



## COUNCIL MEETING AGENDA 2022/CM9 Monday 11 July 2022



# THE COUNCIL MEETING

## Welcome to this Meeting of the Frankston City Council

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

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

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

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

## When are they held?

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

Council meeting dates are posted at Young Street entrance to the Civic Centre (upper level) and also on our website, [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au).

## **Frankston City Council Governance Rules (adopted 31 August 2020)**

### **25. Chair's Duty**

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

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

**79. Chair May Remove**

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

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

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

**Live Streaming of Council Meetings**

Frankston City Council is now Live Streaming its Council Meetings.

**Council is encouraging residents to view the meetings via the live streaming.**

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

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

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

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

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

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

In the event Council encounters technical issues with the livestreaming, 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 Council Meeting Agenda**

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

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

- **Items Brought Forward**

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

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

Question Time forms are available from the Civic Centre and our website, [www.frankston.vic.gov.au](http://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](mailto: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](mailto: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](http://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](http://www.frankston.vic.gov.au).

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

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

### **Disclosure of Conflict of Interest**

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

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

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

## **MAYOR**



## NOTICE PAPER

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### ALL COUNCILLORS

NOTICE is hereby given that a Council Meeting of the Council will be held at the Civic Centre, Davey Street, Frankston, on 11 July 2022 at 7.00pm.

### COUNCILLOR STATEMENT

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

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

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

### OPENING WITH PRAYER

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

### ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

## BUSINESS

- 1. PRESENTATION TO COMMUNITY GROUPS**
  - 1.1 Presentation for the Frankston Charitable Fund Grant Recipients
- 2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**  
Council Meeting No. CM8 held on 6 June 2022.
- 3. APOLOGIES**  
Nil
- 4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST**
- 5. PUBLIC QUESTIONS**
- 6. HEARING OF SUBMISSIONS**
- 7. ITEMS BROUGHT FORWARD**
- 8. PRESENTATIONS / AWARDS**
- 9. PRESENTATION OF PETITIONS AND JOINT LETTERS**  
Nil
- 10. DELEGATES' REPORTS**
- 11. CONSIDERATION OF CITY PLANNING REPORTS**
  - 11.1 Planning Application 465/2020/P - 57 Foot Street Frankston - To use the land to sell and consume liquor (Restaurant and Cafe Licence) .....3
  - 11.2 Planning Application 239/2022/P - 137 Beach Street Frankston - To use the land for the sale and consumption of liquor (Restaurant and Cafe Licence)..... 16
- 12. CONSIDERATION OF REPORTS OF OFFICERS**
  - 12.1 Council Resolution Status Update for 11 July 2022.....27
  - 12.2 Outcomes of the Audit & Risk Committee Meeting - 20 May 2022 .....36
  - 12.3 Adoption of Interim Child Safe Policy .....39
  - 12.4 Adoption of Risk Management Policy .....53
  - 12.5 Instrument of Appointment and Authorisation.....60
  - 12.6 Award of Contract CN10738 - Linen House Centre - Internal Alterations.....62
- 13. RESPONSE TO NOTICES OF MOTION**  
Nil
- 14. NOTICES OF MOTION**
  - 14.1 2022/NOM8 - Outreach Support Service .....71

**15. REPORTS NOT YET SUBMITTED**

Nil

**16. URGENT BUSINESS**

**17. CONFIDENTIAL ITEMS**

Nil

Phil Cantillon

**CHIEF EXECUTIVE OFFICER**

7/07/2022



**Executive Summary****11.1 Planning Application 465/2020/P - 57 Foot Street Frankston - To use the land to sell and consume liquor (Restaurant and Cafe Licence)**

*Enquiries: (Sam Clements: Communities)*

Council Plan

Level 1:	4. Well Planned and Liveable City
Level 2:	4.1 Integrate land use planning and revitalise and protect the identity and character of the City

**Purpose**

This report considers the merits of the planning application to use the land at 57 Foot Street Frankston to sell and consume liquor (restaurant and café licence).

**Recommendation (Director Communities)**

That Council resolves to issue a Planning Permit in respect to Planning Application number 465/2020/P, subject to the conditions contained in the officers' assessment.

**Key Points / Issues**

- It is proposed to use the site to sell and consume liquor in association with an existing takeaway food premises.
- The proposed liquor consumption is to be in conjunction with the existing takeaway food premises Wednesday-Monday nights and restricted to the internal seating area.
- Liquor is proposed to be sold during the following hours:
  - Tuesday: Closed
  - Monday, Wednesday, Thursday & Sunday: 5pm – 9pm
  - Friday & Saturday: 5pm – 10pm
- A maximum capacity of 10 patrons is proposed.
- Notice of the application was given to the adjoining property owners and occupiers and no objections were received.
- This matter is required to be reported to Council as it is an application associated with liquor, and the site is located outside the Frankston Major Activity Centre.

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

**Financial Impact**

The fee paid for this application is \$2,317. The average cost to process a planning application \$2,265.

**Consultation****1. External Referrals**

The application was referred externally to Victoria Police however no response was received as at the date of this report.

**2. Internal Referrals**

The application was referred internally to Council's Social Planning department who do not anticipate any significant social impacts from the application.

**11.1 Planning Application 465/2020/P - 57 Foot Street Frankston - To use the land to sell and consume liquor (Restaurant and Cafe Licence)****Executive Summary**Notification of Proposal

Notification of the planning application was given pursuant to the requirements of Section 52 of the *Planning and Environment Act 1987*.

Notification was given in the form of:

- Mail to adjoining owners and occupiers; and
- Two (2) signs erected on the site frontages

As a result of the public notification, no objections were received.

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

The proposal will have no impact on the environment.

It is considered the proposed liquor licence will bring some economic growth and employment opportunities in the area.

The proposed sale and consumption of liquor on the premises is considered to be reasonable in association with a takeaway food premises use.

**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

The proposal requires a planning permit under Clause 52.27 (Licenced Premises) of the Frankston Planning Scheme.

Policy Impacts

The relevant Planning Policies are outlined below:

- Amenity and Safety (Clause 13.07)
- Economic Development (Clause 17)

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 particular risks associated with this application.

**Conclusion**

The proposal is considered to be consistent with Planning Policy. The proposal is satisfactory subject to the inclusion of condition and is not likely to impact negatively on community safety and public amenity in itself. The proposal is consistent with the purpose of the zone, which encourages commercial centres to be utilised for retail, office, business and entertainment related uses.

**11.1 Planning Application 465/2020/P - 57 Foot Street Frankston - To use the land to sell and consume liquor (Restaurant and Cafe Licence)**

**Executive Summary**

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**ATTACHMENTS**

- Attachment A: [↓](#) Aerial Locality Map
- Attachment B: [↓](#) Locality Map
- Attachment C: [↓](#) Plans
- Attachment D: [↓](#) VCGLR Liquor Licence

**11.1 Planning Application 465/2020/P - 57 Foot Street Frankston - To use the land to sell and consume liquor (Restaurant and Cafe Licence)****Officers' Assessment****Summary**

<b>Existing Use</b>	Takeaway food premises (Footsie's Pizza)
<b>Site Area</b>	188m <sup>2</sup> (Premises area 82.63m <sup>2</sup> )
<b>Proposal</b>	To use the land to sell and consume liquor (restaurant and café licence)
<b>Zoning</b>	Commercial 1 Zone
<b>Overlays</b>	Special Building Overlay
<b>Neighbourhood Character Precinct</b>	Frankston 3
<b>Reason for Reporting to Council</b>	Application associated with Liquor outside the FMAC area.

**Background*****Subject Site***

The subject site is located on the eastern side of Foot Street in Frankston. The takeaway food premises occupies the west (front portion) of the site, with a premises area of 82.63 square metres. The site has been used as 'Footsie's Pizza' for a substantial period of time.

The operator has obtained a Restaurant and Café Licence from the Victorian Commission for Gambling and Liquor Regulation (VCGLR) which is not effective until planning approval has been granted by Council. A copy of this Licence is attached to the report.

***Locality***

The site is located in a shopping strip with a number of other buildings. Adjoining uses include shops and restaurants. Residential uses back onto the strip.

***Site History***

There have been no previous planning permits for the site.

***Proposal***

The proposal is summarised as:

- It is proposed to use the land to sell and consume liquor (restaurant and café licence).
- The proposed liquor consumption is to be in conjunction with the existing takeaway food premises Wednesday-Monday nights and restricted to the internal seating area.
- The existing use of the site for a takeaway food premises is as-of-right in the Commercial 1 Zone and does not require a planning permit.
- Liquor is proposed to be sold during the following hours:

**11.1 Planning Application 465/2020/P - 57 Foot Street Frankston - To use the land to sell and consume liquor (Restaurant and Cafe Licence)****Officers' Assessment**

- Tuesday: Closed
- Monday, Wednesday, Thursday & Sunday: 5pm – 9pm
- Friday & Saturday: 5pm – 10pm
- A maximum capacity of 10 patrons is proposed.

**Planning Policy Frameworks**

Planning Policy relevant to this application are summarised as follows:

- Clause 13.07 Amenity and Safety
- Clause 17 Economic Development

**Planning Scheme Controls**

A Planning Permit is required pursuant to:

- Clause 52.27: To use the land to sell and consume liquor for a licence required under the *Liquor Control Reform Act 1998*.

***Notification of Proposal***

As a result of the public notification, no objections were received.

**Discussion*****Planning Policy***

The proposal is consistent with Planning Policy which seeks to create employment opportunities and economic growth.

It is considered that this proposal will appropriately respond to Planning Policies.

***Clause 52.27 Licence Premises***

Given the controlled nature of the proposed liquor consumption on the site and its intention to be consumed in conjunction with food purchases, it is considered that the proposal will result in minimal impact to the amenity of the surrounding area. The subject site is located within a local shopping strip with other similar uses. They primarily operate around 'normal' business hours and are located within close distance to a bus route. As such, the cumulative impact to the amenity of the surrounding area is considered to be minimal.

The proposed hours for the sale of liquor are consistent with Council's longstanding approach to licensed premises and with liquor licensed hours of other restaurants within Frankston (i.e. no morning trade – evening only).

It is not considered that the liquor sales will generate any increased demand on parking, noting the maximum patrons is proposed to be 10.

Overall it is considered that the proposal is consistent with the surrounding area and the purpose of Clause 52.27.

**Analysis (Economic and Social Implications)**

It is considered that the proposal will have positive economic development impacts, leading to future job creation. The potential for social issues to arise is considered relatively low due the minor nature of the proposal.

**11.1 Planning Application 465/2020/P - 57 Foot Street Frankston - To use the land to sell and consume liquor (Restaurant and Cafe Licence)****Officers' Assessment****Recommendation (Director Communities)**

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 465/2020/P to use the land to sell and consume liquor (Restaurant and Café Licence) at 57 Foot Street Frankston, subject to the following conditions:

**Plans**

1. Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be substantially in accordance with the plans submitted with the application *Project Number 20020 3 Sheets prepared by Modarc dated March 2021 Revision B* but modified to show:
  - (a) Liquor consumption area to be shown with a red line and incorporating liquor storage area.

**No Alterations**

2. The use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

**Patron Numbers**

3. Unless with the prior written consent of the Responsible Authority, a maximum of 10 patrons shall be permitted at any one time..

**Liquor Consumption**

4. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place within an approved red line plan and at the premises during the following hours:
  - Tuesday: Closed
  - Monday, Wednesday, Thursday & Sunday: 5pm – 9pm
  - Friday & Saturday: 5pm – 10pm

**Amenity**

5. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence/permit relates during or immediately after trading hours authorised by the licence/permit.
6. Noise emissions from the premises must comply with the requirements of EPA Publication 1826/4 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues Part II' to the satisfaction of the Responsible Authority.

**Permit Expiry**

7. This permit will expire if:
  - a) The use is not started within two years of the date of this permit; or
  - b) The use is discontinued for a period of two (2) years or more.

In accordance with Section 69 of the Planning and Environment Act 1987, an

**11.1 Planning Application 465/2020/P - 57 Foot Street Frankston - To use the land to sell and consume liquor (Restaurant and Cafe Licence)****Officers' Assessment**

application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

**Notes****A. Extension of Time**

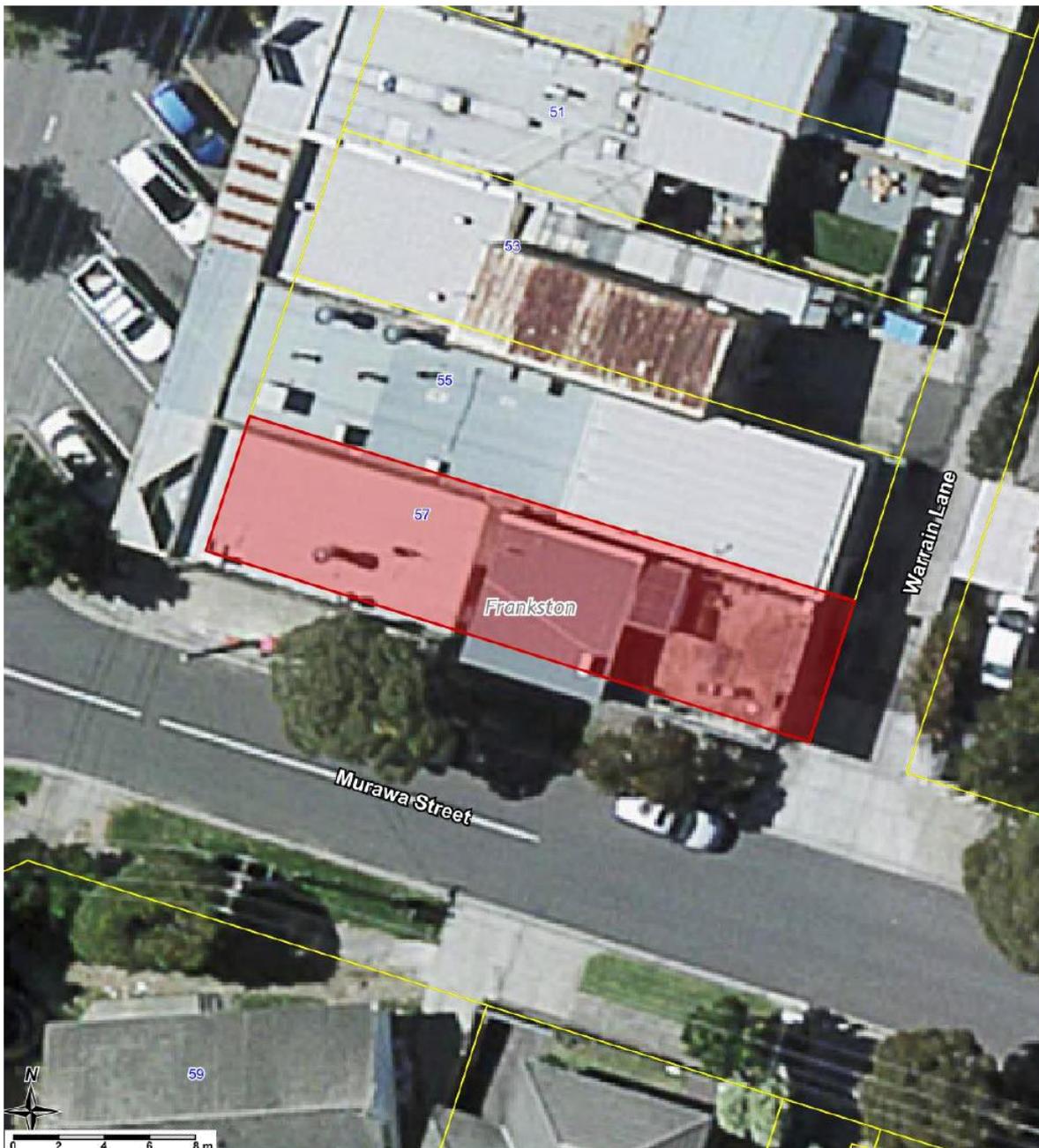
Section 69 of the Planning and Environment Act, 1987 provides that before the permit expires or within 6 months afterwards, the owner or occupier of the land to which the permit applies may ask the responsible authority for an extension of time. Please note, if a request is made out of time, the Responsible Authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.

