build on sculpture and eclectic street art culture
- Promote Frankston City's reputation as an arts, festival and events destination
- Develop an education and library hub in Langwarrin.

The customer base for Frankston's Arts & Culture offers are likely to grow and diversify as the municipality continues to be a destination locality for home purchasers. Demographics will change significantly in the timeframe of this strategy. Young families and an influx of younger generation

A4278282

Draft - 31 August 2020

residents will bring challenges and opportunities for our programming, resource levels with an expectation of diversified options.

Financial limitations are likely to see a focus on transitioning free events and programs across the Arts Centre, Libraries and Events streams to a more sustainable funding position or indeed, reducing the agenda to fit the resources.

Digital technologies continue to rapidly evolve and influence the manner and way in which individuals and organisations engage with all facets of society. Expectations of seamless, fast and efficient digital solutions will continue to determine how we engage with our customers. Our capacity to respond to customer demand, diversifying and growing our reach through the use of these technologies will influence the success or not of our programs and businesses. It is critical that the perceptions of Frankston's Art and Culture offer remains fresh, contemporary, and engaging to a number of differing audience groups including the younger demographic.

Similarly our future success is reliant on our capacity to innovate and adapt, to change direction rapidly, to embrace the 'new' and 'emerging', the sometimes unpredictable. Arts and culture can and must contribute if not lead the way in keeping Frankston fresh and relevant.

As the Frankston municipality and region evolves over the next 10 years and becomes more of a destination for businesses, new residents, cultural tourists, so too will the number of facilities across the region will increase competing for our audience and clients. Particular consideration is required relating to possible initiatives that will assist in maintaining and increasing current levels of Arts & Culture clients and audience attendances.

Key Initiatives

Key Initiative 1 Community capacity

Build the capacity of local creatives to deliver high quality and sustainable events and programs that create pathways for local artists, writers and entrepreneurs.

Key Initiative 2 Revolutionise Frankston Libraries

Initiate and embrace new and progressive engagement opportunities for our library attendees. Improve literacy levels within the community. Provide welcoming hubs for all, so all members of the community feel free to attend, participate and create.

Key Initiative 3 Physical and digital readiness

Continue facility and technology upgrades of the Libraries, Arts Centre and Function Centre that maintain and contribute to both physical and virtual attendances. Investigate infrastructure needs and gaps, ensure links to Frankston City Council Planning Department allowing early discussions regarding developers 'social contributions' through creative spaces, hubs and art / arts activations.

Build digital capability of the Libraries, Arts Centre, Function Centre, Events and Public art to realise engagement potential, attendance and financial returns.

Key Initiative 4 A quality program of events

A quality program of events that represent diverse communities and provide opportunities for meaningful engagement in a broad range of programs and events. The program offer will include representation of our first nations people, it will enhance the image of Frankston, providing social

A4278282

Draft - 31 August 2020

cohesion and resilience via arts experiences, opportunities and public art; putting arts and culture at the centre of the lifestyle capital of Victoria.

Increase attendances from all attendee geographic locations; local, Melbourne, intrastate, interstate and international.

The Frankston Arts Centre program will present quality accessible arts experiences that embrace cultural diversity, champion the work of First Nations' artists and provide engaging opportunities that will entertain, enlighten, inspire and educate the community. The program will support the creation of local contemporary practice to build the capacity of artists, while providing leadership and support for the arts to flourish in the region.

Key Initiative 5 Sculpture as an iconic attractor

Build the FCC sculpture collection via ongoing investment in iconic gateway sculptures, well placed midscale pieces, through a program of commissioning, loans and leases from a varied network of suppliers, for example; *McClelland Sculpture Park, Sculpture by the Sea*, individual artists, and collectors.

Increase engagement with and partnership programs with our neighbours, *McClelland Sculpture Park & Gallery, Baluk Arts* and other arts orientated businesses.

Key Initiative 6 A bold and audacious street art program

Embed the street art program as a loved community asset that attracts cultural tourists, builds business confidence and civic pride.

Planning Principles –guide for decisions

- Values aligned - Fairer, Kinder , Smarter
- A balanced program of shows, events and programs across the whole Arts & Culture offer including engagement of local artists, writers and organisations
- Reconciliation Action Plan (RAP) – respond meaningfully to the FCC RAP when it has been developed
- Cultural diversity – create opportunities for culturally diverse people to engage with arts and culture programs, events and public art
- Climate Change and the environment – support the community in addressing climate change issues
- Individual capability and capacity diversity (ie. NDIS) – develop arts and culture programs which enhance NDIS recipients capabilities and capacity
- Innovation – look to the new
- Evaluation – measure our success, review and be prepared to change what is not relevant or working
- Consultation – community, intergenerational, staff
- Integration of four arts and culture streams: Library, Frankston Arts Centre, Events, Public Art – work together to achieve a bigger result for our investment, time and money
- Function Centre utilisation – increase utilisation of this key asset
- Evidence based marketing and programming
- Inter business unit collaborations – capitalise on others knowledge and strengths, council is a diverse and clever organisation, let's use it

A4278282

Executive Summary**12.14 Delegated Powers - Miscellaneous Grants Program Q4 2019/20
Report and Standing Grants Program 2020/21 Supplementary Report**

Enquiries: (Tim Bearup: Communities)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.3 Health and Well-being
Priority Action	2.3.3 Enhance equitable access to sport and leisure opportunities

Purpose

To brief Council on the funding allocation of grants in the Miscellaneous Grants Program; the community concessions and discounts in the Frankston Arts Centre and to update the 2020/21 Standing Grants program via a supplementary report.

Recommendation (Director Communities)

That Council:

1. Notes the funding allocations in relation to grants in the repurposed Miscellaneous Grants Program, and community concessions and discounts in the Frankston Arts Centre for the period 1 April to 30 June 2020.
2. Notes the following overall total expenditure in the Miscellaneous Grants Program for the 2019/20 financial year was \$42,092.
3. Notes overall total community concessions and discounts in the Frankston Arts Centre for the 2019/20 financial year was \$156,293.
4. Notes the impact of COVID19 on the delivery of McClelland Sculpture Park and Gallery's "Senses Early Childhood Art and Environment Program" funded through the 2019/20 standing grants program and approves the request from McClelland Sculpture Park and Gallery to rollover the unspent grant funds of \$44,000 (exc. GST) into the 2020/21 financial year in order to complete the delivery of the program; and
5. Notes Carrum Downs Toy Library and Centenary Park Golf Club – Ladies Charity Day have withdrawn their 2020/21 Standing Grant submissions due to the impact of COVID-19.

Key Points / Issues

- Miscellaneous Grants and Frankston Art Centre community concessions and discounts to the community groups are reported to Council at the end of each quarter. This report relates to funding decisions made in quarter four being 1 April 2020 to 30 June 2020 and provides a brief overview of the year in relation to budget expenditure.
- At its Ordinary Meeting on 11 May 2020 (2020/OM6), it was resolved that Council:
 - *Notes that the 2019/20 Miscellaneous Grants Program has underspent funds of \$24,513 and approves re-purposing the program in response to the impact and recovery of COVID-19.*
- At the conclusion of quarter four, 25 recipients have received a total of \$19,958 under the repurposed COVID-19 Miscellaneous Grants Program (refer attachment A). Therefore, of \$21,953 allocated (revised from \$24,513), the unspent funds remaining totalled \$1,635. The program closes the 2019/20 year with \$3,700 in

**12.14 Delegated Powers - Miscellaneous Grants Program Q4 2019/20 Report and
Standing Grants Program 2020/21 Supplementary Report****Executive Summary**

surplus; this includes an additional nine applicants forgoing their grants due to the COVID-19 pandemic (\$2,065).

- This quarter no grants were awarded in community concessions and discounts for the Frankston Arts Centre due to the impact of COVID-19. Therefore, of \$224,000 allocated, \$156,293 was expended in Frankston Art Centre community concessions and discounts in the 2019/20 financial year (refer attachment B).
- McClelland Sculpture Park and Gallery received a total grant of \$75,000 in 2019/20 financial year to fund the development of a kinder / preschool program (Senses Program) based at McClelland's new education centre. McClelland completed the development of the curriculum and had a number of kindergartens booked in to participate, however due to COVID-19 restrictions these were subsequently cancelled. In the interim McClelland have been delivering a series of programs for children and families to participate in from home.

Given the COVID-19 restrictions, of the \$75,000 allocated, \$31,000 was expended. McClelland Sculpture Park and Gallery requested the unspent funds of \$44,000 (exc GST) be carried over to 2020/21 financial year, to contribute to the hosting of pre-school groups when the program resumes (refer attachment C).

In order to retain this valuable opportunity for kindergarten children across the municipality is recommended that Council approve McClelland's request to roll-over the unspent monies.

- Council approved a 2020/21 financial year standing grant to Carrum Downs Toy Library in the amount of \$3,300 and Centenary Park Golf Club (Ladies Day Charity) in the amount of \$3,500; however due to the COVID-19 pandemic, Carrum Downs Toy Library and Centenary Park Gold Club have withdrawn their submissions.
- All expenditure quoted in this report is excluding GST.

Financial Impact

The annual Miscellaneous Grants Program and Frankston Art Centre concessions and discounts are within budget.

The Standing Grants Program 2020/21 remains within budget.

Consultation**1. External Stakeholders**

Miscellaneous Grants are advertised broadly and available on Council's website. The Frankston Arts Centre discounts and concessions are available at point-of-sale to eligible organisation and groups.

Submissions and acquittals received from standing grants recipients.

2. Other Stakeholders

The Miscellaneous Grants Sub Committee comprises two Councillors, Mayor Councillor Mayer and Deputy Mayor Councillor Hampton, Director Community Development, Chief Financial Officer, with administrative support provided by the Program Integration Officer and Team Leader Community Development. The Manager Community Strengthening, Manager Arts and Culture and the Coordinator Operations Frankston Arts Centre have also been consulted.

**12.14 Delegated Powers - Miscellaneous Grants Program Q4 2019/20 Report and
Standing Grants Program 2020/21 Supplementary Report**
Executive Summary**Analysis (Environmental / Economic / Social Implications)**

The assessment of Miscellaneous Grants and Frankston Arts Centre discounts and concessions includes reviewing the expected contribution a project or activity will make to the economic, social and/or environmental outcomes in Frankston City.

Standing Grants provide support to strengthen the ability of many groups to operate and provide vital community support.

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

There are no statutory obligations or legal implications considered in this report.

Policy Impacts

The Community Grants Policy, the Miscellaneous Grants Guidelines, the Frankston Arts Centre Community Discounts Criteria and Guidelines and the Standing Grants Program guidelines guide the decision making for all allocations.

Officer's Declaration of Interests

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

Risk Mitigation

Miscellaneous Grants are assessed against the Community Grants Policy and the Miscellaneous Grants Guidelines. The applications are discussed and agreed upon by the Miscellaneous Grants Program Sub Committee comprising the Mayor, Councillor Hampton, Director Community Development and Chief Financial Officer with administrative support provided by the Program Integration Officer and Team Leader Community Development. The community discounts and concessions are assessed and allocated according to the Frankston Arts Centre Community Discounts Criteria and Guidelines. These processes reduce the risk of inappropriate funding contributions.

Many standing grants have been recurring over some years with recipients reliant on income to sustain their operations. Withdrawing or reducing grants at this time of the year when annual budgets may have been set may result in an adverse response toward Council and impact recipients' operational viability.

Conclusion

Funding allocations, discounts and concessions in the Miscellaneous Grants and Frankston Arts Centre programs are reported quarterly to Council. The grants provide valuable support to a range of community groups and individuals and add value to the Frankston Community.

Ordinarily, in accordance with the Standing Grants Program guidelines, grant recipients must spend and acquit their funding by 30 June of that same financial year and grants will be requested to be returned if the activity has been cancelled. However, the advent of a global pandemic has presented an unusual set of circumstances to which groups, Council and the community are having to respond to. It is anticipated that the activity

**12.14 Delegated Powers - Miscellaneous Grants Program Q4 2019/20 Report and
Standing Grants Program 2020/21 Supplementary Report****Executive Summary**

being offered by McClelland would be an appealing one for the children in the recovery phase who have been house-bound for a considerable period. It is therefore recommended that Council approves the request from McClelland Sculpture Park and Gallery to roll over their unspent 19/20 unspent funds into the 20/21 financial year.

ATTACHMENTS

- Attachment A: [↓](#) Repurposed Miscellaneous Grants - Successful Recipients - Quarterly Report Apr-Jun 2019/20
- Attachment B: [↓](#) Arts Concession Discounts - Quarterly Report Apr-Jun 2019/20
- Attachment C: [⇒](#) 2019/20 Standing Grant - Acquittal - McClelland Sculpture Park and Gallery (*Under Separate Cover*)

Repurposed Miscellaneous Grants - Successful Recipients - Quarterly Report Apr-Jun

Category	Applicant	Activity	Grant
Quick Response Grants (Up to \$2,000)	Dogs for Kids with Disabilities Ltd	Dogs for Kids with Disabilities Ltd - 2021 calendar printing for fundraiser initiative	\$ 2,000.00
Quick Response Grants (Up to \$2,000)	Karingal Bulls Junior Football Club	New footballs for players (6-10 new footballs per team)	\$ 550.00
Quick Response Grants (Up to \$2,000)	1st South Frankston Scout Group	COVID-19 medical and cleaning supplies required for all scouting activities to continue safely and within the current guidelines	\$ 550.00
Quick Response Grants (Up to \$2,000)	Frankston Peninsula Multiple Birth Association	Meal deliveries program	\$ 500.00
Quick Response Grants (Up to \$2,000)	Frankston Raiders Rugby League Club	Gear, uniforms and team registrations	\$ 550.00
Quick Response Grants (Up to \$2,000)	Probus Club of Langwarrin Combined Inc.	Small laptop and MS Office suite to assist committee members with the administrative functions of the club	1,208.00
Quick Response Grants (Up to \$2,000)	Mornington Peninsula Pony Club	Monthly rallies at no cost to their members	500.00
Quick Response Grants (Up to \$2,000)	Frankston YCW Football Netball Club - Juniors	Equipment for the junior club teams	\$ 550.00
Quick Response Grants (Up to \$2,000)	Elevate 180 Inc.	School lunch pack project	\$ 500.00
Quick Response Grants (Up to \$2,000)	Frankston Cancer Bag Group Inc.	Material for cancer bags	\$ 500.00
Quick Response Grants (Up to \$2,000)	Frankston Bombers Football/Netball Club	General equipment	\$ 550.00
Urgent Grants (Up to \$2,000)	Theodora's House	Purchase of emergency relief food supplies (for the preparation of food-hampers and pre-cooked frozen meals) for distribution to Frankston residents in need	\$ 2,000.00
Urgent Grants (Up to \$2,000)	Peninsula Bobcats Basketball Club	COVID-19 preparation: Staff participating in COVID-19 training; the purchase of COVID-19 signage (i.e. wall and floor decals) and hygiene supplies (i.e. are diagnostic clinical non contact forehead infrared thermometer and enviro no -touch auto sensor sanitiser dispensers)	\$ 550.00
Urgent Grants (Up to \$2,000)	Cancer Patients Foundation Limited (Look Good Feel Better)	Home delivered confidence kits and virtual workshops to cancer patients in Frankston	\$ 500.00
Urgent Grants (Up to \$2,000)	Baxter Soccer Club	Assistance with utility bills at the club premise	\$ 550.00
Urgent Grants (Up to \$2,000)	Mums Supporting Families in Need Inc. (MSFIN)	Purchase new clothing items for the sizes MSFIN are lacking.	\$ 2,000.00

Repurposed Miscellaneous Grants - Successful Recipients - Quarterly Report Apr-Jun

Urgent Grants (Up to \$2,000)	Frankston Music Society Inc.	Recoup their losses - Frankston Music Society Inc. paid expenses related to their concerts scheduled in March 2020 and May 2020; however at a considerable loss	\$ 500.00
Urgent Grants (Up to \$2,000)	Southern Districts Rugby Club	COVID-19 preparation: purchase of 80 Sports Bibs for segregating playing groups which will reduce co-mingling of participants; 60 Ripper Tags for player simulate non contact tackling; Sanitisation Solutions - Bleach for equipment and hand sanitiser; eight new first aid kits; disinfectant wipes and further unforeseen related costs	\$ 550.00
Urgent Grants (Up to \$2,000)	YCW Netball Club	Cover fees for families that are unable to cover both club membership fees and the Victoria Netball Association fee	\$ 550.00
Urgent Grants (Up to \$2,000)	Whitelion	Support highly vulnerable, low-income, young people at-risk residing in the Frankston area seeking help with accessing food and staple household supplies	\$ 2,000.00
Urgent Grants (Up to \$2,000)	1st Ballam Park Scout Group	Seeking funding to deliver the full scouting program to local youth members, and ensure that the youth have equal access to achieving their goals	\$ 550.00
Urgent Grants (Up to \$2,000)	St. Basil Circle of Sisters - Langwarrin	COVID-19 preparation: Purchase two contactless hand sanitising stations on a stand, two contactless hand sanitising stations for wall, two x five litre bottles of hand sanitising gel and safety posters will be printer for each of the sanitising stations	\$ 250.00
Urgent Grants (Up to \$2,000)	Life-Gate Inc.	Purchase of food to provide more meals and increase their dwindling supply of basic necessities	\$ 1,000.00
Urgent Grants (Up to \$2,000)	Miscarriage Information Support Service Inc. (MISS)	Care packages provided to all parents impacted by miscarriage in Frankston City	\$ 500.00
Environmental Sustainability Grants (Up to \$2,000)	Joy of the Earth Community Garden	Purchase material required to grow food and donate to the two specified organisations for distribution by Community Support Frankston (CSF) and Peninsula Christian Care to individuals and families in need	\$ 500.00

Repurposed Miscellaneous Grants - Successful Recipients - Quarterly Report Apr-Jun

		TOTAL	\$19,958.00
--	--	--------------	--------------------

Community Grants 2019-20 – Frankston Arts Centre Discounts and Concessions Budget – Quarter 4 report – Apr, May, Jun 2020

	Apr	May	Jun	Jul19-Jun20 - YTD Actuals
Community Grant - Ticketing- Dance/Calisthenics Total	0.00	0.00	0.00	26,807
Community Grant - Ticketing - Local Theatre Total	0.00	0.00	0.00	16,361
Community Grant - Ticketing - Schools Total	0.00	0.00	0.00	36,105
Community Grant - Ticketing - Self Managed Tickets Total	0.00	0.00	0.00	15,407
Community Grant - Theatre Rental - Dance/Calisthenics Total	0.00	0.00	0.00	28,227
Community Grant - Theatre Rental - Local Theatre Total	0.00	0.00	0.00	7,436
Community Grant - Theatre Rental - Schools Total	0.00	0.00	0.00	25,950
TOTAL	\$0.00	\$0.00	\$0.00	\$0.00
			YTD TOTAL	\$156,293

Executive Summary

12.15 Membership to Cities Power Partnership program

Enquiries: (Luke Ure: Infrastructure and Operations)

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.3 Natural and sustainable environment
Priority Action	1.3.2 Reduce Council's energy use and greenhouse gas emissions and progress towards carbon neutrality

Purpose

To brief Council on the benefits of the Cities Power Partnership and seek endorsement to join the program in support of climate action.

Recommendation (Director Infrastructure and Operations)

That Council:

1. Commits to joining the Cities Power Partnership and commits to delivering the following five key actions from the program's pledge actions:
 - Renewable Energy
 - (a) Use Council resources to support the uptake of renewable energy;
 - (b) Provide incentives and/or remove barriers to encourage local businesses to take up solar power and battery storage;
 - Energy Efficiency
 - (c) Roll out energy efficient lighting across the municipality;
 - Sustainable Transport
 - (d) Ensure Council fleet purchases meet strict greenhouse gas emissions requirements and support the uptake of electric vehicles; and
 - (e) Lobby state and federal governments to increase sustainable transport options.
2. Notes these actions are integral to Council's climate emergency response and in joining the Cities Power Partnership, Council is demonstrating leadership in climate action.

Key Points / Issues

- The Cities Power Partnership (CPP) program was launched in 2017 by the Climate Council who are an Australian climate change communications organisation that is 100% community owned.
- The program seeks to celebrate and accelerate emissions reduction and clean energy successes of Australians towns and cities. It is the largest national climate program for local government with over 125 local government partners, including Baw Baw Shire Council, City of Greater Dandenong and Mornington Peninsula Shire.
- Joining the CPP will meet Action C10 in Council's *Towards Zero Emissions Plan (2019-2023)*, under Culture and Leadership, which is to:

12.15 Membership to Cities Power Partnership program

Executive Summary

“Investigate the benefits of joining organisations and groups working on greenhouse mitigation (e.g. Cities Power Partnership) to ensure Council keeps abreast of new projects, developments and opportunities as they arise”.