Any extension of time request must be lodged with the relevant administration fee.

**B. Variation to Planning Permit**

Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.

Locality Map - Planning Application 465/2020/P - 57 Foot Street  
No Objectors



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Projection: GDA2020 / MGA zone 55

Scale: 1:233

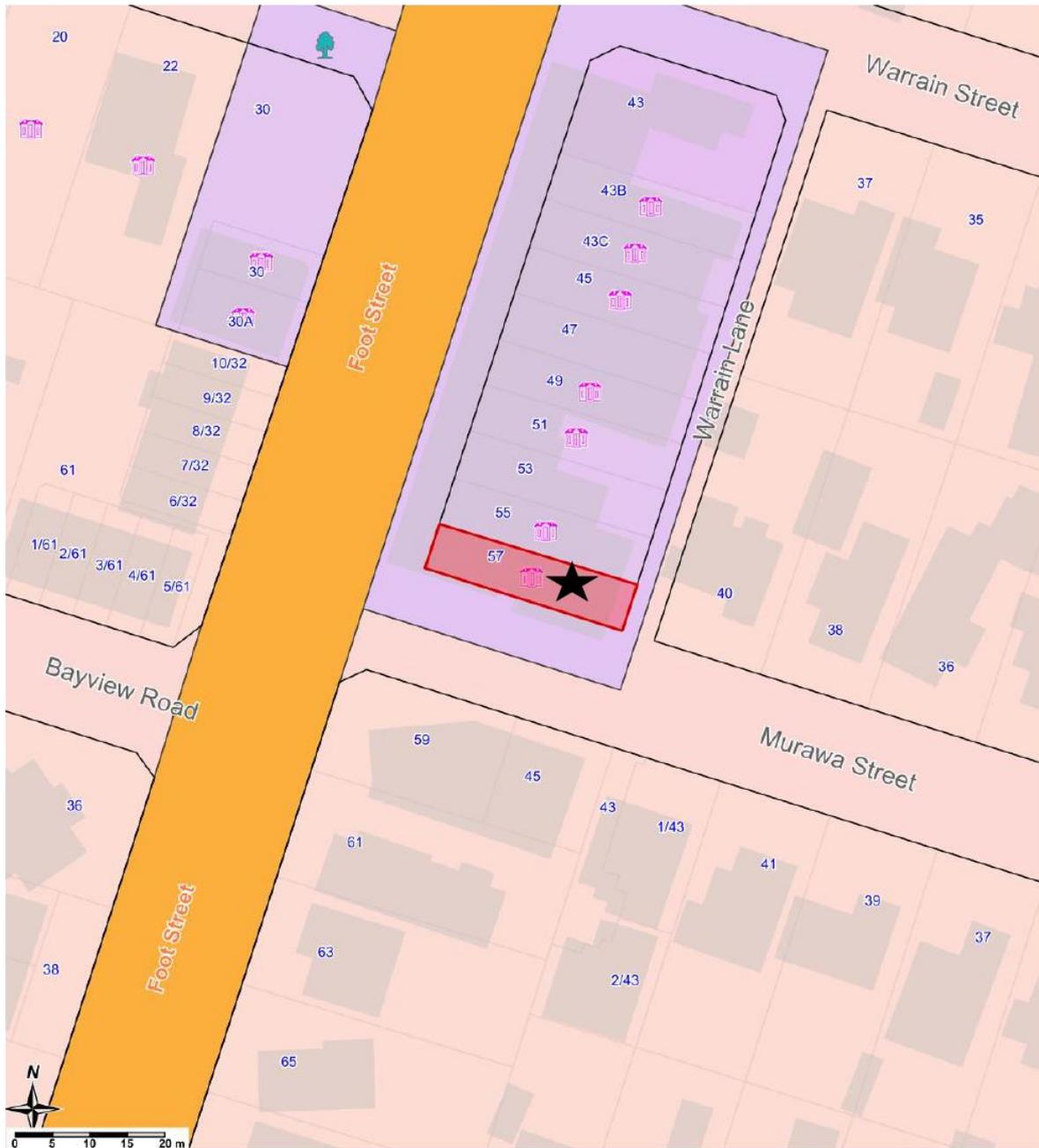
Date Printed: 9/07/2021

Time Printed: 11:29 AM

Issued by: Vanessa Neep



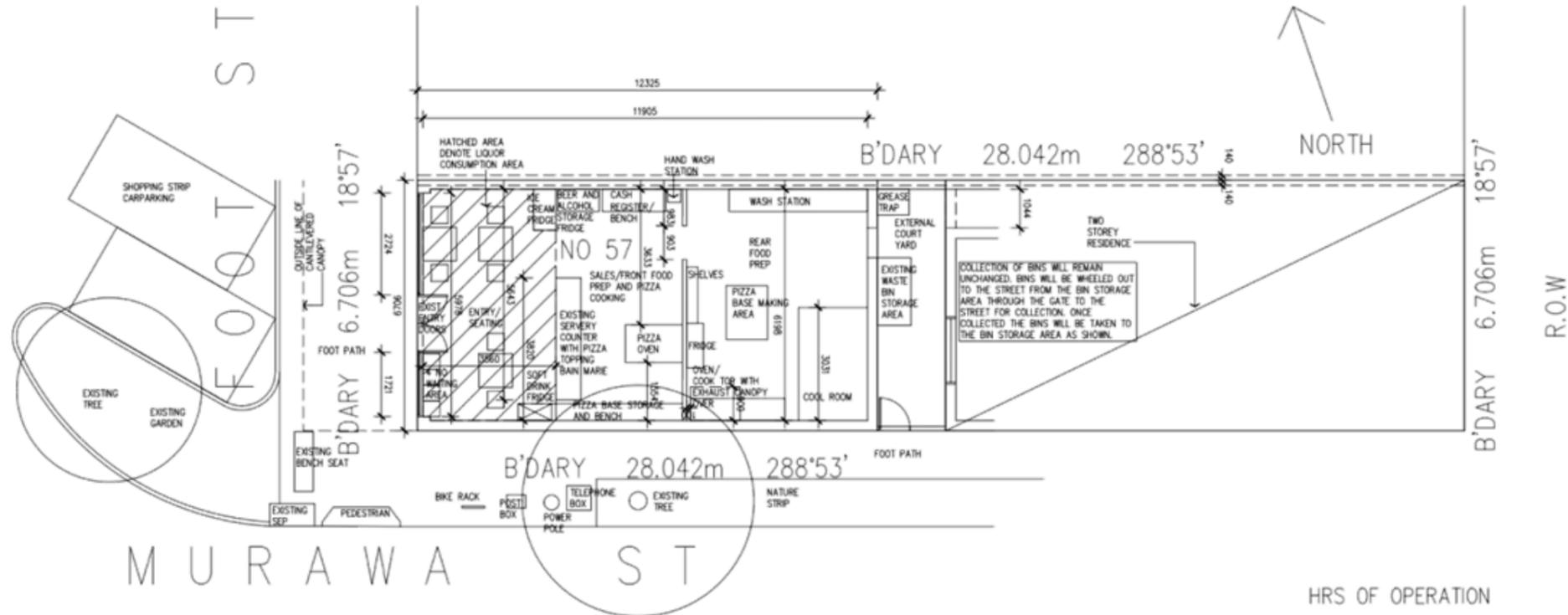
Locality Map - Planning Application 465/2020/P - 57 Foot Street  
Subject Site ★ No Objectors



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Projection: GDA2020 / MGA zone 55  
Scale: 1:711  
Date Printed: 9/07/2021  
Time Printed: 10:28 AM  
Issued by: Vanessa Neep





**STATISTICS**

AREAS	AREA
SITE AREA	-188.01M2
TOTAL AREA OF SHOP	-82.63M2
TOTAL EXTERNAL COURT YARD	-12.28M2
TOTAL BUILT ON GRD AREA OF RESIDENCE	-93.10M2
REAR FOOD PREP AREA	-30.00M2
FRONT FOOD PREP AREA/ SALES	-22.14M2
ENTRY SEATING AND LIQUOR CONSUMPTION AREA	-20.91M2

NO PATRONS SEATED AND/OR TAKE AWAY AT ANY ONE TIME	USE
NUMBER OF SEATED PATRONS	UP TO 6
NUMBER OF TAKE AWAY PATRONS	UP TO 4
MAX NO PATRONS AT ANY ONE TIME	10

STAFF	NUMBER OF STAFF
NUMBER OF STAFF	2
CARPARKING	
CARPARKING IS LOCATED IN THE STREET FRONTAGE.	
NO ON-SITE CARPARKING IS AVAILABLE	
EXISTING USE AND LIQUOR LICENCE TYPE PROPOSED	

USE	- PIZZA TAKE AWAY AND CASUAL DINING
TYPE OF LIQUOR LICENSE	- CAFE LICENSE

**HRS OF OPERATION**

MONDAY: 5PM-9PM PIZZA OPERATION FOR SERVING PRIMARILY FOOD & SECONDARILY LIQUOR  
 TUESDAY: CLOSED  
 WEDNESDAY & THURSDAY: 5PM-9PM PIZZA OPERATION FOR SERVING PRIMARILY FOOD & SECONDARILY LIQUOR  
 FRIDAY & SATURDAY: 5PM-10PM PIZZA OPERATION FOR SERVING PRIMARILY FOOD & SECONDARILY LIQUOR  
 SUNDAY: 5PM-9PM PIZZA OPERATION FOR SERVING PRIMARILY FOOD & SECONDARILY LIQUOR

Revision	Amendment	Date	Client
A	ISSUED TO PLANNING FOR ASSESSMENT	NOV 20	R. KHESHEN
B	RPI RESPONSE	MAR 21	

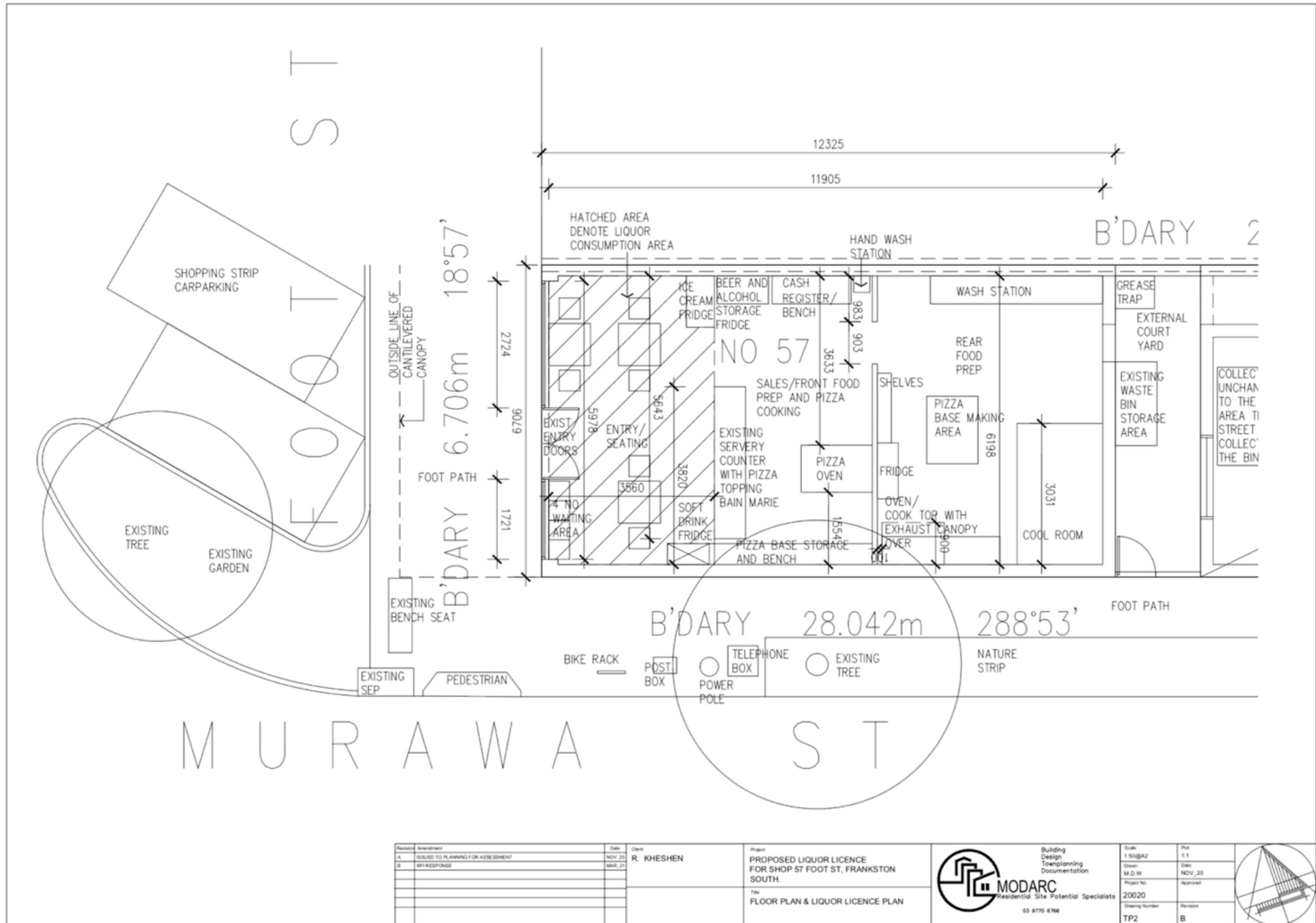
Project	PROPOSED LIQUOR LICENCE FOR SHOP 57 FOOT ST, FRANKSTON SOUTH.
Title	SITE PLAN