- Pledging to become a CCP partner provides Council with a range of benefits (Attachment A), including:
 - Access to a knowledge hub, reporting tools, webinars and opportunities for media and advocacy training (including for Mayors and Councillors).
 - Media and profiling – opportunities to showcase and celebrate climate action, including profiling of Council’s achievements, for example, through an annual awards program and traditional and social media.
 - A network for collaborating and sharing knowledge – each partner connects with other local councils to share knowledge and experiences, improving access to information, research and best practice approaches undertaken in climate action.
 - Opportunities to strengthen and influence both the state and federal government through shared advocacy campaigns.
- Participating councils who join the CCP must select five key actions from the program pledges to implement and report on. The following five actions have been selected that align with Council initiatives that have commenced or are committed to in Council’s *Towards Zero Emissions Plan (2019-2023)*.

Pledged Action	Council Initiative
<p><u>Renewable Energy:</u> (a) Use Council resources to support the uptake of renewable energy.</p> <p>(b) Provide incentives and/ or remove barriers to encourage local businesses to take up solar power and battery storage.</p>	<p>Council has committed to a partnership with the Australian Energy Foundation (AEF) to provide residents with advice on energy efficiency and solar power systems in the home.</p> <p>Officers are investigating the introduction of Environmental Upgrade Finance for Frankston City businesses to access long-term, low interest loans to upgrade the energy, water or waste efficiency of their building.</p>
<p><u>Energy Efficiency:</u> (c) Roll out energy efficient lighting across the municipality.</p>	<p>The Council Plan initiative to renew street lighting with energy efficient LED technology is currently underway in the Long Term Infrastructure Plan (LTIP).</p>
<p><u>Sustainable Transport:</u> (d) Ensure Council fleet purchases meet strict greenhouse gas emissions requirements and support the uptake of electric vehicles (EVs).</p>	<p>Council is currently reviewing its Motor Vehicle Policy and has committed to enhanced greenhouse gas emission requirements from its vehicle fleet and Officers are investigating opportunities to introduce EVs.</p>

12.15 Membership to Cities Power Partnership program**Executive Summary**

Pledged Action	Council Initiative
(e) Lobby state and federal governments to increase sustainable transport options.	Council has partnered with Mornington Peninsula Shire to lobby the state and federal governments for duplicating and electrifying the train line to Baxter.

- Council declared a climate emergency at its Ordinary Meeting on 18 November 2019 (OM14). These actions are integral to Council's action on climate change and response to the climate emergency.
- Joining the CPP is distinctly different to joining the South East Councils Climate Change Alliance (SECCCA). SECCCA is a regional based program that coordinates regional projects for an annual fee. CPP is a national program that promotes knowledge sharing, building up a national media profile and sharing success stories for free.

Financial Impact

There are no financial implications associated with this report. Joining the CCP is free.

Consultation**1. External Stakeholders**

Council officers have consulted existing partner councils and the Climate Council.

2. Other Stakeholders

Council's Sustainable Assets department have consulted key internal stakeholders in the preparation of this report.

Analysis (Environmental / Economic / Social Implications)

Joining the CPP will assist Council in progressing its climate emergency response, 2025 zero net greenhouse gas emissions target for the organisation and reducing its impact on climate change.

Council will be better enabled to respond to and manage its climate change and climate emergency priorities and risks gained from the shared knowledge, resources and tools that the program provides.

Additionally, Council and the community will benefit through opportunities to align key messages for climate change advocacy to both the state and federal government.

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 Victorian Government's *Climate Change Act 2017* is relevant to this report.

Policy Impacts

This report has been developed in accordance with Council's Towards Zero Emissions Plan (2019-2023), Environmental Sustainability Policy, Greening Our Future

12.15 Membership to Cities Power Partnership program**Executive Summary**

Environment Strategy (2014-2024), Climate Change Impacts and Adaptation Plan (2011) and Health and Wellbeing Plan (2017-2021).

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 is a low risk to Council in the form of missed opportunities, knowledge sharing and aligning with other local government agencies in response to climate change and managing climate risks. By joining the CCP it is expected that Council will be able to accelerate the planning and delivery of climate initiatives, whilst raising Council's profile and promoting the organisation's commitment across Australia to reducing greenhouse gas emissions.

Conclusion

It is recommended that Council resolves to join the Cities Power Partnership and commits to delivering the five key actions from the program's pledge actions.

ATTACHMENTS

Attachment A: [↓](#) Cities Power Partnership - Program Benefits and Value



CITIES POWER PARTNERSHIP

Program Benefits and Value



Giving local government the tools, connections and momentum to take bold action on climate change.

We celebrate and accelerate the emissions reduction and clean energy successes of councils around Australia.



125+

Local government areas



50%

Representing more than 50% of Australians



525+

Delivering over 525 climate and energy pledges across renewable energy, energy efficiency, transport and collaboration

"A fantastic program for councils to be a part of. Having a reliable source of information available for those who need it is very valuable and key to accelerating Australia's local energy transition."

City of Newcastle, NSW

"Participating in the Cities Power Partnership, combined with being on-track to reach our 2020 target has raised councillor and staff awareness of important emissions reduction projects. Ongoing support through the program is incredibly vital to maintaining Council's momentum and meaningful action on climate."

Cairns Regional Council, QLD

Benefits

As a Cities Power Partnership member, you are part of a trailblazing group of councils taking significant strides on climate change. Through the program your council and community has access to a host of benefits including:



Media and Profiling

- > An annual awards program to recognise your climate leadership
- > Profiling of council achievements in traditional and social media
- > Media training to support Mayors and Councillors to advocate for climate action
- > Council initiatives featured in Climate Council reports, [case studies](#) and [videos](#)
- > Opportunities to participate in advocacy campaigns, such as the Bushfires and Climate Change [declaration](#)

Knowledge Sharing and Events

- > Access to the Resource Library with over 400 items including policy templates
- > An online forum to connect with the collective brains trust of over 125 councils
- > Monthly expert webinars on key topics you've told us are important
- > Opportunities to attend face-to-face events across the country such as the Cities Power Partnership [National Climate Summit](#)
- > Monthly newsletters with council-specific climate resources and case studies

Accountability and Measurement

- > Free access to the Azility reporting tool, to monitor your project's emissions reduction outcomes
- > Annual reporting on program results to track council progress against pledges
- > Access to experts and credible service providers to accelerate and deliver climate initiatives

Strategic Priorities

Now more than ever we need to ensure that our network remains strong. As we move forward, the Cities Power Partnership will continue to support our members to create the zero-carbon communities Australia needs to be more resilient to future climate challenges.

Looking ahead our key strategic directions are:



Connecting councils, facilitating collaboration and sharing knowledge to rapidly transfer learning and reduce barriers to project implementation



Giving councils a collective voice to advocate for local government's key role in tackling climate change and empower collective action



Showcasing and celebrating climate initiatives to reward councils taking bold action and inspire others to replicate



Building connections between councils and their communities to deepen engagement and accelerate the transition towards a net-zero carbon future



Find out more at citiespowerpartnership.org.au

Executive Summary**12.16 Annual Volunteer Awards 2020**

Enquiries: (Tim Bearup: Communities)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.3 Health and Well-being
Priority Action	2.3.5 Adopt a Health and Wellbeing Plan 2017-2021

Purpose

To brief Council on the Annual Volunteer Awards 2020

Recommendation (Director Communities)

That Council:

1. Notes Impact Volunteering has been wound up and the role and function has been transferred to Council;
2. Endorses Impact Volunteering Board's recommended candidates for the annual Volunteer Awards for:
 - Service: to Mr. Peter Lewis (Community Support Frankston)
 - Leadership: to Mr. Gary Zeuschner (Langwarrin Netball Club)
 - Teamwork: to Ms. Melissa Burgess (Frankston North Community Centre)
 - Innovation: to Ms. Tanya Canavan (community volunteer)
 - Initiative: to Ms. Helena Leslie (Donation Chain); and the
 - Organisation award and \$1,000: to Theodoras Cheerful Givers;
3. Presents the Volunteer Awards via online video sessions and posted on social media in conjunction with the promotions for the online Mayor's Picnic event on 20 September 2020;
4. Recognises the contribution made by the board members of Impact Volunteering to the volunteering sector at the Ordinary Meeting in September 2020; and
5. Receives a report at the Ordinary meeting of Council by April 2021 recommending a new process for the assessment of the Annual Volunteer Award recipients.

Key Points / Issues

- Established by Impact Volunteering in partnership with Frankston City Council in 2017, the Volunteer of the Year Awards aim to celebrate and recognise the valuable contributions that volunteers make to the local community
- Nominations for volunteers were sought in respective categories - Service, Leadership, Teamwork, Innovation and Initiative. Winners were subsequently assessed and recognised in each of the categories, for which they will be awarded a certificate. Organisations were also able to nominate themselves for the \$1,000 prize by answering a short series of questions about the impact the organisation has had on the community over the last 12 months.
- Impact Volunteering Board assessed nominations and subsequently made the following recommendations to Council to award certificates for:

Service: to Mr. Peter Lewis (Community Support Frankston)

12.16 Annual Volunteer Awards 2020**Executive Summary**

Leadership: to Mr. Gary Zeuschner (Langwarrin Netball Club)

Teamwork: to Ms. Melissa Burgess (Frankston North Community Centre)

Innovation: to Ms. Tanya Canavan (community volunteer)

Initiative: to Ms. Helena Leslie (Donation Chain)

Organisation award and \$1,000: to Theodoras Cheerful Givers

The full list of nominees are identified at Attachment A.

- Impact Volunteering has now been wound up as an independent entity, and the program has been transferred to now sit under Council within the Community Strengthening Department.
- Impact Volunteering has been instrumental in building a system of attracting and matching volunteers to organisations. It is recommended their contribution be recognised at the Ordinary Meeting in September 2020.

Financial Impact

There are financial costs, however, these costs can be accommodated within existing budgets. \$1,000 is allocated in the Impact Volunteering budget

Consultation**1. External Stakeholders**

The Impact Volunteer Board have provided input and recommendations relevant to this report

2. Other Stakeholders

Manager Impact Volunteering and the Manager Community Strengthening

Analysis (Environmental / Economic / Social Implications)

Volunteering is a key plank in building the community's economic, social and environmental capacity and resilience. Recognition of volunteers through the Volunteers Awards showcases effort and opportunities enabling growth in this sector.

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 statutory obligations or legal implications considered in 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.

12.16 Annual Volunteer Awards 2020**Executive Summary****Risk Mitigation**

Declared and conflicts of interest were mitigated by the Board's model rules (constitution). All applications were voted on their merits within each of the categories that they have applied for.

Conclusion

Recommendations for Volunteers of the Year, as per the body of the report, have been selected by the Impact Volunteering Board members and have been forwarded to Council for approval and presentation in conjunction with the online Mayors Picnic on 20 September 2020.