Building Design  
Townplanning  
Documentation

03 8770 8766

Scale	1:100@A2	Plot	1:1
Drawn	M.D.W	Date	NOV_20
Project No.	20020	Approved	
Drawing Number	TP1	Revision	B





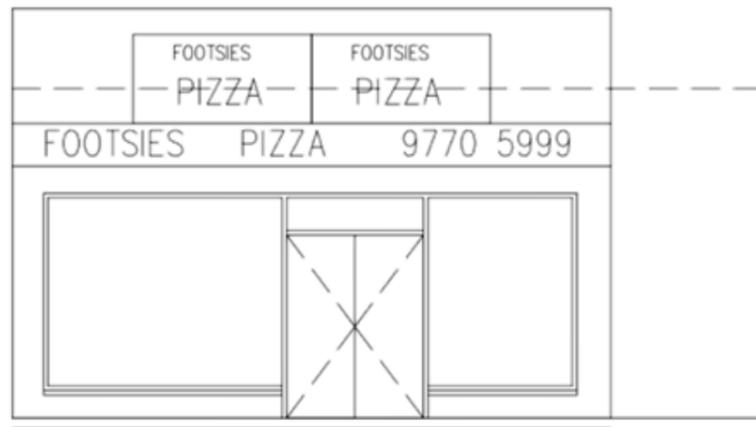
Revision	Amendment	Date	Client
A	ISSUED TO PLANNING FOR ASSESSMENT	NOV_20	R. KHESHEN
B	REFRESH	MAR_21	

Project: PROPOSED LIQUOR LICENCE FOR SHOP 57 FOOT ST, FRANKSTON SOUTH.  
 Title: FLOOR PLAN & LIQUOR LICENCE PLAN

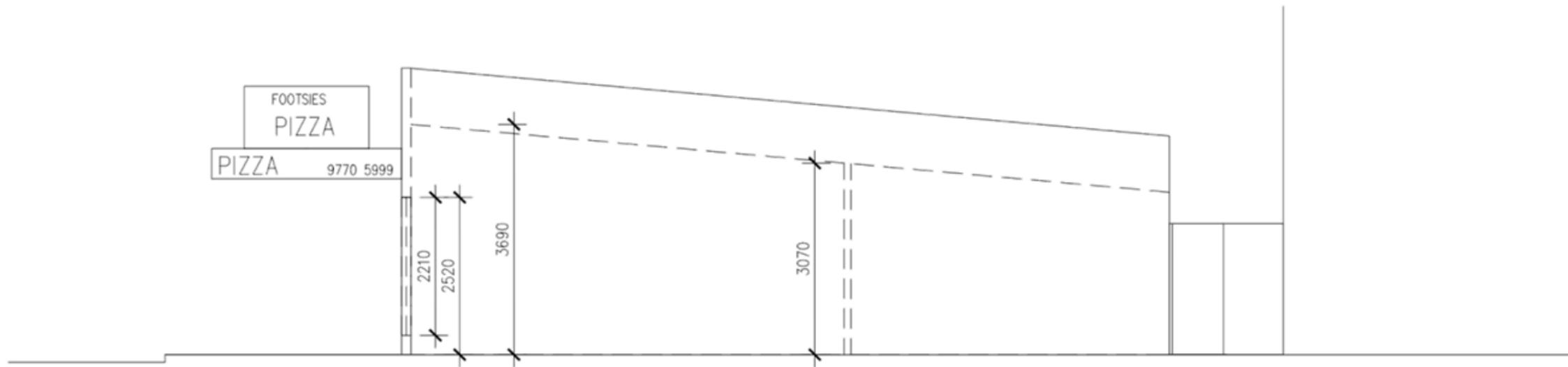
**MODARC**  
 Residential Site Potential Specialists  
 03 9770 6766

Scale	Plot
1:50@A2	1:1
Drawn: M.D.W.	Date: NOV_20
Project No: 20020	Approved
Drawing Number: TP2	Revision: B





# WEST ELEVATION



# SOUTH ELEVATION

Revised	Amendment	Date	Client
A	ISSUED TO PLANNING FOR ASSESSMENT	NOV_20	R. KHESHEN
B	RE-RESPONSE	MAR_21	

Project	PROPOSED LIQUOR LICENCE FOR SHOP 57 FOOT ST, FRANKSTON SOUTH.
Title	ELEVATIONS



Building Design Townplanning Documentation	Scale: 1:50@A2	File: 1:1
MODARC Residential Site Potential Specialists	Drawn: M.D.W	Date: NOV_20
03 9770 6766	Project No: 20020	Approved
	Drawing Number: TP3	Revision: B

# LIQUOR LICENCE

Section 101, Liquor Control Reform Act 1998

This licence must be displayed in a conspicuous place on the licensed premises, in a manner that invites public attention.

## RESTAURANT AND CAFE LICENCE

Licence No. 32368616

Subject to the provisions of the Liquor Control Reform Act 1998 and any conditions specified in the licence, the licensee is authorised to supply liquor up to and including 31 December 2022

Licensee RASHAD AL KHESHEN

Address for service of notices 57 FOOT ST  
FRANKSTON 3199

Licensed premises address 57 FOOT ST  
FRANKSTON 3199

Trading as FOOTSIES PIZZA

Additional person(s) endorsed on licence  
RANIA ABOULHOSN (Licensee)

### GENERAL INFORMATION

A liquor licence does not override local laws, planning schemes and conditions on planning permits. It is the licensee's responsibility to ensure they comply with these.

### TYPE OF LICENCE

This licence is a restaurant and cafe licence and authorises the licensee to supply liquor on the licensed premises for consumption on the licensed premises during the trading hours specified below.

### RESTAURANT & CAFE CONDITIONS

This licence is subject to the following conditions:

- (a) the predominant activity carried out at all times on the premises must be the preparation and serving of meals for consumption on the licensed premises; and
- (b) tables and chairs must be placed in position on the licensed premises so as to be available for at least 75% of the patrons attending the premises at any one time; and
- (c) the licensee must not permit -
  - (i) the live performance of any musical works; or
  - (ii) the playing of any recorded musical works -  
on the premises at higher than background music level at any time outside ordinary trading hours.

Condition (c) does not apply to music performed or played on the licensed premises outside ordinary trading hours as part of a function that is held in an area of the premises that is set aside for the exclusive use of persons who have booked a table in that area and their guests, and is attended only by those persons and their guests.

### AMENITY

The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence.

### CONDITIONS OF APPROVAL

- a) This licence is not effective until a planning permit has been granted by the local council (or responsible planning authority) or evidence from the local council (or responsible planning authority) that a planning permit is not required is provided to the Commission.
- b) Within 7 days of gaining the legal right to use the premises as licensed premises, the licensee must notify the Commission by lodging a completed copy of a Notice of right to use premises form.
- c) If the licensee fails to gain the legal right to use the premises as licensed premises by 23/05/2023 the licence remains not effective indefinitely and a new application for a liquor licence will need to be lodged.

### MAXIMUM CAPACITIES

Overall: 10 patrons

### TRADING HOURS

Sunday  
Good Friday and ANZAC Day  
On any other day

Between 10am and 1am the following morning  
Between 12noon and 1am the following morning  
Between 7am and 1am the following morning

End of Conditions - Printed on 23/05/2022

LICENCE STATUS : PLANNING PENDING



Victorian Commission for  
Gambling and Liquor Regulation

Level 3, 12 Shelley Street, Richmond VIC 3121  
GPO Box 1988, Melbourne VIC 3001

1300 182 457  
vcglr.vic.gov.au



## Executive Summary

### 11.2 Planning Application 239/2022/P - 137 Beach Street Frankston - To use the land for the sale and consumption of liquor (Restaurant and Cafe Licence)

*Enquiries: (Sam Clements: Communities)*

#### Council Plan

Level 1:	4. Well Planned and Liveable City
Level 2:	4.1 Integrate land use planning and revitalise and protect the identity and character of the City

#### **Purpose**

This report considers the merits of the planning application to use the land at 137 Beach Street Frankston to sell and consume liquor (restaurant and café licence).

#### **Recommendation (Director Communities)**

That Council resolves to issue a Planning Permit in respect to Planning Application number 239/2022/P, subject to the conditions contained in the officers' assessment.

#### **Key Points / Issues**

- It is proposed to use the site to sell and consume liquor in association with a Thai Restaurant.
- The proposed liquor consumption is to be in conjunction with the restaurant each night and restricted to the internal seating area.
- Liquor is proposed to be sold and consumed during the following hours:
  - Monday-Sunday 5pm-10pm.
- A maximum capacity of 20 patrons is proposed.
- Notice of the application was given to the adjoining property owners and occupiers and no objections were received.
- This matter is required to be reported to Council as it is an application associated with liquor, and the site is located outside the Frankston Major Activity Centre.

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

#### **Financial Impact**

The fee paid for this application is \$1,705.20. The average cost to process a planning application is \$2,265.

#### **Consultation**

##### 1. External Referrals

The application was referred externally to Victoria Police who have no objection to the proposal.

##### 2. Internal Referrals

The application was referred internally to Council's Social Planning team who do not anticipate any significant social impacts from the application.

**11.2 Planning Application 239/2022/P - 137 Beach Street Frankston - To use the land for the sale and consumption of liquor (Restaurant and Cafe Licence)****Executive Summary**Notification of Proposal

Notification of the planning application was given pursuant to the requirements of Section 52 of the *Planning and Environment Act 1987*.

Notification was given in the form of:

- Mail to adjoining owners and occupiers; and
- One (1) sign erected on the site frontage

As a result of the public notification, no objections were received.

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

The proposal will have no impact on the environment.

It is considered the proposed liquor licence will bring some economic growth and employment opportunities in the area.

The proposed sale and consumption of liquor on the premises is considered to be reasonable in association with a takeaway food premises use.

**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

The proposal requires a planning permit under Clause 52.27 (Licenced Premises) of the Frankston Planning Scheme.

Policy Impacts

The relevant Planning Policies are outlined below:

- Amenity and Safety (Clause 13.07)
- Economic Development (Clause 17)

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 particular risks associated with this application.

**Conclusion**

The proposal is considered to be consistent with Planning Policy. The proposal is satisfactory subject to the inclusion of conditions and is not likely to impact negatively on community safety and public amenity in itself. The proposal is consistent with the purpose of the zone, which encourages commercial centres to be utilised for retail, office, business and entertainment related uses.

**11.2 Planning Application 239/2022/P - 137 Beach Street Frankston - To use the land for the sale and consumption of liquor (Restaurant and Cafe Licence)**

**Executive Summary**

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**ATTACHMENTS**

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

Attachment B: [↓](#) Locality Map

Attachment C: [↓](#) Red Line Plan

**11.2 Planning Application 239/2022/P - 137 Beach Street Frankston - To use the land for the sale and consumption of liquor (Restaurant and Cafe Licence)****Officers' Assessment****Summary**

<b>Proposed Use</b>	Thai Restaurant
<b>Site Area</b>	196 square metres
<b>Proposal</b>	To use the land to sell and consume liquor (restaurant and café licence)
<b>Zoning</b>	Commercial 1 Zone
<b>Overlays</b>	Special Building Overlay
<b>Neighbourhood Character Precinct</b>	Frankston 5
<b>Reason for Reporting to Council</b>	Application associated with Liquor outside the FMAC area.

**Background*****Subject Site***

The subject site is located on the northern side of Beach Street in Frankston. The existing building occupies around a third of the site, with a premises area of 70 square metres.

***Locality***

The site is located in a shopping strip with a number of other buildings. Adjoining uses include shops and restaurants. Residential uses back onto the strip.

***Site History***

There have been no previous planning permits for the site.

***Proposal***

The proposal is summarised as:

- It is proposed to use the site to sell and consume liquor in association with a Thai Restaurant.
- The proposed liquor consumption is to be in conjunction with the restaurant each night and restricted to the internal seating area.
- The use of restaurant is 'as-of-right' in the Commercial 1 Zone and does not require a planning permit.
- Liquor is proposed to be sold and consumed during the following hours:
  - Monday-Sunday 5pm-10pm.
- A maximum capacity of 20 patrons is proposed.

**Planning Policy Framework**

Planning Policy relevant to this application are summarised as follows:

**11.2 Planning Application 239/2022/P - 137 Beach Street Frankston - To use the land for the sale and consumption of liquor (Restaurant and Cafe Licence)****Officers' Assessment**

- Clause 13.07 Amenity and Safety
- Clause 17 Economic Development

**Planning Scheme Controls**

A Planning Permit is required pursuant to:

- Clause 52.27: To use the land to sell and consume liquor for a licence required under the *Liquor Control Reform Act 1998*.

***Notification of Proposal***

As a result of the public notification, no objections were received.

**Discussion*****Planning Policy***

The proposal is consistent with Planning Policy which seeks to create employment opportunities and economic growth.

It is considered that this proposal will appropriately respond to Planning Policies.

***Clause 52.27 Licence Premises***

Given the controlled nature of the proposed liquor consumption on the site and its intention to be consumed in conjunction with a food purchases, it is considered that the proposal will result in minimal impact to the amenity of the surrounding area. The subject site is located within a local shopping strip with other similar uses. They primarily operate around 'normal' business hours and are located within close distance to a bus route. As such, the cumulative impact to the amenity of the surrounding area is considered to be minimal

The proposed hours for the sale of liquor are consistent with Council's longstanding approach to licensed premises and with liquor licensed hours of other restaurants within Frankston (i.e. no morning trade – evening only).

It is not considered that the liquor sales will generate any increased demand on parking, noting the maximum patrons is proposed to be 20.

Overall it is considered that the proposal is consistent with the surrounding area and the purpose of Clause 52.27.

**Analysis (Economic and Social Implications)**

It is considered that the proposal will have positive economic development impacts, leading to future job creation. The potential for social issues to arise is considered relatively low due the minor nature of the proposal.

**11.2 Planning Application 239/2022/P - 137 Beach Street Frankston - To use the land for the sale and consumption of liquor (Restaurant and Cafe Licence)****Officers' Assessment****Recommendation (Director Communities)**

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 239/2022/P to use the land for the sale and consumption of liquor (Restaurant and Café Licence) at 137 Beach Street Frankston, subject to the following conditions:

**No Alterations**

1. The use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

**Patron Numbers**

2. Unless with the prior written consent of the Responsible Authority, a maximum of 20 patrons shall be permitted at any one time.

**Liquor Consumption**

3. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place within an approved red line plan and at the premises during the following hours:
  - Monday-Sunday: 5pm – 10pm

**Amenity**

4. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence/permit relates during or immediately after trading hours authorised by the licence/permit.
5. Noise emissions from the premises must comply with the requirements of EPA Publication 1826/4 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues Part II' to the satisfaction of the Responsible Authority.

**Permit Expiry**

6. This permit will expire if:
  - a) The use is not started within two years of the date of this permit; or
  - b) The use is discontinued for a period of two (2) years or more.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

**Notes****A. Extension of Time**

Section 69 of the Planning and Environment Act, 1987 provides that before the permit expires or within 6 months afterwards, the owner or occupier of the land to which the permit applies may ask the responsible authority for an extension of time. Please note, if a request is made out of time, the Responsible Authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.

Any extension of time request must be lodged with the relevant administration

**11.2 Planning Application 239/2022/P - 137 Beach Street Frankston - To use the land for the sale and consumption of liquor (Restaurant and Cafe Licence)**

**Officers' Assessment**

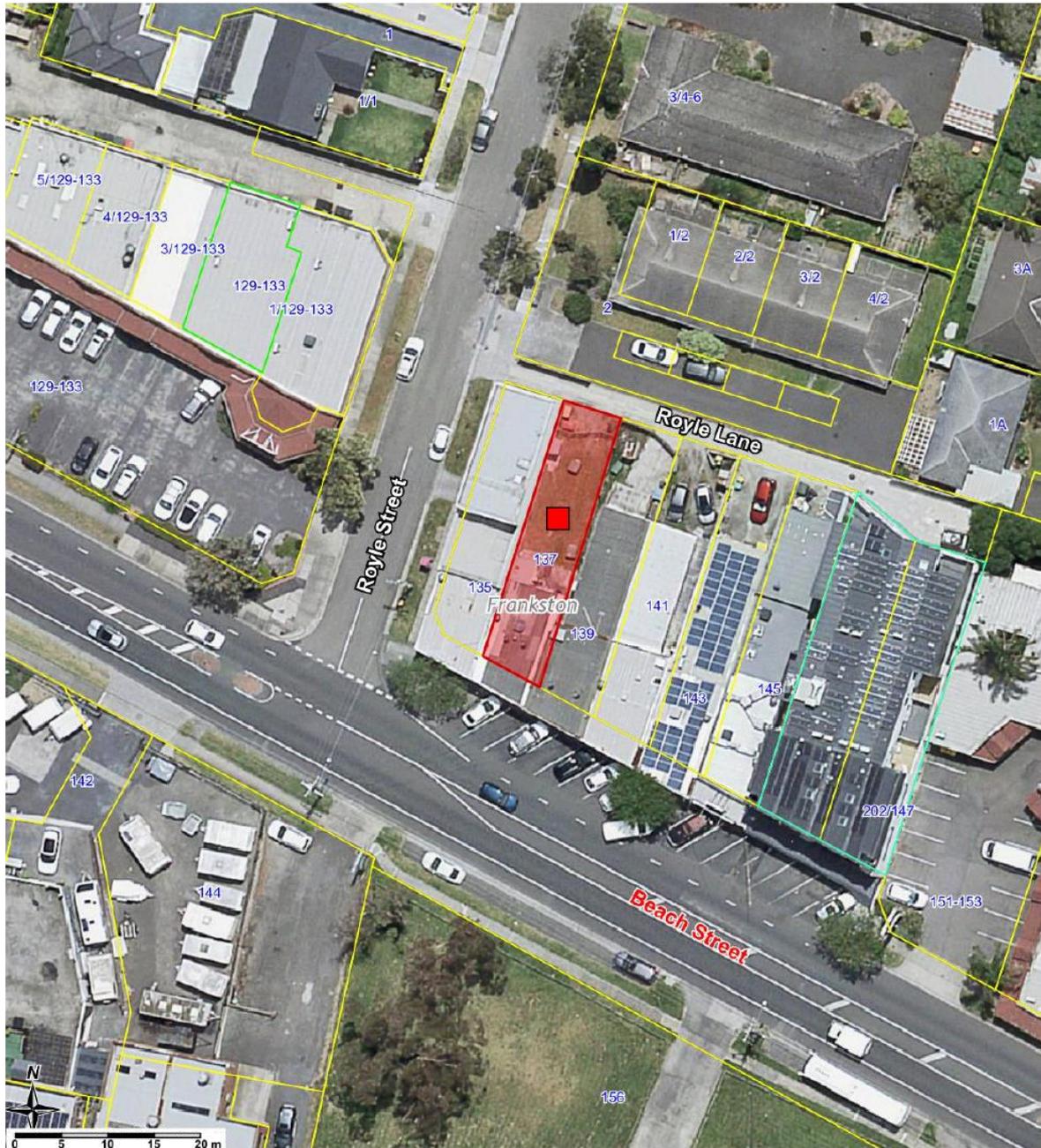
fee.

**B. Variation to Planning Permit**

Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.

Planning Application 239/2022/P – 137 Beach St Frankston

Subject Site 



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Projection: GDA2020 / MGA zone 55

Scale: 1:564

Date Printed: 26/05/2022

Time Printed: 1:56 PM

Issued by: Leah Horne



Planning Application 239/2022/P – 137 Beach St Frankston

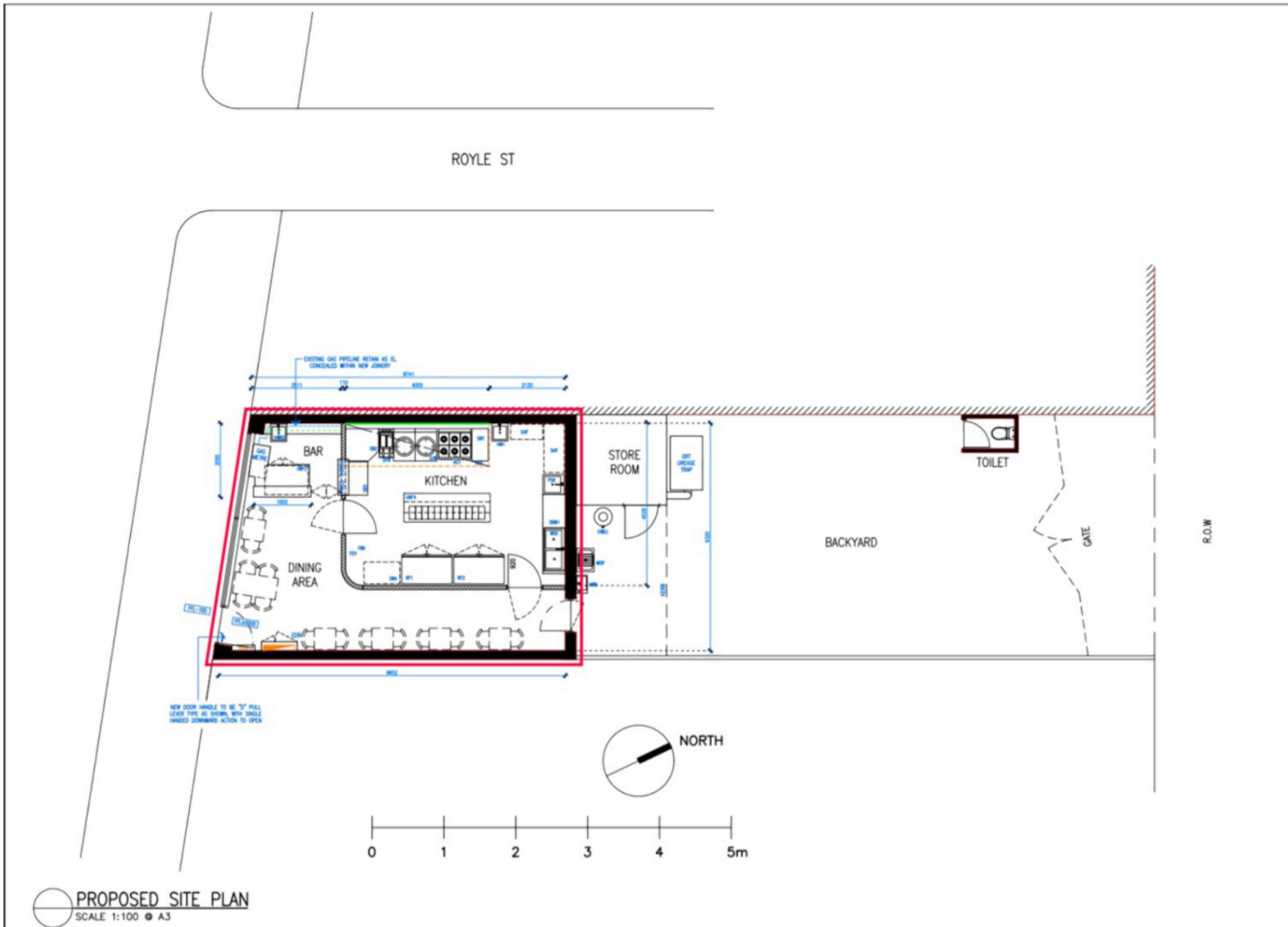
Subject site



No objectors



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**GENERAL NOTES:**

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THESE PLANS SHALL BE READ IN CONJUNCTION WITH ANY RELEVANT STRUCTURAL AND/OR ANY CIVIL ENGINEERING COMPUTATIONS RELATING TO THIS PROJECT.

THESE PLANS SHALL BE READ IN CONJUNCTION WITH RELEVANT SOIL REPORT AND FOOTING RECOMMENDATION

THE BUILDER SHALL TAKE ALL STEPS NECESSARY TO ENSURE THE STABILITY OF NEW AND EXISTING STRUCTURES

**ABBREVIATION LEGEND**

- FAT 5MM(W) S/S FLOOR ANGLE TRIM
- MOB ELECTRICAL DISTRIBUTION BOARD
- FW FLOOR WASTE
- S/S STAINLESS STEEL
- WS WATER SUPPLY POINT
- TD TUNDISH POINT
- GS GAS ENTRY
- CEI REFER FINISHES SPECIFICATION
- FCL FINISH CEILING LEVEL
- APFL ABOVE FINISH FLOOR LEVEL
- FFL FINISH FLOOR LEVEL
- AS ADJUSTABLE MDF MELAMINE SHELVES
- FS FIXED MDF MELAMINE SHELVES

VERIFY ALL SITE DIMENSION BEFORE ANY COMMENCEMENT OF CONSTRUCTION WORKS

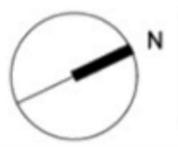
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PROJECT NO: 21484  
 DRAWING NO:  
**ID-A 11**  
 REV. SET: DATE:  
 CS1.0 17/FEB/2022

**PROPOSED SITE PLAN**  
 SCALE 1:100 @ A3



CLIENT :  
**PROPOSED THAI TAKEAWAY RESTAURANT**  
 137 BEACH STREET, FRANKSTON VIC 3199

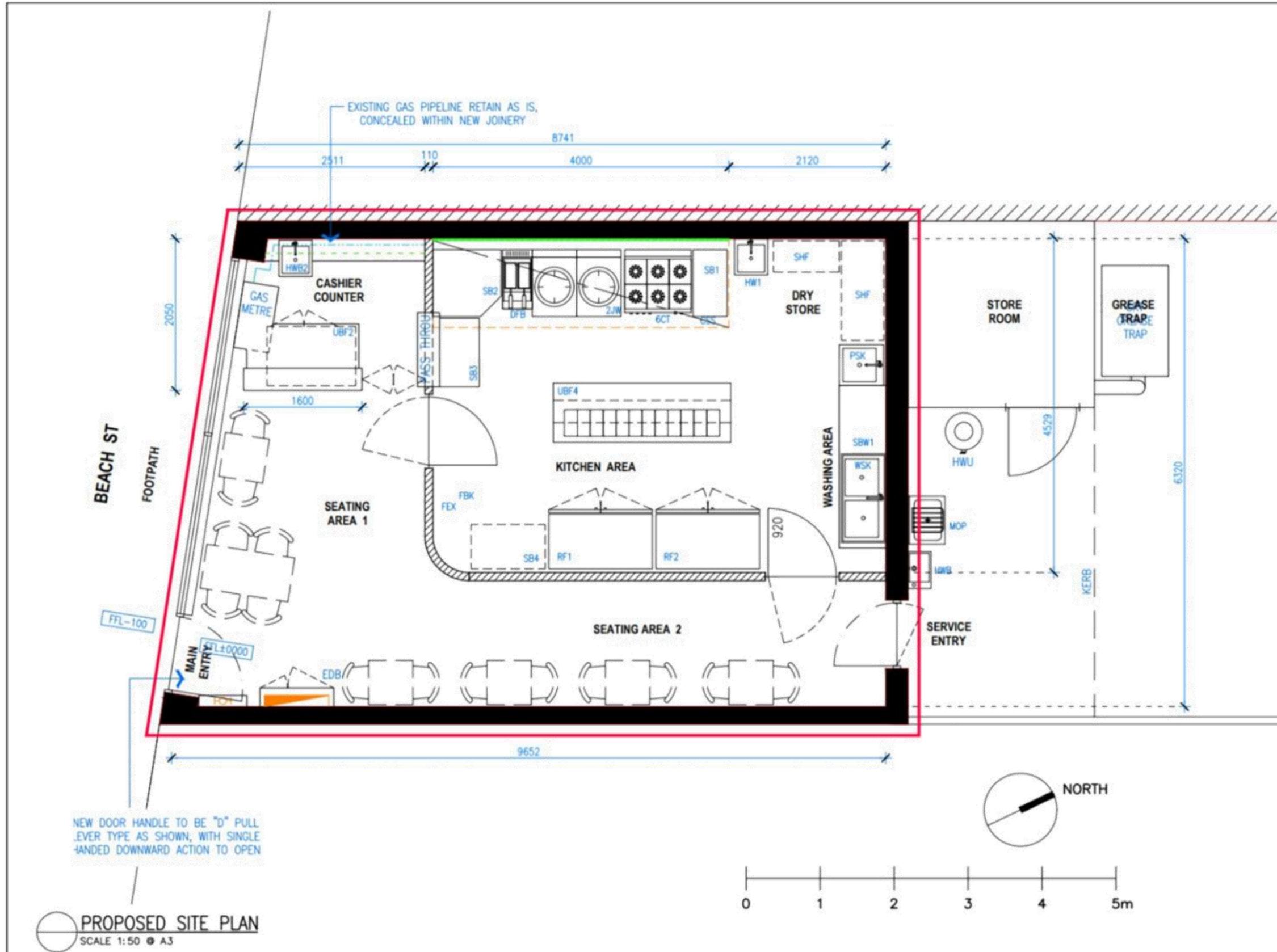


TITLE :  
**PROPOSED SITE PLAN**

SCALE : AS NOTED | DESIGN : HS | DRAWN : HS | CHECKED :

DATE	DESCRIPTION
01/11/21	PRELIMINARY DESIGN
03/11/21	TENDER SET, BP SBM
05/12/21	TENDER SET, BP SBM
17/02/22	CONSTRUCTION SET SBM
XX/XX/XX	CONSTRUCTION/TENDER SET SBM

NO.	BY
PL1.0	HS
TN1.0	HS
TN2.0	HS
CS1.0	HS
BP2.0	HS



**GENERAL NOTES:**

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THESE PLANS SHALL BE READ IN CONJUNCTION WITH ANY RELEVANT STRUCTURAL AND/OR ANY CIVIL ENGINEERING COMPUTATIONS RELATING TO THIS PROJECT.