ATTACHMENTS

Attachment A: [⇒](#) Impact Volunteering Letter (*Under Separate Cover*)

Executive Summary**12.17 Council's Action Plan for Municipal Monitor's recommendations**

Enquiries: (Brianna Alcock: Chief Financial Office)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

Purpose

To provide an update on Council's Action Plan to address the Municipal Monitor's recommendations of which progress will be reported via the CEO's Quarterly Report to Council.

Recommendation (Chief Financial Office)

That Council:

1. Notes the Minister for Local Government's letter received in May 2020 which requested Council's response to the Municipal Monitor's recommendations be compiled into an action plan;
2. Notes the action plan and progress report which outlines Council's response to address each recommendation and end dates;
3. Acknowledges that progress has been reported via the CEO's Quarterly Report to Council since March 2020 and will continue until the expected completion in October 2021; and
4. Approves the proposed letter, along with action plan and progress report to be sent to the Minister for Local Government.

Key Points / Issues

- At its meeting on 17 February 2020, Council resolved to:
 1. *Notes the Minister for Local Government released the Final Report on 17 December 2019 by the Municipal Monitor, Prue Digby, on the governance processes of Frankston City Council and the recruitment process of the Chief Executive Officer.*
 2. *Notes the Minister for Local Government requested a response by 31 January 2020 and subsequently granted an extension until Friday 28 February 2020 to allow more time for Council to endorse its response to the recommendations of the Municipal Monitor.*
 3. *Endorses its response to the Municipal Monitor's report and that it be provided to the Minister for Local Government before 28 February 2020."*
- Council's response detailing its ongoing commitment to addressing the Monitor's recommendations was sent to the Minister for Local Government on 18 February 2020.
- The Minister for Local Government sent a further letter to Council on 8 May 2020, providing feedback on Council's response and requesting that it be formulated into an action plan to address the issues and include end dates. A meeting was held with Local Government Victoria on 13 May 2020 to discuss the requirements outlined in the letter.

12.17 Council's Action Plan for Municipal Monitor's recommendations**Executive Summary**

- A Councillor Briefing was held on 18 May 2020 at which Councillors were briefed on the Minister's letter and provided input towards a proposed action plan format. Councillors present for the discussion included: Mayor Cr Mayer, Deputy Mayor Cr Hampton, Cr Aitken, Cr Bolam, Cr McCormack and Cr Toms.
- Implementation of the Monitor's recommendations has been reported to Council and the community via the CEO's Quarterly Report and Council Plan Quarterly Performance Report since March 2020. Progress reporting on the action plan will continue to be reported until the expected completion target date of October 2021.
- A Municipal Monitor was appointed by the Minister for Local Government on 13 December 2017 for a period of 18 months to monitor the governance processes and practices of Council. This appointment was extended by a further three (3) months to monitor the recruitment process of the Chief Executive Officer appointment. At the conclusion of the appointment, a Final Report was presented to the Minister for Local Government with findings and recommendations.
- On Tuesday 17 December 2019, the Minister for Local Government released the Final Reports, and requested a response by 31 January 2020. The reports were made available on the Local Government Victoria website. The Minister for Local Government granted an extension for Council's response until Friday 28 February 2020.

Financial Impact

There are no financial implications associated with this report.

Consultation**1. External Stakeholders**

A meeting was held with Local Government Victoria in May 2020 to discuss the feedback received from the Minister for Local Government on Council's response to the Monitor's recommendations which requested an action plan including end dates.

2. Other Stakeholders

A Councillor Briefing was held on 18 May 2020 at which Councillors were briefed on the Minister's letter and provided input towards a proposed action plan format. Councillors present for the discussion included: Mayor Cr Mayer, Deputy Mayor Cr Hampton, Cr Aitken, Cr Bolam, Cr McCormack and Cr Toms.

Analysis (Environmental / Economic / Social Implications)

Council's role is to provide leadership, maintain the viability of its municipality, advocate the interest for the local community, foster community cohesion and encourage active participation in civic life.

The recommendations by the Municipal Monitor will ensure Council continues to operate successfully with good processes and good governance, making and implementing decisions for the betterment and wellbeing of the community.

An action plan and progress reporting will provide better transparency to the community on Council's implementation of the Monitor's recommendations.

12.17 Council's Action Plan for Municipal Monitor's recommendations**Executive Summary****Legal / Policy / Council Plan Impact**Charter 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

A Municipal Monitor was appointed on 13 December 2017, in accordance with section 223CA of the *Local Government Act* 1989 (the Act) for a period of 18 months. The appointment was extended by a further three (3) months to monitor the recruitment process of the Chief Executive Officer appointment.

A report was submitted to the Minister for Local Government on a regular basis, with a Final Report provided at the conclusion of the term, detailing steps that Council has taken to improve its governance and any recommendations for the exercise of the Minister's powers under the Act.

Policy Impacts

There are no policies or protocols that will affect the decision or are relevant 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

Council must continue to address the recommendations identified by the Municipal Monitor to promote community confidence in decisions being made in the best interests of the community.

Failure to demonstrate a sustained response to the Monitor's recommendations may lead to decreased confidence by the community. An action plan, which addresses the issues and includes end dates, that is progress reported to the community will provide more accountability.

Conclusion

Implementation of the Monitor's recommendations has been reported to Council and the community via the CEO's Quarterly Report and Council Plan Quarterly Performance Report since March 2020. Progress reporting on the action plan will continue to be reported until the expected completion target date of October 2021.

It is recommended that the action plan and progress report are approved to be sent with a letter to the Minister for Local Government.

ATTACHMENTS

Attachment A: [↓](#) Letter of reply from Minister for Local Government on Council's response to Monitor's recommendations - 8 May 2020

Attachment B: [↓](#) Letter to Minister for Local Government from Council - August 2020

Attachment C: [↓](#) Action Plan - with progress report for August 2020



The Hon Adem Somyurek MP

Minister for Local Government
Minister for Small Business

121 Exhibition Street
Melbourne, Victoria 3000
Telephone: 03 8392 2202
DX210074

Cr Sandra Mayer
Mayor
Frankston City Council
PO Box 490
FRANKSTON VIC 3199

Ref: MIN070347

Dear Mayor

Thank you for your letter of 18 February 2020 regarding the council's response to the final reports from Ms Prue Digby, the municipal monitor appointed to the council.

I am pleased to note Frankston City Council's response includes a range of actions designed to address the governance concerns raised in the monitor's reports.

I note that the council intends to report to its community on its progress to implement actions that address the issues raised by the monitor through its quarterly performance reports and Annual Report. However, there does not appear to be a clear action plan to address the issues raised by the monitor, including end dates for each action.

I ask that the council consider developing an action plan to explain how and when each issue identified by the monitor will be addressed by the council.

In doing so, the council may wish to consider previous action plans of other councils that have been subject to recommendations from an independent integrity body. Examples include the action plans developed by Greater Geelong City Council to address the recommendations from the independent Commission of Inquiry into the council; Ararat Rural City Council in response to recommendations from a municipal monitor; and Central Goldfields and West Wimmera Shire councils to address recommendations from the Chief Municipal Inspector.

The period of monitoring at the council represented a significant cost to the residents and ratepayers of Frankston, and it is important the council ensures it fully implements all actions to address the monitor's recommendations and to ensure it provides the good governance and quality services the Frankston community deserves.

Thank you for your attention to this matter.

Yours sincerely

The Hon Adem Somyurek MP
Minister for Local Government
Minister for Small Business

8/5//2020



Office of the Mayor

Frankston City Council
30 Davey Street, Frankston, Victoria, Australia
Telephone: +613 8773 9529 Mobile: 0400 236 107
PO Box 490, Frankston VIC 3199
Website: frankston.vic.gov.au

Reference: A4285679
Enquiries: Brianna Alcock
Telephone: 9784 1751

20 August 2020

Minister for Local Government
The Hon Shaun Leane MP
Level 16
121 Exhibition Street
MELBOURNE VIC 3000

Dear Minister

COUNCIL'S ACTION PLAN FOR MUNICIPAL MONITOR'S RECOMMENDATIONS

I reference the former Minister for Local Government, Adem Somyurek's letter of 8 May 2020 regarding Council's response to the final reports from Ms Prue Digby, the municipal monitor appointed to Council.

His letter noted there did not appear to be a clear action plan to address the issues raised by the monitor or end dates, and suggested considering developing an action plan to explain how and when each issue will be addressed by the Council.

I am pleased to provide you with a copy of Council's action plan with progress report to date.

The overall progress has been reported to Council and the community via the CEO's Quarterly Report since March 2020.

We will continue to commit to addressing the recommendations with the new term of Council by reporting on progress against the action plan and expect to have completed all actions over the next 12 months, by October 2021.

Thank you for considering this matter which was brought to our attention.

Yours faithfully

Cr Sandra Mayer
MAYOR – FRANKSTON CITY

CC:
Phil Cantillon
CHIEF EXECUTIVE OFFICER

Action Plan with progress report

Implementation of Municipal Monitor's recommendations

August 2020

This Action Plan with progress report ensures the five key recommendations from the Municipal Monitor's Report 2019 are addressed to improve Council's overall performance by October 2021. The progress is reported to Council every quarter as part of the CEO's Quarterly Report and a copy made available on Council's website.



opportunity » growth » lifestyle



Overview



Municipal monitor's recommendations	Quarterly Achievements	Progress to completion	Overall status
<p>1. Streamline Agendas</p> <p>Ensure that agendas for assemblies of Councillors continue to be structured and streamlined to create opportunities for discussion amongst Councillors to resolve issues and accommodate different points of view.</p>	<p><i>The status of listed reports to Council and Councillor Schedule are reviewed weekly. This has reduced the number of reports and items scheduled. Councillors have more time for discussion and consideration of items. Memorandums to Councillors are released regularly which is enabling them to be better informed.</i></p>	<p>75%</p> <p>October 2020</p>	
<p>2. Reduce Notice of Motions</p> <p>Reduce the number of complexity of notices of motion and alternate motions including by engaging in discussions with the CEO and Executive Team as well as fulsome discussion at assemblies of Councillors.</p>	<p><i>A NOM protocol was developed and discussed with Councillors at a Briefing in April 2020. The CEO and Executive Team discuss notice of motions with Councillors before they are submitted to Council. The number of Notice of Motions have reduced from 33 in December 2019 to only one (1) received in the last quarter of April to June 2020.</i></p>	<p>75%</p> <p>October 2020</p>	
<p>3. Improve Community Satisfaction Survey Results</p> <p>Recognise the significant improvement over the past 12 months in the community satisfaction survey results and take steps towards further improvement.</p>	<p><i>The Local Government Community Satisfaction Survey Results have were received and released in July 2020 with planned improvements to key areas over the next 12 months.</i></p>	<p>25%</p> <p>October 2021</p>	
<p>4. Improve staff engagement survey results</p> <p>Continue Councillors and management's commitment and efforts to improve the staff engagement survey results.</p>	<p><i>The CEO has provided weekly updates to staff and focused on transforming the organisation through implementation of a 'Building our Future' program. The Staff survey results were received in July 2020 with increased engagement from 48% to 68% across the organisation.</i></p>	<p>25%</p> <p>October 2021</p>	
<p>5. Increase trust and communication between management and Councillors</p> <p>Continue to find mechanisms to increase trust and effective communication between management and Councillors.</p>	<p><i>Managers have been communicating openly with Councillors with regular contact, memorandums and updates. The Councillor Induction Program will be implemented in the first six months of the new Council's term to provide training and build relationships with Management and Councillors.</i></p>	<p>25%</p> <p>June 2021</p>	



1. Streamline Agendas



Monitor's recommendations	Council's response	Expected completion date	Progress comments	Status
Ensure that agendas for assemblies of Councillors continue to be structured and streamlined to create opportunities for discussion amongst Councillors to resolve issues and accommodate different points of view.	1.1 Improve the structure of Council reports and assembly papers, by removing unnecessary content and headings.	October 2020	<i>A new draft Council Report template has been developed. Benchmarking with other Councils and consultation with key stakeholders is underway.</i>	■
	1.2 Invest in essential training for staff to build their expertise in clear and concise report writing, and the construction of solid report recommendations.	October 2020	<i>Developed and implemented a guidance document for staff to use when preparing reports. Further training sessions are proposed.</i>	■
	1.3 Strengthen the Council Meeting processes, improving report recommendations and to maintain timely production of agendas and minutes.	June 2020	<i>Draft agendas are reviewed and recommendations are being revised prior to being released. The process for approval of minutes has been revised and improved.</i>	✓
	1.4 Limit presentation times during briefings and allowing more open discussion amongst Councillors and Council staff on the issues at hand.	June 2020	<i>Councillor Schedule reviewed weekly and times have been reduced. The Draft Agenda is the only item reviewed on the night.</i>	✓
	1.5 Strengthen governance support at the Agenda Review of Council Briefings and Council Meetings to assist in the construction of alternate motions, and other general advice in relation to meeting procedure.	June 2020	<i>The Coordinator Governance now supports the Mayor with meeting procedures during the meeting. The Manager Governance attends each Agenda Review and Council Meeting to oversee the governance arrangements.</i>	✓
	1.6 Continue the reflective practice of a meeting debrief at the end of each Council Briefing and Council Meeting.	June 2020	<i>A debrief discussion is held at the end of every Council Meeting. Debrief minutes are presented to Council to be noted at the following Council Meeting and included in the CEO's Quarterly Report.</i>	✓



2. Reduce Notice of Motions



Monitor's recommendations	Council's response	Expected completion date	Progress comments	Status
Reduce the number of complexity of notices of motion and alternate motions including by engaging in discussions with the CEO and Executive Team as well as fulsome discussion at assemblies of Councillors.	2.1 Develop a Notice of Motion Protocol to provide clarity around the process for lodging and actioning notice of motions, including: timeframes, types of matters, volume of notice of motions and format.	October 2020	<i>A draft Notice of Motion Protocol has been developed and Councillors have provided input at a Briefing. A further discussion on the Protocol will be held with Councillors and then it will be considered for adoption at a meeting of Council on 21 September 2020.</i>	■
	2.2 Invest in and encourage more open dialogue amongst Councillors and Council staff during Pre-Agenda meetings and Council Briefings, to allow for Councillors to better understand the issues at hand, leading to better decision making and community confidence in Council.	October 2020	<i>The Mayor, as Chair, facilitates deliberative discussion during the Councillor Briefings on each report to clarify and resolve any issues raised. Councillors are better informed for any upcoming decision making.</i>	■
	2.3 Continue reviewing the number of Notices of Motion considered by Council through discussions with the CEO and Management.	October 2020	<i>The CEO and Executive Team are discussing notice of motions with Councillors before they are submitted to Council. In 2016-2017 there were 110 Notices of Motion. The volume of Notice of Motions have reduced to 33 in 2018-2019, to 10 in January 2020 to June 2020, and only one (1) received in the last quarter from April to June 2020.</i>	■



3. Improve Community Satisfaction Survey Results



Monitor's recommendations	Council's response	Expected completion date	Progress comments	Status
Recognise the significant improvement over the past 12 months in the community satisfaction survey results and take steps towards further improvement.	3.1 Explore means to better engage the community in the long term planning, strategic direction setting and decision making of Council.	October 2021	<i>An interim Engagement Policy was endorsed by Council on 10 August 2020 which describes Council's approach to deliberative engagement practices. Engagement to identify the community's priorities is commencing in August 2020. This starts the engagement journey over the next 12 months to prepare for Council's mid to long term plans.</i>	■
	3.2 Engage the community through regular feedback to implement changes to our service delivery.	June 2021	<i>The recent Community Satisfaction Survey Results are being analysed to identify themes to inform our strategic program of works. We will also be undertaking another detailed survey to better understand the community's experience.</i>	■
	3.3 Investigate options to streamline Council services to create a better customer experience for its community.	June 2021	<i>Work is in progress to set-up a Continuous Improvement Team that will play a key role to transform the service experience. There is work in progress to draft the two year transformation program of works which will focus on delivering improved Customer experience.</i>	■



3. Improve Community Satisfaction Survey Results



Monitor's recommendations	Council's response	Expected completion date	Progress comments	Status
Recognise the significant improvement over the past 12 months in the community satisfaction survey results and take steps towards further improvement.	3.4 Improve transparency in its decision making through the reduction of Closed Council agenda items by moving contractual matters into Open Council.	June 2021	<i>Contractual matters have been presented in Open Council since July 2020. Decisions made in Closed Council were 19% in 2019-2020. An aspirational target of 10% has been set for Decisions made in Closed Council for 2020-2021.</i>	■
	3.5 Enhance advocacy priorities by building relationships and leveraging the advocacy role.	March 2021	<i>The advocacy priorities will be informed by the proposed customer research survey to better understand community's expectations. The new Council will also provide an input into the advocacy priorities and structured campaigns will be developed to advocate to stakeholders.</i>	■
	3.6 Continue to invest in the organisation to develop a strong service culture	June 2021	<i>The Enterprise transformation program will have a two pronged approach to improve staff and customer experience. Investing in uplifting staff capability will be a key action in the program.</i>	■
	3.7 Develop protocols for behaviours to align with the new organisational values of "Kinder, Smarter and Fairer"	June 2021	<i>We will be developing a framework or set of guidelines to align, manage and reward behaviour in line with our new Organisational values.</i>	■



4. Improve Staff Engagement Survey Results



Monitor's recommendations	Council's response	Expected completion date	Progress comments	Status
Continue Councillors and management's commitment and efforts to improve the staff engagement survey results.	4.1 Continue the organisation's cross-functional team to progress the implementation of actions.	June 2020	<i>The cross-functional team met in April 2020 to progress implementation. The themes worked on have carried through to the new staff survey for 2020.</i>	✓
	4.2 Engage the staff through regular pulse surveys to identify any improvements in workplace culture.	June 2021	<i>A staff survey was conducted in April 2020 and Councillors were briefed on the results in July 2020. The results are being released to staff and culture improvement plans will be developed in teams by 30 November 2020. We plan to continue to undertake annual pulse checks to track improvements and gather insights.</i>	■
	4.3 Focus on "Building our Future" through engaging staff in an open and transparent discussions when making decisions.	June 2021	<i>The CEO circulates weekly email updates and provides updates on key issues and achievements as they arise. In July the CEO held a live online meeting for all staff inviting discussion and sharing decisions made.</i>	■
	4.4 Continue to embed the values and behaviours of "Kinder, Smarter and Fairer" through positive interactions and initiatives.	June 2021	<i>The values and behaviours continue to be embedded across the organisation. They are included in performance review process, thankyou cards, recognition awards and discussions for decision making.</i>	■
	4.5 Continue to embed the Leadership Capability Framework, Staff Recognition Program and Learning and Development Program.	June 2021	<i>Expressions of interest are currently being undertaken to introduce a new Leadership development program in-line with our capability framework. The team are also developing a broader Learning Framework.</i>	■
	4.6 Explore means to engage staff in the development of its Council Plan 2021-2025 and Service Planning Framework, to help set the strategic direction of Council.	October 2021	<i>Staff have been consulted in the first step of developing the Council Plan 2021-2025 and Service Plans have been developed in cross-functional groups in preparation for engagement with the community.</i>	■



5. Increase trust and communication between management and Councillors



Monitor's recommendations	Council's response	Expected completion date	Progress comments	Status
Continue to find mechanisms to increase trust and effective communication between management and Councillors.	5.1 Promote a positive feedback culture through improvements in induction training to build trust and ensure a collegiate approach.	June 2021	<i>A Councillor Induction Program will commence with the new term of Councillors from November 2020 and provides an opportunity for management and Councillors to build relationships.</i>	■
	5.2 Establish the practice of prioritising the discussion, listening, conversing and debriefing by asking more questions, acknowledging each other's points and being respectful of each other.	June 2020	<i>The Mayor, as Chair, is giving each Councillor an opportunity to raise their points, listen to each other and converse before making a decision.</i>	✓
	5.3 Continue with the current practice of open communication and engagement through memorandums.	June 2020	<i>Memorandums to Councillors are used as key communication pieces to provide opportunities for further discussions.</i>	✓
	5.4 Explore more opportunities for information sharing amongst Councillors and Management to enhance the relationship.	June 2020	<i>Communication amongst Management and Councillors is occurring on all key issues and items being presented. This is contributing to more informed decision making, building relationships and trust.</i>	✓
	5.5 Involve the management in local community engagement sessions, Ward meetings (brief Councillors), opening and events that Councillors may already be in attendance to build trust and improve relationships.	June 2021	<i>Management are participating in sessions when required. Progress is being made and will be reviewed after six months into the new Council's term.</i>	■
	5.6 Implement debriefing sessions as a component of the Closed Council Agenda, to identify any issues that arose, or areas for improvement to build strength, resilience and collegiality within the Council.	June 2020	<i>A debrief discussion is held at the end of every Council Meeting. Debrief minutes are presented to Council, noted at the following Council Meeting and included in the CEO Quarterly Report.</i>	✓

Executive Summary**12.18 Clublinks - Operation of the Social Golf Club at Centenary Park Golf**

Enquiries: (Tim Bearup: Communities)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.3 Health and Well-being
Priority Action	2.3.3 Enhance equitable access to sport and leisure opportunities

Purpose

To brief Council the status of investigations and negotiations in relation to the operation of the Social Golf Club by Clublinks at the Centenary Park Golf Course.