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 FCL FINISH CEILING LEVEL  
 AFL ABOVE FINISH FLOOR LEVEL  
 FFL FINISH FLOOR LEVEL  
 AS ADJUSTABLE MDF MELAMINE SHELVES  
 FS FIXED MDF MELAMINE SHELVES

VERIFY ALL SITE DIMENSION BEFORE ANY COMMENCEMENT OF CONSTRUCTION WORKS

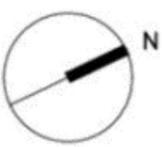
**CONSTRUCTION ISSUE FOR CONSTRUCTION**

PROJECT NO: 21484  
 DRAWING NO: ID-A 12  
 REV. SET: CS1.0 DATE: 17/FEB/2022

PROPOSED SITE PLAN  
SCALE 1:50 @ A3



CLIENT :  
**PROPOSED THAI TAKEAWAY RESTAURANT**  
 137 BEACH STREET, FRANKSTON VIC 3199



TITLE :  
**RED LINE PLAN**

SCALE : AS NOTED | DESIGN : HS | DRAWN : HS | CHECKED :

DATE	DESCRIPTION	NO.	BY
01/11/21	PRELIMINARY DESIGN	PL1.0	HS
03/11/21	TENDER SET, BP SBM	TN1.0	HS
05/12/21	TENDER SET, BP SBM	TN2.0	HS
17/02/22	CONSTRUCTION SET SBM	CS1.0	HS
XX/XX/XX	CONSTRUCTION/TENDER SET SBM	BP2.0	HS

**Executive Summary****12.1 Council Resolution Status Update for 11 July 2022**

*Enquiries: (Brianna Alcock: Corporate and Commercial Services)*

Council Plan

Level 1:

6. Progressive and Engaged City

Level 2:

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

**Purpose**

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

**Recommendation (Director Corporate and Commercial Services)**

That Council:

1. Receives the Notice of Motion Report for 11 July 2022;
2. Receives the Urgent Business Status Update for 11 July 2022;
3. Notes there are two Notice of Motion actions that have been reported as being complete:
  - 2022/NOM4 – Nat's Track
  - 2022/NOM7 – Reporting Obligations for Charitable Group Grant Recipients
4. Notes there are two reports that will not be presented to Council:
  - Frankston Coast Guard Accommodation and Boat Storage Update
  - Update on Coronavirus (COVID-19) and Recovery Grants Program
5. Notes, since the Council Meeting held on 6 June 2022, 25 resolutions have been completed, as listed in the body of the report;
6. Notes Cr Harvey is no longer required to be appointed as a delegate to the Metropolitan Local Government Waste Forum due to it not continuing in its current form; and
7. Resolves for Attachment D to remain confidential indefinitely on the grounds that it includes confidential meeting information, being the records of meetings closed to the public under section 66(2)(a) (*Local Government Act 2020, s.3(1)(h)*). These grounds apply because the information concerns updates on resolutions made by Council in meetings closed to the public and would, if prematurely released, impact on Council's ability to properly perform its functions.

**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).”*

**12.1 Council Resolution Status Update for 11 July 2022****Executive Summary**

- 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)”*
- Further, at its meeting on 18 November 2021, Council resolved that:
  - “A. *Notes the following appointments to external organisations to be made:*
  - 5. *Cr C Harvey and an officer be appointed as the delegates to the Metropolitan Local Government’s Waste Forum.”*
- From 1 July the Metropolitan Local Government Waste Forum (Forum) will not continue in its current form and councils will continue to be consulted and engaged as valued partners in the reform. Cr Harvey has received a letter confirming she has completed her contribution and is no longer required as a delegate to this Forum (Refer to Attachment E).
- The Notice of Motion Report for 11 July 2022 is attached and will continue to be updated and reported at each Council Meeting. Note there are no items listed under confidential, as such this report has not been attached.
- The Urgent Business Status Update report is attached (Attachment C) for 11 July 2022, and will continue to be reported at each Council Meeting.
- There are two Notice of Motion actions that have been reported as complete:
  - 2022/NOM4 -Nat's Track
  - 2022/NOM7 – Reporting Obligations for Charitable Group Grant Recipients
- Due to various factors, it is sometimes not possible for reports to be brought back before Council in accordance with the time frames resolved. There are two reports listed as not being presented to Council:
  - Frankston Coast Guard Accommodation and Boat Storage Update  
There has been a change of staff working on this action, which has meant that the June 2022 deadline for a report has not been met. Councillors were provided with a Memo to update on this matter on 28 June 2022.
  - Update on Coronavirus (COVID-19) and Recovery Grants Program  
Due to the end of financial reporting arrangements, final figures were not yet available to be presented to Council at this meeting and Councillors were briefed on 4 July 2022 regarding the reasons for delaying this report to the 25 July 2022 Council meeting.
- Since 2022/CM08 on 6 June 2022, the following 25 resolution actions have been reported as ‘complete’. A detailed report has been provided in Attachment D (*CONFIDENTIAL*).
  - Response to Petition - Crossover at Ozone Ave, Seaford
  - Proposed closure in Taylors Road, Skye between Hall Road and Ballarto Road
  - Establishment of a night-time economy grant - Invest Frankston After Dark Activation Grant
  - Peninsula Leisure P/L - Financial Sustainability Impacts from COVID-19

**12.1 Council Resolution Status Update for 11 July 2022****Executive Summary**

- Public Commemorative Memorial Request
- Frankston Arts Advisory Committee Report
- Community Grants Program
- Draft Data Exchange Policy 2022-2026
- Frankston E-Bike trial update and E-Scooter trial option
- Draft 2022-2026 Budget (including 2022-2023 Council Plan initiatives)
- Frankston Business and Industry Chamber
- Award of Contract CN10692 - Carrum Downs Recreation Reserve - Destination Play Space
- Award of Contract CN10600 - Ballam Park Athletics Track Surface Renewal Works
- Chief Executive Officer's Quarterly report - January to March 2022 period
- Records Management Policy 2022-2024
- S18 Instrument of Sub-Delegation under Environment Protection Act 2017
- Instrument of Appointment and Authorisation
- City Futures Progress Report - Quarter 3 January - March 2022
- Planning Permit Application 772/2021/P - To Allow For The Sale And Consumption of Liquor In Association With Use of Land for the Purpose of a Motel - 71 Hall Road, Carrum Downs
- Statutory Planning Progress Report - April 2022
- Council Resolution Status Update for 6 June 2022
- Adoption of Data Exchange Policy
- Adoption of Community Grants Policy, Terms of Reference and Program
- Adoption of 2022-2026 budget (including 2022-2023 Council Plan Initiatives)
- Planning Application 18/2022/P - 473 Nepean Highway, Frankston - To use the land to sell and consume liquor, to construct a building and construct and carry out works in a Commercial 1 Zone (C1Z), to erect and display business identification signage

**Financial Impact**

There are no financial implications associated with this report.

**Consultation****1. External Stakeholders**

Nil.

**2. Other Stakeholders**

Nil.

**12.1 Council Resolution Status Update for 11 July 2022****Executive Summary****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 Impact**Charter of Human Rights and Responsibilities

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

Legal

There are no legal implications associated with this report.

Policy Impacts

There is no impact on Council policies.

Officer's Declaration of Interests

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

**Risk Mitigation**

There are no risks associated with this report.

**Conclusion**

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

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**ATTACHMENTS**

- Attachment A: [↓](#) Notice of Motion Cost Summary
- Attachment B: [↓](#) Notice of Motion Status Update
- Attachment C: [↓](#) Urgent Business
- Attachment D: Closed/Completed Actions - **CONFIDENTIAL**
- Attachment E: [↓](#) Letter - Metropolitan Local Government Waste Forum - 30 June 2022

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

Councillor	Number	Primary Cost	Ongoing Cost	Outcome Cost	Urgent Business
Cr David Asker	0	\$0	\$0	\$0	1
Cr Sue Baker	1	\$0	\$0	\$0	0
Cr Kris Bolam^	4	\$6,000	\$0	\$0	0
Cr Nathan Conroy	0	\$0	\$0	\$0	0
Cr Claire Harvey*	2	\$7,155	\$0	\$0	1
Cr Brad Hill	3	\$0	\$0	\$0	0
Cr Liam Hughes	2	\$0	\$0	\$0	1
Cr Steven Hughes	2	\$0	\$0	\$0	0
Cr Suzetter Tayler	1	\$0	\$0	\$0	1
<b>TOTAL</b>	<b>15</b>	<b>\$ 13,155</b>	<b>\$ -</b>	<b>\$ -</b>	<b>4</b>

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

\* Correction of an administrative error. \$420 removed as incorrectly applied; Added cost: 2021/NOM7 - Bringing Forward Council's Net Zero Emissions Target - \$7155 for consultant fees

\* 2020/21 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.