Recommendation (Director Communities)

That Council:

1. Notes, following concerns expressed, officers met with Clublinks to discuss the role of their social golf club at Centenary Park Golf Course;
2. Following meetings with Clublinks and Centenary Park Golf Club a satisfactory agreement was reached; and
3. Notes and supports the letter provided to Clublinks dated 14th August 2020, which foreshadowed the aforementioned agreements.

Key Points / Issues

- In late 2019, concerns were raised about the role of the Social Golf Club operated by Clublinks at the Centenary Park Golf Course.
- At Council's request Clublinks ceased promoting their Social Golf Club at the golf course subject pending an agreed solution
- As per the Licence Agreement, Council also notified Clublinks that they must request permission under clause 15.1 in the Licence Agreement to operate and additional 'golf club' at the course
- Following the deferral of the issue due to COVID-19, meetings were convened between Frankston City Council, Clublinks and the Centenary Park Golf Club.
- Meetings were held separately with the Centenary Park Golf Club and Clublinks and included the Mayor, Councillor Hampton, and Council officers.
- Following these meetings, Clublinks formalised a proposal for how they could proceed which included:
 - Not selling or promoting their Social Golf product on site at Centenary Park Golf Course;
 - Deliver their Social Golf Program via online channels only;
 - Events can be held at Centenary Park in the best interests of introducing further users to the course
 - In addition to the above, Clublinks would also continue to support the Centenary Park Golf Club through sponsorship of the club, member value additions to Club Social Membership; as well as offering marketing and administration support.
- Officers have discussed this proposal with the President of the Centenary Park Golf Course, who in turn has confirmed his support.

12.18 Clublinks - Operation of the Social Golf Club at Centenary Park Golf**Executive Summary**

- Clublinks has indicated their wish to work with the Centenary Park Golf Club to establish a process to on-sell slots that are not able to be filled or attended by Club members. All parties have agreed to explore options that would address this.
- At the direction of Councillors, a letter dated 14th August 2020 was provided to Clublinks foreshadowing Council's support for the proposal outlined (see Attachment D).

Financial Impact

The proposed solution will create a closer working relation between Clublinks and the Golf Club which may result in a more popular course and in turn increased revenue.

The agreement reached also ensures there is no further requirement for expenditure on legal advice in relation to this matter.

Consultation**1. External Stakeholders**

Clublinks Pty Ltd.

Centenary Park Golf Club

Golf Victoria

2. Other Stakeholders

The Commercial Services department were consulted.

Analysis (Environmental / Economic / Social Implications)

The outcome arrived at by the parties will ensure a collaborative approach that will support the delivery of this valued service to the community at the Centenary Park Golf Course.

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

Legal advice on the matter has been obtained and it is provided in the attachments. The agreed proposal presents no legal risks.

Policy Impacts

Not Applicable.

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 proposal that has been agreed between the parties provides a pathway forward and avoids any potential legal or commercial risks.

12.18 Clublinks - Operation of the Social Golf Club at Centenary Park Golf**Executive Summary****Conclusion**

Concerns were raised by the Centenary Park Golf Club about the Social Golf Club being operated by Clublinks.

With the support of Council, the parties have identified a mutually acceptable way forward whereby Clublinks will not promote nor recruit to the Social Golf program on site at Centenary Park Golf Course, but rather will be limited to their online channels.

ATTACHMENTS

- Attachment A:  FCC Correspondence - Clublinks 11 November 2019 (*Under Separate Cover*)
- Attachment B:  Clublinks Response - Seeking Written Approval the Social Golf Club (*Under Separate Cover*)
- Attachment C:  Amended proposal from Clublinks dated 4th August 2020 (*Under Separate Cover*)
- Attachment D:  Letter to Clublinks dated 14th August 2020 (*Under Separate Cover*)

Executive Summary**12.19 Appointment of Chairperson to the Audit and Risk Committee**

Enquiries: (Kim Jaensch: Chief Financial Office)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

Purpose

For Council to appoint an Independent Member of the new Audit and Risk Committee to the position of Chairperson.

Recommendation (Director Chief Financial Office)

That Council:

1. Resolves to reappoint Mr. Neil Greenaway to the position of Chairperson of the Audit and Risk Committee from 1 September 2020 until 31 January 2021; and
2. Approves total projected expenditure under the Contract 2019/20 -106 being up to \$3M annually (as adjusted each by inflationary effects), with the total overall expenditure no more than \$26M exclusive of GST, over the next 6 year potential contract term.

Key Points / Issues

- At the Ordinary Meeting held on 10 August 2020, it was recommended:
That Council:
 1. Revoke the Audit and Risk Committee Charter adopted by Council on 16 December 2019;
 2. Revoke the Audit and Risk Committee established by Council under subsection 139(1) of the Local Government Act 1989;
 3. In accordance with Section 53(1) of the Local Government Act 2020, establishes an Audit and Risk Committee (ARC) take effect from 10 August 2020.
- The new Local Government Act 2020 (the Act) has two key requirements that Council needs to fulfil prior to 1 September 2020 which is for Council to appoint an Audit & Risk Committee (ARC) and to adopt a charter for this Committee. The first recommendation in this report will be for Council to establish the ARC in line with Section 53(1) of the Act.
- Given that the ARC is essentially a new Committee rather than a continuation of the previous Committee, it does require Council to appoint a Chairperson.
- The role of the Chairperson is to ensure that the meetings are conducted in an efficient and fair manner. The Chairperson is also required to provide half yearly reports to Council on the activities completed by the Committee. The term of the Chair expires on the 31 January each year to allow for the preparation of the second report following the November ARC meeting and present to the first Briefing and Council Ordinary meeting the following year. At the expiration of this 12 month term, an Expression of Interest process is sent to current independent members who have the opportunity to be the Chairperson for the following year.
- Mr. Neil Greenaway has held the position since February 2013. Over this time Mr. Greenaway has worked closely with both Council and management

12.19 Appointment of Chairperson to the Audit and Risk Committee**Executive Summary**

including to lead a marked improvement in the operations of the Committee over that time.

- The Audit and Risk Committee Charter (Charter) contains the provision that the position of Chairperson is appointed by Council. Accordingly, it is recommended that Mr. Neil Greenaway continue in the role of Chairperson from 1 September 2020 to 31 January 2021.

Financial Impact

There are no financial impacts relating to this report.

Consultation**1. External Stakeholders**

The Charter requires Council to appoint the Chairperson to this Committee. Community engagement in this process is not considered appropriate.

2. Other Stakeholders

Nil

Analysis (Environmental / Economic / Social Implications)

Nil

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

Nil

Policy Impacts

The appointment of the Chairperson to the Committee is consistent with the Charter.

Officer's Declaration of Interests

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

Risk Mitigation

Nil

Conclusion

A Chairperson needs to be appointed to ensure the smooth operation of the new Audit and Risk Committee that was established on 10 August 2020. Mr. Neil Greenaway is recommended for the appointment of this role from 1 September 2020 to 31 January 2021. His reappointment to the role will ensure continued governance and leadership of the Committee.

ATTACHMENTS

Nil

Executive Summary**12.20 Award of Contract 2019/20 -106 - Road Renewal - In Situ Pavement Stabilisation and Associated Works**

Enquiries: (Vishal Gupta: Infrastructure and Operations)

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.1 Community Infrastructure
Priority Action	1.1.6 Ensure community infrastructure and services match community need

Purpose

To seek Council approval to establish panel of contractors under Contract 2019/20 -106 for the provision of Road Renewal – In Situ Pavement Stabilisation and Associated Works.

Recommendation (Director Infrastructure and Operations)

That Council:

1. Approves the appointment of Downer EDI Works Pty Ltd (ACN: 008 709 608), Fulton Hogan Industries Pty Ltd (ACN: 000 7538 689), Stabilised Pavements of Australia Pty Ltd (ACN: 002 900 736) to a standing Deed Panel under Contract 2019/20 -106 Road Renewal – In Situ Pavement Stabilisation and Associated Works based on a schedule of rates contract for an initial 3 year fixed term with a further two extensions of 2 years and 1 year respectfully;
2. Approves total projected expenditure under the Contract 2019/20 -106 being up to \$3M annually, with the total overall expenditure no more than \$26M exclusive of GST, over the next 6 year potential contract term;
3. Authorises the Chief Executive Officer to sign the contract and contract extension options based on the Contractors' successful performance;
4. Delegates approval of contract variations to the Chief Executive Officer; and
5. Resolves the attachments A and B to this report be retained confidential, pursuant to section 77 of the *Local Government Act 1989*, on the grounds that it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, pursuant to 3(1)(c) of the *Local Government Act 2020*.

Key Points / Issues

- Council as part of its Road Asset Management Plan (RAMP) undertakes a program of road renewal and road reconstruction using external Contractors.
- As part of delivering the road renewal program an assessment of the existing structural composition of the road pavement may identify a need to strengthen the road pavement. This has traditionally been done by both fully excavating the road pavement material, then disposing this and then replacing and compacting with new materials.
- An alternative method of strengthening the road pavement is by the excavating the road base then incorporating and blending additives such as cement or foamed bitumen into the existing road base without the need to remove the road base materials from site thereby improving the structural characteristics of the road without the need to remove and dispose the existing road base materials. This is referred to as "In Situ Pavement Stabilisation".

12.20 Award of Contract 2019/20 -106 - Road Renewal - In Situ Pavement Stabilisation and Associated Works**Executive Summary**

- Council has not previously tendered for an ongoing service of In Situ Pavement Stabilisation, however recognition by all forms of Government & Industry's for a "Circular Economy", whereby existing materials can be readily reutilised should be given priority ahead of disposal and importing new materials to rehabilitate/renew the road base pavement.
- In recognition of the potential for using "In Situ Pavement Stabilisation" as part of Council's road renewal program through its RAMP, it is proposed to establish a Panel of three Specialist Contractors to deliver this service if and when required through a schedule of rates contract.
- A competitive tender process has been undertaken to create a new contract 2019/20 -106, which will be entered into under a Standing Deed Panel with three specialist Contractors based on a schedule of rates which demonstrates best value measured against a set of weighted tender evaluation criteria.

Background

Council as part of its Road Asset Management Plan (RAMP) undertakes a review of the Pavement Management System database to identify and prioritise the annual road renewal program which includes the rehabilitation and structural strengthening through a process referred to as 'In Situ Stabilisation'.

The work of rehabilitating and strengthening the road pavement is planned to be undertaken by Contractors appointed to a Standing Deed Panel under a schedule of rates contract for undertaking the in situ pavement stabilisation and associated works.

Tender Process

The request for tender (RFT) was released to market on 20 June, 2020 via Council's website and advertised in The Age newspaper. The tender closed at 3.00 pm on Thursday 16 July, 2020. AEST.

Five (5) submissions were received. No late tenders were received.

Tender EvaluationEvaluation criteria

The five (5) submissions progressed to evaluation and were assessed against the following evaluation criteria, as advertised in the request for tender documents:

Criteria	Weighting (%)
Financial cost to Council	30%
Past Performance of Service Delivery	15%
Methodology & Capacity	25%
Environment & Sustainability	20%
Occupational Health & Safety	5%
Local Content	5%

The evaluation of submissions is documented in the Tender Evaluation Report, which is provided as confidential Attachment A. ReM reference [A4277398](#)

12.20 Award of Contract 2019/20 -106 - Road Renewal - In Situ Pavement Stabilisation and Associated Works**Executive Summary**

Evaluation was guided by the approved Evaluation Plan, which is filed in Council's document management records system, ReM reference [A4248122](#).

A scored tender evaluation matrix of submissions against the evaluation criteria is documented, which is provided as confidential Attachment B. ReM reference [A4279253](#).

Post award of the appointment of a Contractor to a Standing Deed Panel

If an appointment of a Contractor to a Standing Deed Panel is approved by Council at this Ordinary Meeting, all respondents will be notified of the outcome and offered debriefs.

Details of the appointment of a Contractor to a Standing Deed Panel will be published on the Council website.

Probity

All Council procurement processes are conducted in a fair, honest, open manner with the highest levels of integrity and in the public interest. All Contractors are treated fairly in an open and transparent manner.

Council must engage an external Probity Advisor when the value of goods or services exceeds \$5 million (GST inclusive)

As the projected expenditure for this contract exceeds \$5 million an external Probity Advisor, O'Connor Marsden & Associates Pty Ltd (OCM) was engaged to provide probity advice and has provided a general attestation statement on the conduct of the tender evaluation process through a written report. Report Reference Rem [A4281739](#) Attachment C

OCM also facilitated the preparation and vetting of the Tender Probity Conduct Plan which is stored on Council's document management records system (ReM), ReM reference [A4230766](#)

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

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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

This is an appointment of a Contractor to a Standing Deed Panel based on a schedule of rates applied to a specific project to arrive at a contract value to deliver those works.

Depending the outcomes of future road pavement structural capacity investigation studies, there is the potential for an expenditure under the contract 2019/20-106 over the total 6 year term could be up to \$3M annually with the maximum value of each road segment to be treated capped to a maximum value of \$500,000 excl. GST per specific road segment allocated to the Panel.

Term of the Contract

The initial fixed contract term will be 3 years planned to commence in October 2020. The contract will include two further options of 2 years and 1 year based on the

12.20 Award of Contract 2019/20 -106 - Road Renewal - In Situ Pavement Stabilisation and Associated Works**Executive Summary**

successful delivery of works in the preceding period. The total potential contract term is 6 years.

Policy Considerations

This procurement does not conflict with any Council policies.

Financial Implications

The Long Term Infrastructure Plan (LTIP) has allocated a total of \$19,934,000 for the road renewal identified through the Road Asset Management Plan (RAMP) over the next 6 years.

In addition to the Council LTIP allocations for road renewal, Council may also be the recipients of Federal Government funding under the Roads to Recovery Program (R2R) and other Grant programs relating to Road Renewal including the State Government Black Spot Funding Program.

Legal/Statutory Implications

The tender process complies with Section 186 of the *Local Government Act 1989*.

Environmental/Sustainability Impacts

The Road Renewal Program recognises the environmental and sustainable objectives through the State Government Sustainability Victoria Strategy for a “Circular Economy” as referenced via: *Recycling Victoria Policy* -<https://www.vic.gov.au/transforming-recycling-victoria>.

The tender evaluation criteria has placed an importance on this component of the contract applying a 20% weighting for Environment & Sustainability to facilitate tender submissions from organisations which can clearly demonstrate their alignment with the “Circular Economy” Strategic outcomes and that these are applied through their operational delivery practices.

The Contractor being recommended for this contract has as part of their submission clearly demonstrated they are an industry leader for this element of their service delivery.

Buy Local Impacts

The recommended Contractors to be appointed to the Standing Deed Panel have each demonstrated a commitment to supporting Local Suppliers.

ATTACHMENTS

Attachment A: ➡ Attachment A - Tender Evaluation Report- Contract 2019_20-106 - Road Renewal - In Situ Pavement Stabilisation & Associated Works (*Under Separate Cover*)

Attachment B: ➡ Attachment B - Tender Evaluation Scoring - Contract 2019_20-106- Road Renewal - In Situ Pavement Stabilisation (*Under Separate Cover*)

Attachment C: ➡ Attachment C - Probity Auditors Report from OCM for Tender process undertaken for Contracts 2019_20- 94-106_Aspphalt & In Situ Pavement Works 14.08.2020 (*Under Separate Cover*)

Executive Summary**12.21 Award of Contract 2019/20-94 - Road Renewal - Asphalt Resurfacing and Associated Works**

Enquiries: (Vishal Gupta: Infrastructure and Operations)

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.1 Community Infrastructure
Priority Action	1.1.6 Ensure community infrastructure and services match community need

Purpose

To seek Council approval to award Contract 2019/20 - 94 to Downer EDI Works Pty Ltd (ACN: 008 709 608) for the provision of Road Renewal – Asphalt Resurfacing and Associated Works.

Recommendation (Director Infrastructure and Operations)

That Council:

1. Awards Contract 2019/20-94 Road Renewal – Asphalt Resurfacing and Associated Works to Downer EDI Works Pty Ltd (ACN: 008 709 608) based on a schedule of rates contract for an initial 3 year fixed term with a provision of further two extensions of 2 years and 1 year respectfully, with the total overall expenditure no more than \$26M exclusive of GST, over the next 6 year potential contract term;
2. Authorises the Chief Executive Officer to sign the contract and contract extension options based on the Contractors' successful performance;
3. Delegates approval of contract variations to the Chief Executive Officer;
4. Authorises the Chief Executive Officer to formally write to acknowledge excellent services provided by the Fulton Hogan Industries Pty Ltd under contract 2015/16 – 4 at the conclusion of contract in early 2021; and
5. Resolves the attachments A, B and C to this report be retained confidential, pursuant to section 77 of the *Local Government Act 1989*, on the grounds that it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, pursuant to 3(1)(c) of the *Local Government Act 2020*.

Key Points / Issues

- Council as part of its Road Asset Management Plan (RAMP) undertakes a program of road renewal which includes the resurfacing of roads using asphalt supplied and laid by external Contractors.
- An annual capital budget expends in the order of \$3.5 million per annum to deliver a program of road rehabilitation and resurfacing as identified through the RAMP.
- The existing 5 year contract no. 2015/16-4 for undertaking the road resurfacing is due to end on 4 January 2021.
- A new competitive tender process has been undertaken to create a new contract 2019/20-94, which will be entered into with a single Contractor based on a schedule of rates which demonstrates best value measured against a set of weighted tender evaluation criteria.

12.21 Award of Contract 2019/20-94 - Road Renewal - Asphalt Resurfacing and Associated Works**Executive Summary****Background**

Council as part of its Road Asset Management Plan (RAMP) undertakes a review of the Pavement Management System database to identify and prioritise the annual road renewal program which includes the resurfacing of roads using asphalt products.

The work of rehabilitating and renewing the road surface is undertaken by Contractors appointed to a schedule of rates contract for supplying and installing asphalt products including associated works.

Council's annual budget allocation for the road renewal program is in the order of \$3.5 million per annum. In addition Federal & State Government grant for road infrastructure improvements will also contribute to expenditure through the delivery of the asphalt resurfacing contract.

The current contract term which has been operating for 5 years concludes in early January 2020 and accordingly a tender process has been undertaken to invite submissions from suitably qualified Contractors to provide pricing for a number of prescribed asphalt products and installation activities which is referred to as a schedule of rates contract.

Tender Process

The request for tender (RFT) was released to market on 20 June, 2020 via Council's website and advertised in The Age newspaper. The tender closed at 3.00 pm on Thursday 16 July, 2020. AEST.

Nine (9) submissions were received. No late tenders were received.

Tender EvaluationEvaluation criteria

The nine (9) submissions progressed to evaluation and were assessed against the following evaluation criteria, as advertised in the request for tender documents:

Criteria	Weighting (%)
Financial cost to Council	30%
Past Performance of Service Delivery	15%
Methodology & Capacity	25%
Environment & Sustainability	20%
Occupational Health & Safety	5%
Local Content	5%

The evaluation of submissions is documented in the Tender Evaluation Report, which is provided as confidential Attachment A. ReM reference [A4277393](#)

Evaluation was guided by the approved Evaluation Plan, which is filed in Council's document management records system, ReM reference [A4248122](#).

A scored tender evaluation matrix of submissions against the evaluation criteria is documented, which is provided as confidential Attachment B. ReM reference [A4279252](#).

12.21 Award of Contract 2019/20-94 - Road Renewal - Asphalt Resurfacing and Associated Works**Executive Summary**Post award of the contract

If an award of contract is approved by Council at this Ordinary Meeting, all respondents will be notified of the outcome and offered debriefs.

Details of the awarded contract will be published on the Council website.

Probity

All Council procurement processes are conducted in a fair, honest, open manner with the highest levels of integrity and in the public interest. All Contractors are treated fairly in an open and transparent manner.

Council must engage an external Probity Advisor when the value of goods or services exceeds \$5 million (GST inclusive)

As the projected expenditure for this contract exceeds \$5 million an external Probity Advisor, O'Connor Marsden & Associates Pty Ltd (OCM) was engaged to provide probity advice and had provided a general attestation statement on the conduct of the tender evaluation process through a written report. ReM reference [A4281739](#)– Attachment C.

OCM also facilitated the preparation and vetting of the Tender Probity Conduct Plan which is stored on Council's document management records system (ReM), ReM reference [A4230766](#)

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

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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

This is a schedule of rates contract. The total contract price will be derived by applying the schedule of rates to the works delivered which based on Council's annual budget allocation for the Road Renewal Program will be in the order of \$3.5 million per annum GST exclusive (subject to inflationary effects, annual budget provisions and grant income derived through Federal & State Government allocations) and based on a potential contract term of 6 years as indicated below the total expenditure could be in the order of \$26 million, exclusive of GST.

Term of the Contract

The initial fixed contract term will be 3 years planned to commence immediately on the expiry of the current contract 2015/16-4 in early January 2021. The contract will include two further options of 2 years and 1 year based on the successful delivery of works in the preceding period. The total potential contract term is 6 years.

Policy Considerations

This procurement does not conflict with any Council policies.