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Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
20-Sep-21	14.1	2021/NOM8 - Humanitarian Support for Fiji  Cr Bolam	<p>Council Decision Moved: Councillor Bolam Seconded: Councillor Baker That Council:</p> <ol style="list-style-type: none"> <li>Notes the letter from the Victorian Multicultural Sports Association seeking a \$10,000 contribution from Council for humanitarian support in Fiji;</li> <li>Notes that Frankston and Suva (Fiji) have provisionally agreed to form a Friendship City relationship;</li> <li>Given Suva (Fiji) is Frankston's geographically closest 'Sister City' / 'Friendship City', this agreement is to be formally upgraded to a 'Sister City' relationship, pending advice from Sister Cities Australia;</li> <li>Notes the letter of appreciation from the Fijian Government's Minister for Local Government, Housing and Community Development, in appreciation for the \$5500 donation for the delivery of hospital beds to Fiji to assist with their response to the second wave of the COVID-19 pandemic;</li> <li>Acknowledges the relationships and contribution of the Fijian community to the diversity in Frankston and notes the impact of the pandemic on our Pacific neighbours;</li> <li>Supports the facilitation of this humanitarian initiative under the stewardship of the Mayor to work with Rotary Club of Frankston Sunrise (who have deductible gift recipient status) to receive all goods and donations with respect to the humanitarian aid relating to the Fijian community;</li> <li>Notes the Mayor has driven a community stewardship campaign for donations. \$6,400 has been raised in the past two weeks to provide sanitary products for women and baby products for newborns, together with donations of children's clothing, sanitiser and PPE. This includes: • Coles Savings - \$100 gift card; • Woolworths Karingal - \$100 gift card; • Woolworths Frankston - \$100 gift card; • Chickohm Frankston - \$1000 cash donation; • DC Urban - \$1000 cash donation; • St Kilda Football Club - \$1000 cash donation; • Rotary Frankston - \$1000 cash donation; • Rotary Sunrise - \$1000 cash donation; • Rotary 2.0 - \$1000 cash donation; • Private resident - \$300 cash donation; • Private resident - \$300 cash donation; • Monash University - \$300 cash donation In this time, the following businesses have also provided, in writing, commitments for discounts and/or additional stock upon purchase to assist in the relief effort: • Target Frankston - bulk discount; • Libra (Jaslee Care) - bulk discount; • Australian Dairy Park, Camum Downs - excess product/aid; • Golden Fields Nutrition, Dandenong - excess product/aid; • Kellogg's - volunteered pallets of infant breakfast cereal; • Community Support Frankston - volunteered pallets of sanitiser</li> <li>That formal letters of thanks be sent to the aforementioned donors;</li> <li>Supports a Council donation of \$8000 to the Rotary Club of Frankston Sunrise towards the shipping of humanitarian aid to Fiji (\$599), and product/aid (\$401);</li> <li>Funds the humanitarian aid from the Mayor's Event Budget that was initially allocated to fund the 'COVID Hero's' Appreciation Event, but is no longer proceeding due to restrictions on mass gatherings;</li> <li>Writes to the Hon. Frank Bainimarama, the Prime Minister of Fiji, the Hon. Premila Kumar, the Local Government Minister Fiji, the Fijian High Commissioner to Australia His Excellency Luke Desurivelu and the Australian High Commissioner to Fiji, His Excellency Mr John Feehan; to advise of Council's decision and note the total donation of \$14,400 (comprising \$8,400 community donations and \$6,000 Frankston City Council donation) plus donated wholesale product/aid that comfortably represents an overall charitable effort surpassing \$15,000.</li> </ol> <p>Carried</p>	Fiona McQueen	<p>20 Jun 2022</p> <ol style="list-style-type: none"> <li>Complete. Mined. The letter from the Victorian Multicultural Sports Association seeking a \$10,000 contribution from Council for humanitarian support in Fiji; 2. Complete. Mined. That Frankston and Suva (Fiji) have provisionally agreed to form a Friendship City relationship; 3. In progress. MOU was taken with Cr Bolam to Fiji to raising - City of Suva is currently awaiting its Officers are awaiting the signed copy of the MOU to arrange training and installation with the Civic Centre; 4. Complete. Mined. The letter of appreciation from the Fijian Government's Minister for Local Government, Housing and Community Development, in appreciation for the \$5500 donation for the delivery of hospital beds to Fiji to assist with their response to the second wave of the COVID-19 pandemic; 5. Complete. Acknowledged and selected the relationships and contribution of the Fijian community to the diversity in Frankston and notes the impact of the pandemic on our Pacific neighbours; 6. Complete. Supports the facilitation of this humanitarian initiative under the stewardship of the Mayor to work with Rotary Club of Frankston Sunrise (who have deductible gift recipient status) to receive all goods and donations with respect to the humanitarian aid relating to the Fijian community; 7. Complete. Mined. The Mayor has driven a community stewardship campaign for donations. \$6,400 has been raised in the past two weeks to provide sanitary products for women and baby products for newborns, together with donations of children's clothing, sanitiser and PPE; 8. Complete. Letters to acknowledge the relief effort have been approved, signed and sent as follows: • Target Frankston - bulk discount; • Libra (Jaslee Care) - bulk discount; • Australian Dairy Park, Camum Downs - excess product/aid; • Golden Fields Nutrition, Dandenong - excess product/aid; • Kellogg's - volunteered pallets of infant breakfast cereal; • Community Support Frankston - volunteered pallets of sanitiser; 9. Complete. The Council donation of \$8000 to the Rotary Club of Frankston Sunrise towards the shipping of humanitarian aid to Fiji (\$599), and product/aid (\$401); 10. Cancelled. Funds the humanitarian aid from the Mayor's Event Budget that was initially allocated to fund the 'COVID Hero's' Appreciation Event, but is no longer proceeding due to restrictions on mass gatherings; 11. Complete. Letter has been sent to the Hon. Frank Bainimarama, the Prime Minister of Fiji, the Hon. Premila Kumar, the Local Government Minister Fiji, the Fijian High Commissioner to Australia His Excellency Luke Desurivelu and the Australian High Commissioner to Fiji, His Excellency Mr John Feehan; to advise of the charitable effort surpassing \$15,000.</li> </ol>	Council donation of \$6000 to the Rotary Club of Frankston Sunrise towards the shipping of humanitarian aid to Fiji (\$5599), and product/aid (\$401).
11-Oct-21	14.3	2021/NOM11 - Nepean Highway Revitalisation  Cr Tayler	<p>Council Decision Moved: Councillor Tayler Seconded: Councillor Hill That Council:</p> <ol style="list-style-type: none"> <li>Supports the priority work being undertaken as part of the new Council Plan to revitalise the Nepean Highway, with its vision to create a vibrant and iconic boulevard and memorable sense of arrival to Frankston as a city by the Bay;</li> <li>Notes the benefits anticipated to flow onto property owners and tenants along the highway with the opportunity for new development to capitalise on the success of Frankston's principal public address. It will also contribute to improved pedestrian connections across the Nepean Highway to better connect the city centre to the waterfront, Frankston's greatest tourism asset;</li> <li>Notes the staged process to realise the Nepean Highway vision comprising: i. Stage 1, Beach Street to Davey Street, which provides for creative accent lighting to median trees and median landscaping improvements at a cost of \$550,000. Through the work of the Frankston Revitalisation Board and the continued support of its Chair, Paul Edbrooke MP, the State Government has contributed \$475,000 towards the project, which is expected to be completed towards the end of 2022; Coinciding with this are the current works underway by the Department of Transport to reduce the speed limit of the Nepean Highway to 40kmph between Fletcher Road and Plowman Place. These works will enable safer journeys for vehicles and improved pedestrian experience and are expected to be completed in December 2021; ii. A further two stages, being Mile Bridge to Davey St and Davey St to Olivers Hill, are being progressed as a part of Council's development of its FMAC Structure Plan and Revitalisation Action Plan. Emerging ideas are expected to be presented to Council no later than early 2022, followed by community consultation and review and adoption by Council around mid-2022;</li> <li>Supports the concepts developed for these further two stages to be added to Council's key advocacy priorities for the upcoming Federal and State elections;</li> <li>Notes that Council's Long Term Infrastructure Plan 2021 to 2031 commits an initial \$1M towards these further two stages over financial years 2022/23 and 2023/24 to enable detailed design and delivery in part, noting overall completion of delivery of these further two stages may be subject to the successful outcome of Council's advocacy efforts; and</li> <li>Notes that the boundary of the FMAC Structure Plan does not extend to Olivers Hill.</li> </ol> <p>Carried</p>	Clare Warren	<p>09 Jun 2022</p> <ol style="list-style-type: none"> <li>Noted - a design framework for the Nepean Highway vision and transformation has been presented to Councillors at a briefing on the 27 October 2021 and 19th April 2022; 2. Noted - also captured in the design framework presented to Councillors on the 27 October 2021 and 19th April 2022 briefing; 3. Noted i. reported 19/05: No update to report on the 40 kmh signs. Still awaiting implementation by Department of Transport for permanent electronic signage; 4. Advocacy material has been prepared; 5. Noted and included in the endorsed LTP for Urban Revitalisation; 6. Noted and aligned with scope of the FMAC Structure Plan currently underway</li> </ol>	
31-Jan-22	14.1	2022/NOM2 - Kananook Station Precinct Advocacy  Cr Bolam	<p>Council Decision Moved: Councillor Bolam Seconded: Councillor Tayler That Council:</p> <ol style="list-style-type: none"> <li>Seeks the CEO to have basic in-house concept drawings prepared for presentation to the Frankston Revitalisation Board relating to the Kananook Railway Station. The intention of this action is to persuade the State Government/Frankston Revitalisation Board to fund a relatively minor aesthetic upgrade of the Quinn Street overpass entrance to the Kananook Railway Station via its annual funding allocation (2022/2023 allotment). Drawings and planning is to include: i. Removal of the cyclone fencing with either no fencing or alternative decorative fencing; ii. Infill the entrance of the Quinn Street entrance with new plantings and prominent ornamental trees; and iii. Limited public consultation on the sought works.</li> <li>a) Notes that access to Kananook Railway Station is reliant upon the pedestrian overpass. Given this, Kananook Railway Station would not classify as a disability compliant public asset and requires improved accessibility and usability. This would enable better access for people with mobility limitations, including but not limited to, people with a medical condition or injury, elderly people, parents with prams, people carrying a suitcase, etc; b) Notes that contemporary practice would have elevated railway stations with lifts for public use to improve accessibility and usability access;</li> <li>Notes recent correspondence from the Minister for Public Transport The Hon. Ben Carroll MP confirming that there is \$25.4 million dollars available in the 2021-2022 Victorian Budget for improved accessibility and usability access to railway stations across Victoria;</li> <li>Is to formally write to Paul Edbrooke MP and Sonya Kilkenny MP to implore them to actively pursue the installation of disability access at Kananook Railway Station, as has been previously requested by Council due to public feedback; and</li> <li>Seeks an update on all matters to be provided at the May 2022 Council Meeting in the form of a public report.</li> </ol> <p>Carried Unanimously</p>	Fiona McQueen	<p>25 May 2022</p> <ol style="list-style-type: none"> <li>In progress. In-house concept drawings prepared for presentation to the Frankston Revitalisation Board relating to the Kananook Railway Station will be prepared; 2. Complete. a) Complete. Noted that access to Kananook Railway Station is reliant upon the pedestrian overpass. Given this, Kananook Railway Station would not classify as a disability compliant public asset and requires improved accessibility and usability. This would enable better access for people with mobility limitations, including but not limited to, people with a medical condition or injury, elderly people, parents with prams, people carrying a suitcase, etc; b) Complete. Noted that contemporary practice would have elevated railway stations with lifts for public use to improve accessibility and usability access; c) Complete. Noted and correspondence sent to Paul Edbrooke MP and Sonya Kilkenny MP on 22 February 2022 seeking further clarification on what, if any, funding is allocated to projects within Frankston City; d) Complete. Correspondence sent to Paul Edbrooke MP and Sonya Kilkenny MP on 22 February 2022 seeking further clarification on what, if any, funding is allocated to projects within Frankston City; 3. Complete. A report was taken to 16 the May Council Meeting.</li> </ol>	
4-Apr-22	14.1	2022/NOM4 - Nat's Track  Cr Kris Bolam	<p>Council Decision Moved: Councillor Bolam Seconded: Councillor Baker That Council:</p> <ol style="list-style-type: none"> <li>Notes \$30,000 currently allocated in the Annual Budget 2021/2022 to provide an artistic mural on a private wall in the Seaford Town Centre as nominated by Cr Bolam;</li> <li>Further notes that the allocated funds referred to in Item 1 are no longer required as the site owner has erected private advertising signage on the formerly vacant wall;</li> <li>Reallocates \$10,000 from the current \$30,000 allocation to condude Council's contribution to the upgrade works to Nat's Track, notably: a) the installation of six decorative art piece, before the May opening, to be affixed to the upgraded fence line adjoining Monterey Secondary College. b) the installation of seven decorative art piece, before the May opening, to be affixed to the upgraded fence line adjoining the Peninsula Kingswood Golf Club. c) the donation of up to \$4000 worth of trees to the Monterey Secondary College to plant on their site, along or near to the track. These trees are to be planted before the May opening. d) Contribution to the official event to unveil the upgraded track to be held in May 2022.</li> <li>Writes to the Peninsula Kingswood Golf Club to thank them for their significant contribution to Nat's Track through: a) Upgrade of their fence adjoining the track b) Contribution to and support of the stakeholder group c) In-kind support in facilitating the decoration of the planter boxes to be installed along the track and to be maintained by students of Monterey Secondary College.</li> <li>Writes to the National Golf Club to: a) thank them for their contribution to Nat's Track to date. b) enquire as to when they will complete the upgrade of their fence along the length of the track to match the upgraded fencing already in place. c) Advise that Council will consider providing financial assistance to the National Golf Club when their upgraded fencing is complete to assist in the installation of decorative art pieces along this fencing.</li> <li>Reallocates \$20,000 from the current \$30,000 allocation towards the 2021/22 Capital Works Program for beautifying the following power/electrical boxes: • Dandenong Road East / Fletcher Road 1x • Frankston Dandenong Road / Excelsior Drive 1x • Ballam Park Cranbourne Road 1x • Seaford Road 1x</li> </ol>	Tim Bearup	<p>07 Jun 2022</p> <p>Confirmed a variation to the capital works program was actioned on 29 April 2022 to alter project budgets. Based on this action, Director Infrastructure &amp; Operations has approved this NOM item for closure.</p>	

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Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
16-May-22	14.1	2022/NOM7 - Reporting Obligations for Charitable Group Grant Recipients  Cr C Harvey	<p><b>Council Decision</b>                      Moved: Councillor Harvey Seconded: Councillor Baker                      That Council:</p> <p>a) Adopt the requirement that each year from 22/23 onwards, all organisations receiving in excess of \$5500 in funding (per annum) via Council's Community Partnerships Grants (triennial grants) must demonstrate to the satisfaction of Council that they:</p> <ul style="list-style-type: none"> <li>• Have an active registration with the Australian Charities and Not-for-profit Commission (ACNC) if eligible;</li> <li>• Have met all of their ACNC reporting requirements (if eligible), including the provision of financial statements as required (i.e. nothing outstanding/overdue)</li> </ul> <p>Grants will not be awarded until these requirements (along with any other requirements outlined in the Community Grants Policy) are met each year.                      For those groups operating under the auspices of a broader consortium (e.g. State-based organisation), the requirement will apply to the organisation that would be in receipt of the Council funds.</p> <p>b) Notes that all other grant recipients not required to be ACNC registered remain subject to the requirements and accountabilities outlined in the Community Grants Policy which includes: evidence of Incorporation, provision of financial statements (ie. Income Statement, Balance Sheet, Cash Flow Statement) and acquittal reports. If there are individual circumstances whereby it is felt that additional information is required from a particular group, this can be pursued as appropriate.</p>	Tim Bearup	14 Jun 2022 All items were incorporated into the newly adopted Community Grants Policy, All actions noted/complete, This item can be closed.	





30 June 2022

Cr Claire Harvey  
Councillor  
Frankston City Council  
Via email [crharvey@frankston.vic.gov.au](mailto:crharvey@frankston.vic.gov.au)

Dear Cr Claire Harvey

**SUBJECT: METROPOLITAN LOCAL GOVERNMENT WASTE FORUM PARTICIPATION**

On behalf of the Metropolitan Waste and Resource Recovery Group (MWRRG), we'd like to thank you for your contribution to the Metropolitan Local Government Waste Forum (Forum).

These are exciting and transformative times for our sector as we transition to a circular economy. Here in Victoria this is guided by the State Government's new circular economy policy and action plan: *Recycling Victoria: a new economy*.

The Forum, the Strategies and Policy Advocacy Group (SPAG) and the Technical Advisory Reference Group (TARG) have played a central role in ensuring the effective delivery of *Recycling Victoria* and the *Metropolitan Waste and Resource Recovery Implementation Plan*. We appreciate your leadership and active contribution to this important work.

As you know, the Forum was established as a legislated body to provide local government representation, advice and support for improved waste and resource recovery. Since 2014, the Forum has delivered significant capability including: 42 meetings (containing over 120 presentations) attended by more than 300 representatives from the 31 metropolitan councils; and 10 Forum industry tours to over 40 sites attended by approximately 400 participants.

From 1 July 2022 MWRRG will transition to become part of a new statewide authority called *Recycling Victoria*. Whilst the Forum will not continue in its current form as a legislated advisory body beyond the end of June, councils will continue to be consulted and engaged as valued partners in reform.

Thank you again for your significant contribution to MWRRG and the Forum.

Yours sincerely

A large black rectangular redaction box covering the signature of the CEO of MWRRG.

CEO, MWRRG

A black rectangular redaction box covering the signature of the Chair of the MWRRG Board.

Chair, MWRRG Board

**Executive Summary****12.2 Outcomes of the Audit & Risk Committee Meeting - 20 May 2022**

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

Council Plan

Level 1:

6. Progressive and Engaged City

Level 2:

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

**Purpose**

To present to Council the unconfirmed minutes of the Audit and Risk Committee (Committee) meeting held on 20 May 2022.