12.21 Award of Contract 2019/20-94 - Road Renewal - Asphalt Resurfacing and Associated Works**Executive Summary****Financial Implications**

The Council funded Long Term Infrastructure Plan (LTIP) has allocated a total of \$19,934,000 for the road renewal identified through the Road Asset Management Plan (RAMP) over the next 6 years.

In addition to the Council LTIP allocations for road renewal, Council may also be the recipients of Federal Government funding under the Roads to Recovery Program (R2R) and other Grant programs relating to Road Renewal including the State Government Black Spot Funding Program.

Legal/Statutory Implications

The tender process complies with Section 186 of the *Local Government Act 1989*.

Environmental/Sustainability Impacts

The Road Renewal Program recognises the environmental and sustainable objectives through the State Government Sustainability Victoria Strategy for a “Circular Economy” as referenced via: *Recycling Victoria Policy* -<https://www.vic.gov.au/transforming-recycling-victoria>.

The tender evaluation criteria has placed an importance on this component of the contract applying a 20% weighting for Environment & Sustainability to facilitate tender submissions from organisations which can clearly demonstrate their alignment with the Circular Economy Strategic outcomes and that these are applied through their operational delivery practices.

The Contractor being recommended for this contract has as part of their submission clearly demonstrated they are an industry leader for this element of their service delivery through the incorporation of both hard and soft recycled plastic content in their asphalt products.

Buy Local Impacts

The evaluation Criteria has included and considered benefits which may be derived by the Local Community in relation to the appointed Contractor utilising Local Businesses and the potential employment of Residents of Frankston.

The recommended Contractor has a satellite operational facility in Hastings as part of its current infrastructure service contract with the neighbouring Mornington Peninsula Shire Council. Their location and the services delivered regularly draws upon supplies, services and employees from the Frankston Municipality.

ATTACHMENTS

- Attachment A: [⇒](#) Attachment A - Tender Evaluation Report- Contract 2019_20-94 - Road Renewal - Asphalt Resurfacing & Associated Works (*Under Separate Cover*)
- Attachment B: [⇒](#) Attachment B - Tender Evaluation Scoring - Contract 2019_20-94- Road Renewal - Asphalt Resurfacing (*Under Separate Cover*)
- Attachment C: [⇒](#) Attachment C - Probity Auditors Report from OCM for Tender process undertaken for Contracts 2019_20- 94-106_Aspphalt & In Situ Pavement Works 14.08.2020 (*Under Separate Cover*)

Executive Summary**13.1 Response to 2019/NOM53 - Councillor Code of Conduct**

Enquiries: (Brianna Alcock: Chief Financial Office)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

Purpose

To update Council on the review of the Councillor Code of Conduct which is to be undertaken in response to 2019/NOM53.

Recommendation (Chief Financial Officer)

That Council:

1. Notes the new Councillor Conduct provisions as set out in the Local Government Act 2020 will commence from 24 October 2020 and replace the existing requirements set out in the Local Government Act 1989 which will be repealed from this date; and
2. Notes that the review of the Councillor Code of Conduct will be initiated with the new Council in November 2020.

Key Points / Issues

- At the Council Meeting on 18 November 2019, Council considered “2019/NOM53 Councillors Code of Conduct” and resolved as follows:

That the Councillor Code of Conduct be reconsidered in respect of the wording and points laid out. This is to be undertaken in the first instance with individual councillors and any suggestions they may have. Then followed up by general discussion and finally resolved through a formal resolution if any changes are made.
- The review of the Councillor Code of Conduct (Code) was due to commence in May 2020. However, following the passage of the Local Government Bill 2019 on 17 March 2020, the implementation of the first and second phases of the *Local Government Act 2020* (LGA 2020) has required Council to focus on developing and reviewing the following key documents prior to the statutory adoption deadline of 1 September 2020:
 - Council Expenses Policy
 - Public Transparency Policy
 - Governance Rules
 - Audit & Risk Committee Charter
 - Delegated Committees and Community Asset Committees
- The new Councillor Conduct provisions in the LGA 2020 will commence with the new Council term, from 24 October 2020. From this date, the existing requirements regarding the Councillor Code of Conduct as set out in sections

13.1 Response to 2019/NOM53 - Councillor Code of Conduct**Executive Summary**

76C and 81AA of the *Local Government Act* 1989 (LGA 1989) will be repealed and replaced with sections 139 and 140 of the LGA 2020.

- Additionally, the election caretaker period will commence on 22 September 2020.
- Therefore, the process to review the Code of Conduct will be initiated with the new Council in November 2020.

Financial Impact

Any financial costs can be accommodated within existing budgets.

Consultation**1. External Stakeholders**

Not applicable.

2. Other Stakeholders

Not applicable.

Analysis (Environmental / Economic / Social Implications)

The Councillor Code of Conduct is a key element of Council's governance arrangements. It is important that Councillors support the content of their Code of Conduct because the Code articulates the expected standards of behaviour and provides a framework of rules and relationships, systems and processes which contribute to the effective operation of the Council, and assist in the resolution of any issues that might arise.

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; this report is consistent with the standards set by the Charter.

Legal

Sections 76C and 81AA of the LGA 1989 set out the current legislative requirements in relation to a Councillor Code of Conduct.

Following the commencement of the LGA 2020, these provisions will be repealed and replaced with new provisions in sections 139 and 140.

Policy Impacts

Not applicable.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Risk Mitigation

Not applicable.

13.1 Response to 2019/NOM53 - Councillor Code of Conduct**Executive Summary****Conclusion**

The review of the Councillor Code of Conduct in response to 2019/NOM53 has been delayed due to the need for Council to focus on matters relating to the implementation of the first and second phases of the LGA 2020. New LGA 2020 Councillor Conduct provisions will commence with the next Council term, from 24 October 2020. Additionally, the election caretaker period will commence on 22 September 2020. Therefore, the process to review the Code of Conduct will be initiated with the new Council in November 2020.

ATTACHMENTS

Nil

14.1 2020/NOM19 - Public Toilet Action Plan

On 17 August 2020 Councillor Toms gave notice of his intention to move the following motion:

That Council:

1. Reviews the priority of works identified in the public toilet action plan with a view to:
 - a) Replacing the Mile Bridge public toilet with a new disability access toilet and beach shower adjacent to the Long Island Tennis Club and the access path between Gould Street and the Frankston beach;
 - b) Investigate the development of a hard surface path (possibly timber) to the beach to replace the existing beach access track to assist with disability access to the beach;
 - c) Seek consent from DELWP for these works to occur;
 - d) Subject to DELWP consent, conduct community engagement and develop concept plans for the work in 2021-22, and refer funding for the planning and concept development as part of the FY2021/22 budget development;
 - e) Subject to community engagement outcome, refer the design and delivery of the toilet facility, new disability beach access and beach shower for consideration as a part of the FY 2022-23 budget development; and
2. Approves repurposing the bluestone from the existing Mile Bridge public toilet into the design and build of the proposed new disabled toilet facility and /or fence between the beach access and the Long Island Tennis Club grounds.

COMMENTS BY DIRECTOR COMMUNITIES

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	YES
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?	YES
4. Is the NoM capable of being implemented?	YES
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

14.1 2020/NOM19 - Public Toilet Action Plan

Question for Consideration	
6. Is the NoM within the powers of a municipal Council?	YES
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	NO DELWP consent is required for works to occur.
8. Is the NoM consistent with all relevant legislation?	YES Subject to DELWP consent, which is required for the works to occur.
9. Is the NoM consistent with existing Council or State policy or position?	YES
10. Is the NoM consistent with Council's adopted strategic plan?	YES
11. Can the NoM be implemented without diversion of existing resources?	The project development and works would be referred to respectively 2021/22 and 2022/23 budgets for consideration.
12. Can the NoM be implemented without diversion of allocated Council funds?	The project development and works would be referred to respectively 2021/22 and 2022/23 budgets for consideration.
13. Are funds available in the adopted budget to implement the NoM?	Not applicable
14. What is the estimated cost of implementing the NoM?	Yet to be estimated. Year 1: \$ Recurring: \$ Comments: if applicable

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 1989
- (l) A resolution to close the meeting to members of the public pursuant to section 66(2)(a).

Recommendation

That the Ordinary 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 77(2)(c) of the Local Government Act 1989 (the Act) on the following grounds

C.1 Issuing Invest Frankston Business Grants 2020-2021

This document and all relevant attachments have been designated by me, the Chief Executive Officer, pursuant to Section 77(2)(c) of the Local Government Act 1989, as confidential information under Section 3(1) of the Local Government Act 2020:

- on the grounds that they contain personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs; and
- these grounds apply because the information details personal information about applicants who have applied for the Frankston Business Grants Program and would, if prematurely released, impact the decision made by the panel and Council.

C.2 Major Local Community Events Grant Outcome

This document and all relevant attachments have been designated by me, the Chief Executive Officer, pursuant to Section 77(2)(c) of the Local Government Act 1989, as confidential information under Section 3(1) of the Local Government Act 2020:

- on the grounds that they contain personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs; and
- these grounds apply because the information details personal information about applicants who have applied for the Major Local Community Events Grant Program and would, if prematurely released, impact the decision made by the panel and Council.

C.3 Letter of Support - McClelland Sculpture Park + Gallery

This document and all relevant attachments have been designated by me, the Chief Executive Officer, pursuant to Section 77(2)(c) of the Local Government Act 1989, as confidential information under Section 3(1) of the Local Government Act 2020:

- on the grounds that they contain personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs; and
- these grounds apply because the information details personal information about the Will of Annie May McClelland and would, if prematurely released, impact Council's relationship with McClelland Gallery.

C.4 Appointment of Directors - Peninsula Leisure Pty Ltd

This document and all relevant attachments have been designated by me, the Chief Executive Officer, pursuant to Section 77(2)(c) of the Local Government Act 1989, as confidential information under Section 3(1) of the Local Government Act 2020:

- on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking; and
- these grounds apply because the information details the performance of Peninsula Leisure Pty Ltd and would, if prematurely released, impact the relationship between Council and Peninsula Leisure Pty Ltd.

C.5 CEO Performance Review

This document and all relevant attachments have been designated by me, the Chief Executive Officer, pursuant to Section 77(2)(c) of the Local Government Act 1989, as confidential information under Section 3(1) of the Local Government Act 2020:

- on the grounds that they contain personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.;

C.6 Debrief of Ordinary Council Meeting

This document and all relevant attachments have been designated by me, the Chief Executive Officer, pursuant to Section 77(2)(c) of the Local Government Act 1989, as confidential information under Section 3(1) of the Local Government Act 2020:

- on the grounds that it contains information that was confidential information for the purposes of section 77 of the Local Government Act 1989; and
- these grounds apply because the information details the views of Councillors and would, if prematurely released, impact the reputation of Councillors and Council.

.....
Signed by the CEO