**Recommendation (Director Corporate and Commercial Services)**

That Council:

1. Receives the unconfirmed minutes of the Audit and Risk Committee meeting held on 20 May 2022; and
2. Resolves the attachment remains confidential indefinitely on the grounds that it as it contains details of existing audits and other information which includes Council business information, security information, law enforcement information, legal privileged information, personal information, private commercial information and confidential meeting information (Local Government Act 2020, s.3(1)(a), (b), (d), (e), (f), (g) and (h)). Premature release of this information would impact the status of the audits and compromise the ability for future audits to be properly undertaken.

**Key Points / Issues from the 20 May 2022 Meeting (Attachment A)**

- The Committee was welcomed by Ms Lisa Tripodi, Chairperson.
- The Committee noted the updated Financial and Council Plan Quarterly Reports to end March 2022.
- An update to the Committee was provided for the 2022-2026 Budget (including 2022-2023 Council Plan actions) which was currently out for public consultation.
- An update was provided from Peninsula Leisure for their Quarter 3 Performance Report.
- Crowe Australasia updated the Committee on the external audit for 2021-2022. The Committee noted the interim management report.
- The Committee was presented with an updated Internal Audit Status Report and the following final Internal Audit:
  - Review of Fleet Management
  - Review of Leases and Licenses
- The Committee reviewed a Strategic Risk in Focus – Lack of municipal landfill sites for Frankston City Council and Emerging issues within the construction industry.
- The Revenue Hardship Policy was reviewed by the Committee with suggested amendments to be included.

**12.2 Outcomes of the Audit & Risk Committee Meeting - 20 May 2022****Executive Summary**

- The CEO presented to the Committee two reports – an Update on Coronavirus (COVID-19) and the CEO's Council's quarterly report. The Committee noted these two comprehensive reports.
- An update was provided to the Committee on the Child Safe Standards.

**Financial Impact**

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

**Consultation****1. External Stakeholders**

Community engagement is not undertaken in relation to these matters.

**2. Other Stakeholders**

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

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

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

**Legal / Policy / Council Plan 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

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

Policy Impacts

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

Officer's Declaration of Interests

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

**Risk Mitigation**

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

**Conclusion**

The unconfirmed minutes of the Audit and Risk Committee meeting held on 20 May 2022 are presented to Council for consideration and endorsement.

12.2 Outcomes of the Audit & Risk Committee Meeting - 20 May 2022

**Executive Summary**

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**ATTACHMENTS**

Attachment A: Unconfirmed Minutes - Audit & Risk Committee - 20 May 2022 -  
**CONFIDENTIAL**

## Executive Summary

### 12.3 Adoption of Interim Child Safe Policy

*Enquiries: (Dianne Parker: Customer Innovation and Arts)*

Council Plan

Level 1:

6. Progressive and Engaged City

Level 2:

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

#### Purpose

To brief Council on its responsibility to comply with the Child Safe Standards and propose adoption of an Interim Child Safe Policy (Interim Policy).

#### Recommendation (Director Customer Innovation and Arts)

That Council:

1. Notes the Child Safe Policy 2020 (Policy) has been reviewed in line with the new Child Safe Standards Compliance Guide received 21 April 2022;
2. Adopts the Interim Child Safe Policy to ensure Council policy is aligned to the new Child Safe Standards that came into effect on 1 July 2022; and
3. Endorses the Interim Child Safe Policy to be publicly exhibited for a period of four weeks from September 2022; and
4. Seeks a report back no later than December 2022, to adopt the Policy, taking into account any submissions and feedback received.

#### Key Points / Issues

- New Child Safe Standards came into effect on 1 July 2022, with a transition period, running through to January 2023, established for organisations to more comprehensively implement the Standards.
- The Council has an existing Child Safe Policy that refers to the Victorian Child Safe Standards that expire on 30 June 2022.
- The Interim Policy has been drafted to align with the new Child Safe Standards and associated compliance requirements, noting the compliance guide was received in April 2022.
- The purpose of introducing an interim Policy is to enable extensive and targeted community consultation (as required by the Standards) while enabling other actions required under the Standards to occur concurrently during the transition period.
- The below timeline will ensure the Policy is compliant with the Standards by the required date of 1 January 2023:
  - Consultation strategy developed – July 2022- August 2022
  - Consultation activities – September 2022 – October 2022
  - Policy returned to Council in December 2022 for adoption
- Updating the Child Safe Policy is a foundational element of complying with the Standards but is one of many required actions. A Child Safe Action Plan is being developed to identify and address all outstanding compliance measures.

**12.3 Adoption of Interim Child Safe Policy****Executive Summary**

- The regulator of the Standards, the Commission for Children and Young People, have implemented a transition period of six months (from 1 July 2022 to 31 December 2022) to more comprehensively implement the Standards.

**Financial Impact**

There are no financial implications associated with this report

**Consultation****1. External Stakeholders**

Nil

**2. Other Stakeholders**

Staff Consultative Committee – no feedback provided.

Reconciliation Project Manager and Diversity and Inclusion Project Manager – minor rephrasing recommendation incorporated into the Interim Policy.

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

A more comprehensive understanding by internal and external stakeholders of Council's approach to child safety.

**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

Child Wellbeing and Safety Act 2005

Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Bill 2021 (Vic)

Policy Impacts

No other Council policies or protocols will be impacted.

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 Interim Child Safe Policy is one element of managing child safety risks across Council. Other mitigation initiatives are being overseen by the Child Safe Committee and reported to the Audit and Risk Committee.

**Conclusion**

New Child Standards come into operation from 1 July 2022. This has necessitated a review of the current Child Safe Policy, which includes Councillors. The Interim policy is attached.

12.3 Adoption of Interim Child Safe Policy

**Executive Summary**

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**ATTACHMENTS**

Attachment A: [↓](#) Draft Interim Child Safe Policy

# Interim Child Safe Policy



A4712931

*Lifestyle Capital of Victoria*

## 1. Purpose and Intent

Council is in the unique position of being able to provide a framework for maintaining the safety of one of our communities most vulnerable groups: children. It is often said “it takes a village to raise a child” and in many ways Council’s infrastructure is that village. From school crossings, to the playgrounds within our parks and gardens, to our online spaces and community centres, to our road maintenance activities and libraries, we all have a role to play in keeping children safe from harm or child abuse.

The purpose of this policy is to confirm Council’s overarching commitment to:

- creating and maintaining a Child Safe Organisation;
- protecting children;
- preventing child abuse;
- implementing the Child Safe Standards and the associated reporting obligations;
- modelling good practice and processes in keeping children safe from harm or child abuse;
- creating a culture of child safety and recognising that protecting children and preventing and responding to child abuse is a Council wide responsibility;
- promoting cultural safety for Aboriginal and Torres Strait Islander children and children from culturally and/or linguistically diverse backgrounds and the safety of children with a disability; and
- adopting and maintaining a zero-tolerance position in relation to the intentional harm of any child.

## 2. Scope

This Policy applies to Council’s Councillors, CEO, employees, contractors, volunteers and work experience/work placement students, irrespective of their involvement in Child Related Work. There are no exclusions to the application of this policy.

## 3. Definitions

Key term	Definition
<b>Aboriginal and/or Torres Strait Islander Children</b>	Children up to the age of 18 who are Aboriginal and/or Torres Strait Islander.

<b>Child Abuse</b>	Any act committed against a child involving: <ul style="list-style-type: none"> <li>• a sexual offence;</li> <li>• grooming;</li> <li>• physical violence;</li> <li>• serious emotional or psychological harm; or</li> <li>• Serious neglect.</li> </ul>
<b>CEO</b>	Chief Executive Officer.
<b>Council</b>	Frankston City Council.
<b>Councillors</b>	The individuals holding the office of a member of Council.
<b>Child/Children</b>	A person or persons under the age of 18 years.
<b>Child Related Work</b>	Work within one or more of the occupational fields defined in the <i>Worker Screening Act 2020 (Vic)</i> which involves direct rather than incidental contact with children.
<b>Child Safe Organisation</b>	An organisation that takes proactive steps to protect children from child abuse. A commitment to protecting children is embedded in an organisation's culture and policies.
<b>Child Safe Standards</b>	The standards established under the <i>Child Wellbeing and Safety Act 2005 (Vic)</i> .
<b>Children from Culturally and/or Linguistically Diverse Backgrounds</b>	Children who identify as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home, or because of their parents' identification on a similar basis.
<b>Disability/Disabilities</b>	Any physical, sensory, neurological disability, acquired brain injury or intellectual disability or developmental delay that affects a child's ability to undertake everyday activities.
<b>Cultural Safety for Aboriginal and/or Torres Strait Islander Children</b>	Aboriginal and/or Torres Strait Islander children be given the opportunity to be connected to culture and provided with a safe, nurturing and positive environment where they are comfortable with being themselves, expressing their culture, their spirituality and belief systems.
<b>Cultural Safety for Children from Culturally and/or Linguistically Diverse Backgrounds</b>	An environment which is spiritually, socially and emotionally safe, as well as physically safe for children; where there is no assault, challenge or denial of their cultural or linguistic identity, of who they are and what they need.
<b>Grooming</b>	The act of communication by an adult, with a child or their parents with the intent of committing child sexual abuse.

<b>LGBTIQA+ Children</b>	Children up to the age of 18 who identify as lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual and other terms that people use to describe their experiences of their gender, sexuality and physiological sex characteristics.
<b>Mandatory Reporting</b>	The legal obligation under the <i>Children Youth and Families Act 2005</i> (Vic), of certain professionals, as detailed in the Act, to report to the Child and Youth Protection Services when a child is in need of protection.
<b>Reasonable Belief</b>	A 'reasonable belief' does not require an individual to have actual knowledge but they must have more than a mere speculation. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.
<b>Reportable Allegation</b>	Any information that leads a person to form a Reasonable Belief that a person to whom this Policy applies has committed: <ul style="list-style-type: none"> <li>• Reportable Conduct; or</li> <li>• Misconduct that may involve Reportable Conduct – whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment or engagement.</li> </ul>
<b>Reportable Conduct</b>	One or more of the following involving a Council employee, volunteer or contractor: <ul style="list-style-type: none"> <li>• Sexual offences committed against, with or in the presence of, a child</li> <li>• Sexual misconduct committed against, with or in the presence of, a child</li> <li>• Physical violence against, with or in the presence of, a child</li> <li>• Any behaviour that causes significant emotional or psychological harm to a child</li> <li>• Significant neglect of a child.</li> </ul>

#### 4. Authorisation

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

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Mayor, Frankston City

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CEO, Frankston City Council

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

## 5. Policy

### 5.1 Statement of Commitment to Child Safety

Council has zero tolerance for child abuse. Council is committed to creating and maintaining a child safe environment where all children are valued and protected from harm and abuse.

All children, who attend services, programs, events and spaces (including online environments) that are delivered, owned or managed by Council, have the right to be heard and feel safe regardless of their, or their families', age, gender, race, ability, religious beliefs, sexual orientation or social background. Council will encourage and support Aboriginal children to express their culture and enjoy their cultural rights and commits to creating culturally safe environments.

Council will actively facilitate the voices of children in Council planning, the design and delivery of services, programs and events and in the management of facilities. Council's priority is to involve children in opportunities to influence matters that affect them as active citizens in their community.

Council will treat all reports of child safety concerns seriously and will actively encourage children to raise such issues.

### 5.2 The Child Safe Standards

The Standards were introduced as part of the response to the 2013 Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations (the Betrayal of Trust Inquiry). The Standards were introduced via amendment to the *Child Safety and Wellbeing Act 2005* (Vic), and from January 2017, all Victorian organisations which provide services for children, including Council, were required to comply with the Standards.

In July 2021, a new set of Standards were legislated to commence from July 2022.

#### **Child Safe Standard 1**

Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued

#### **Child Safe Standard 2**

Child safety and wellbeing is embedded in organisational leadership, governance and culture

#### **Child Safe Standard 3**

Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously

#### **Child Safe Standard 4**

Families and communities are informed, and involved in promoting child safety and wellbeing

#### **Child Safe Standard 5**

Equity is upheld and diverse needs respected in policy and practice

#### **Child Safe Standard 6**

People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice

#### **Child Safe Standard 7**

Processes for complaints and concerns are child focused

**Child Safe Standard 8**

Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training

**Child Safe Standard 9**

Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed

**Child Safe Standard 10**

Implementation of the Child Safe Standards is regularly reviewed and improved

**Child Safe Standard 11**

Policies and procedures document how the organisation is safe for children and young people

### 5.3 Diversity, inclusion and cultural safety

Council is committed to creating accessible, equitable, inclusive and culturally safe facilities and services for children. Council will achieve this by:

- » welcoming and supporting participation of all children, including children with disability, children from culturally and linguistically diverse backgrounds, those who are unable to live at home, LGBTIQ+ children and Aboriginal and/or Torres Strait Islander children and their families
- » having zero tolerance of racism and other forms of discrimination and taking action when discrimination or exclusion is identified
- » striving to reflect the diversity of our community through representation in our workforce
- » creating physical and online environments that actively celebrate diversity
- » providing children with access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand
- » providing avenues for children or their families to identify their individual needs and making reasonable changes to support participation by all children
- » aligning with the principles of universal design, access, equity and inclusion which includes:
  - ensuring Council's future planning and decision making will deliver best practice for all of Council's built assets, services, activities, festivals or events making them more accessible to children with a wide range of abilities, disabilities, and other characteristics
  - ensuring built assets and services are available to everyone who is entitled to use them and are free of any form of discrimination on the basis of a person's ethnicity, gender, sexual orientation, religion, English language skills, ability or age.
  - recognising children have different needs, characteristics and life experiences and, although there are similarities within groups, no one child's experience is the same

- » creating culturally safe environments for Aboriginal and/or Torres Strait Islander children by:
  - » creating an environment that is safe for Aboriginal and/or Torres Strait Islander children. This means there is no assault, challenge or denial of their identity and experience
  - » actively supporting and facilitating participation and inclusion within the organisation by Aboriginal and/or Torres Strait Islander children and their families
  - » ensuring racism and discrimination are not tolerated and unconscious biases are challenged
  - » acknowledging, appreciating and celebrating the unique experiences, perspectives and strengths of Aboriginal and/or Torres Strait Islander children, their families and communities
  - » ensuring Aboriginal and/or Torres Strait Islander children, their families and communities have an opportunity to provide feedback in relation to their experience with Council including their sense of safety in expressing their identity
  - » recognising self determination is an 'ongoing process of choice' to ensure that Aboriginal and/or Torres Strait Islander communities are able to meet their social, cultural and economic needs

#### 5.4 Recruitment

Council puts child safety and wellbeing at the centre of recruitment processes and has effective screening tools to assist the recruitment of suitable employees, contractors and volunteers to minimise the risk of engaging workforce members who commit child abuse or put children at risk.

Council's recruitment process includes our Statement of Commitment to Child Safety in all job advertisements, inclusion of child safe questions in interviews and referee checks and the requirement of holding a valid Working with Children Checks on commencement.

Council complies with all relevant regulatory and legal requirements when recruiting to ensure children are not placed at risk.

#### 5.5 Support, training and ongoing workforce management

Council is responsible for ensuring that appropriate behaviour with children is clearly defined and expectations are accessible and understood by all employees, volunteers and contractors. These expectations are detailed in Council's Code of Conduct which all employees and volunteers are

required to agree to adhere to. Breaches of the Code of Conduct may result in disciplinary action and in serious cases may involve termination of a person's involvement with Council.

Council will appropriately inform and/or provide training for Councillors, employees, contractors and volunteers on child safety.

All employees, contractors and volunteers are assigned the compulsory online Child Safe Standards training to complete as part of their induction to Council and every two years thereafter. Additional mandatory Child Safety workshops are provided to employees and volunteers who undertake work in higher risk settings and for those who engage directly with children in the course of their regular work including those undertaking roles classified as Child Related Work. Refresher workshops will be delivered every two years.

Ongoing supervision and support are also provided to employees, contractors and volunteers to ensure compliance with the Child Safe Policy, Child Safe Standards and to increase their capacity to establish and maintain a culture of child safety.

Council will ensure that licences and checks, including Working with Children's Checks, are maintained by relevant employees, volunteers and contractors.

## 5.6 Complaints and Reporting

Council is committed to hearing the voices of children and their families including in its feedback and complaints processes. Council's Complaint Handling Policy includes information about how complaints are managed and additionally, easy-to-understand and accessible resources are made available to children, families and the community that detail the complaint process and the supports available to those making a complaint and those involved in the complaint process.

If a complaint includes an allegation or incident of child abuse or harm, all who this policy applies to are required to report in accordance with the **Child Safety Reporting Procedure** and must prioritise children's safety in any response. If there is concern for the immediate safety of a child, call 000.

All reports of concerns for the health, safety or wellbeing of a child will be treated seriously and responded to promptly and thoroughly.

Council is committed to establishing and maintaining robust child safety report management processes to ensure child safety is prioritised, Council workforce members are supported in reporting and report management processes and Council's legislated child safety reporting obligations are met.

## 5.7 Privacy, information sharing and record keeping

Council is committed to protecting an individual's right to privacy. All personal, sensitive and health information collected during the process of a report or investigation will be handled in accordance with Council's privacy obligations, the *Child Wellbeing and Safety Act 2005* (Vic) and legislated

Mandatory Reporting and information sharing requirements. Information will be used and disclosed only as necessary to meet the purposes outlined in this Policy and as authorised by law.

Council is committed to best practice when securely maintaining confidential records of Reportable Allegations. Records which may assist with the investigation of a complaint or safety concern will be identified and kept as part of the record of an investigation. Records will be kept even if an investigation does not substantiate a complaint. Council will record and keep the outcome of any investigations, and the resolution of any complaints. This includes findings made, reasons for decisions and actions taken. The Reportable Conduct Team is responsible for ensuring that records are managed in accordance with this Policy and data security and confidentiality requirements.

### 5.8 Risk Management

Council recognises the importance of identifying and managing risks of child harm and abuse in the physical and online environments owned and managed by Council.

Risk assessments and risk management plans are developed in recognition of the diverse nature of Council services and settings and where relevant risk management activities are incorporated into Service Plans.

Risks to child safety that are identified through complaints, reports or allegations of abuse will be reviewed and incorporated into the relevant risk register.

## 6 Roles and responsibilities

All Councillors, the CEO, employees, contractors and volunteers on forming a Reasonable Belief that Reportable Conduct has occurred or that a child is at risk or in need of protection (due to their safety, health, or wellbeing being at risk) are required to report through Council's **Child Safe Reporting Procedure**. In addition, any person may disclose a Reportable Allegation directly to the Commission for Children and Young People.

### 6.1 Councillors

Councillors are responsible for providing leadership for the good governance of Council by acting as a responsible partner in fostering and developing an organisational culture that has zero tolerance for child abuse. Councillors will advocate in the best interests of children to create and sustain a community in which children are safe and protected from child abuse.

### 6.2 CEO

The CEO is responsible for driving cultural change and ensuring Council has zero tolerance for child abuse and a culture where protecting children from risks of child abuse or harm to a child is embedded in the everyday thinking and practice of all staff across Council.

The CEO (or delegate) will ensure:

- » all Councillors, employees, volunteers and contractors are supported to undertake their roles and responsibilities in a way that focuses on child safety and transparency
- » child safety is addressed at the strategic level, including the ongoing engagement of key stakeholders in the development, implementation, and review of child safe strategies

- » governance level policies are appropriate, relevant, understood and regularly reviewed, in line with organisational processes and ensure they are implemented across Council
- » effective leadership by championing child safe practices both internally and externally, that ensure Council is safe for all children
- » employees, contractors and volunteers understand their obligations to prevent, detect and report child abuse
- » that all employees, contractors and volunteers are aware of relevant laws, Council policies and procedures and the Code(s) of Conduct
- » that investigations are carried out into Reportable Allegations in accordance with the *Child Wellbeing and Safety Act 2005 (Vic)*
- » that the Commission for Children and Young People is notified and kept informed of Reportable Allegations, investigations and findings involving employees, contractors or volunteers.

### 6.3 Executive Management Team and Managers

The Executive Management Team and all Managers are responsible for supporting the CEO in creating a Child Safe Organisation and embedding a culture of zero tolerance for child abuse. This will be achieved by ensuring:

- » Council has robust child safeguarding practices in place that protect children from child abuse or harm
- » effective support and training is provided to employees, contractors and volunteers in undertaking their role in preventing, recognising, responding and reporting child abuse or harm to children.
- » Reportable Allegations are investigated and reported to the Commission for Children and Young People
- » Promoting the importance of acknowledging and appreciating the strengths of Aboriginal culture and its importance to the wellbeing and safety of Aboriginal children to employees, contractors and volunteers

### 6.4 Employees, contractors and volunteers

Council has clear and well established behavioural expectations of all employees, contractors and volunteers who engage with children as a part of their role. This includes appropriate behavioural expectations for working with all children including Aboriginal and Torres Strait Islander children, culturally and/or linguistically diverse children and children with a disability.

All employees, contractors and volunteers at Council are responsible for ensuring the safety, participation, wellbeing and empowerment of children while undertaking their roles. All employees, contractors and volunteers are aware of and must abide by Council's relevant Code(s) of Conduct.

Employees, contractors and volunteers must also ensure that they:

- » promote child safety at all times
- » assess the risk of child abuse within their area of control and eradicate or minimise any risk to the extent possible
- » ensure as far as reasonably possible that team members take reasonable steps to detect and prevent child abuse
- » report any inappropriate behaviour or suspected abusive activities
- » promote the cultural safety, participation and empowerment of Aboriginal children and children with culturally and/or linguistically diverse backgrounds and identify any cultural safety knowledge gaps and seek training
- » familiarise themselves with the relevant laws, Code(s) of Conduct, policies and procedures in relation to child safety and comply with all requirements
- » comply with all additional reporting obligations that are specific to their role such as Mandatory Reporting

## 6.5 Child Safety Committee

Council has established the Child Safety Committee to assist Council in identifying ways to strengthen child safety within Council, and ensure Council's leadership team remains aware of the implementation of the Child Safe Standards. The Child Safety Committee provides governance around the implementation of the Child Safe Standards and other activities that contribute to the development of Council as a Child Safe Organisation.

## 6.6 Reportable Conduct Team

Council has established a Reportable Conduct Team to ensure compliance with Council's child safe policies and procedures and with relevant legislation, particularly the *Child Wellbeing and Safety Act 2005* (Vic). The Reportable Conduct Team oversees Council's reporting requirements and has specific delegation from the CEO to manage Reportable Allegations.

If a report is made under Council's Child Safety Reporting Procedure about the conduct of a Councillor, CEO, employee, contractor or volunteer towards a child, a Reportable Conduct Team meeting will be held. The Reportable Conduct Team will review the incident reported to ascertain whether the incident has met the Commission for Children and Young People's threshold for a Reportable Allegation. The Reportable Conduct Team may also report the matter to other entities such as the Police if the report indicates criminal offence has been committed or the Local Government Inspectorate if it involves the conduct of a Councillor.

## 7 Policy non-compliance

Non-compliance with this Policy may constitute a breach of employment or contractual obligations, misconduct, harassment, discrimination or some other contravention of the law (such as the *Child Wellbeing and Safety Act 2005* (Vic) or the *Children, Youth and Families Act 2005* (Vic)).



## 8 Related documents

- Appropriate Workplace Behaviour Procedure
- *Child Wellbeing and Safety Act 2005* (Vic)
- *Children, Youth and Families Act 2005* (Vic)
- Code of Conduct 2020
- Councillor Code of Conduct 2021
- Disciplinary Policy
- General Conditions of Employment
- *Health Records Act 2001* (Vic)
- Mahogany Rise Child and Family Centre Child Protection Policy 2017
- Municipal Early Years Plan 2021-2025
- Privacy Policy 2008
- *Privacy and Data Protection Act 2014* (Vic)
- *Public Records Act 1973* (Vic)
- Recruitment and Selection Policy
- Risk Management Policy 2014 and Framework 2018
- Volunteer Policy 2020
- *Worker Screening Act 2020* (Vic)
- Child Safety Reporting Procedure
- Child Safe Committee Terms of Reference
- Reportable Conduct Team Terms of Reference

## 9 Implementation of the Policy

This Policy (in conjunction with other Related Documents) will be implemented on authorisation and incorporated into key decision making processes and operating procedures of Council.

## 10 Document History

Date approved	Change Type	Version	Next Review Date
3 April 2017	New	Version 1	March 2019
30 March 2020	Revised	Version 2	March 2022

## Executive Summary

### 12.4 Adoption of Risk Management Policy

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

#### Council Plan

Level 1:

6. Progressive and Engaged City

Level 2:

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

#### **Purpose**

To inform Council on the outcomes of the public exhibition of the Risk Management Policy (Policy) and present to Council for adoption.

#### **Recommendation (Director Corporate and Commercial Services)**

That Council:

1. Notes the Draft Risk Management Policy was advertised for a period of four (4) weeks and no submissions were received; and
2. Adopts the Risk Management Policy.

#### **Key Points / Issues**

- At its meeting on 4 April, 2022, Council resolved to;
  1. Note the Draft Revised Risk Management Policy;
  2. Endorse the Policy to be publicly exhibited for a period of 4 weeks; and
  3. Seek a report back to enable Council to consider any feedback received and adopt the policy.
- A review of the Policy has been undertaken to ensure the content is relevant and up to date.
- The Policy raises awareness, provides guidance, and direction to all employees on their roles and responsibilities associated with risk management practices.
- Advertising has been undertaken and no submissions were received.
- It is recommended that Council adopt the Policy.

#### **Financial Impact**

There are no financial implications associated with this report.

#### **Consultation**

##### **1. External Stakeholders**

The Draft Risk Management Policy was publicly advertised for Community Consultation from 26 April 2022 to 24 May 2022. There were 22 visits to the engagement platform regarding the advertised Policy, however, no submissions were received.

##### **2. Other Stakeholders**

Council's Procurement, Property and Risk Department have provided input into the review of the policy.

**12.4 Adoption of Risk Management Policy****Executive Summary**

The draft version of the Policy was tabled with Council's Audit and Risk Committee at the meeting in November 2021 and their feedback was incorporated into the Policy that was then publicly exhibited.

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

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

**Legal / Policy / Council Plan 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

The Policy is not created in order to comply with any statutory obligation, however, it is considered best practice for such a policy to exist.

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**

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

**Conclusion**

The Draft Risk Management Policy 2022 was advertised for community engagement and no submission were made via the engagement platform.

The Policy provides the guidance to effectively manage Council's risk, complying with the Risk Management Standard ISO 31000.

It is recommended that Council adopt the Risk Management Policy.

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**ATTACHMENTS**

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

# Risk Management Policy

(REM number)

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

## 1. Purpose and Intent

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

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

## 2. Scope

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

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

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

## 3. Definitions

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

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

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

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<sup>1</sup> Local Government Act 2020 – Section 9 (2)(a)



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

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

**Business Continuity** – approach adopted to managing disruption-related risk.<sup>3</sup>

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

**Corruption** – the misuse of public power or position<sup>5</sup>

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

#### 4. Authorisation

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

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Mayor, Frankston City

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CEO, Frankston City Council

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

#### 5. Policy

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

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

<sup>2</sup> ‘Compliance’ as defined by AS/NZS 3806:2006 – Compliance Programs

<sup>3</sup> ‘Business Continuity’ as defined by AS/NZS 5050:2010 – Business continuity – managing disruption-related risks

<sup>4</sup> ‘Fraud’ as defined by AS/NZS 8001 Fraud and Corruption control

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

<sup>6</sup> Local Government Act 2020 – Section 9 (2)(b)

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

It also acknowledges that managing risk:-

1. Requires an iterative and an integrated approach to strategic planning, monitoring and performance reporting is to be adopted and strategic planning must identify and address the risk to effective implementation;<sup>8</sup>
2. Requires making informed decisions;
3. Is part of governance and leadership and fundamental to managing the organisation at all levels;
4. Is part of all activities and includes interaction with our community;
5. Considers the external and internal context, including human behaviour and cultural factors;
6. Extends to include the social, economic and environmental sustainability of the municipal district, including mitigation planning for climate change risks, is to be promoted; and<sup>9</sup>
7. Requires the ongoing financial risks to be monitored and managed prudently having regard to economic circumstances, acknowledging that 'financial risks' relates to the financial viability of Council, the management of current and future liabilities of the Council and the beneficial enterprises of the Council.<sup>10</sup>

## 6. Roles and responsibilities

### Council

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

### Audit and Risk Committee

Effective management and monitoring of the :-

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

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<sup>7</sup> Local Government Act 2020 – Section 9 (2)(e) and Local Government Act 2020 – Section 106

<sup>8</sup> Local Government Act 2020 – Section 85

<sup>9</sup> Local Government Act 2020 – Section 9(2)(c)

<sup>10</sup> Local Government Act 2020 – Section 101

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

**Chief Executive Officer**

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

**Management**

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

**Staff**

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

## 7. Policy non-compliance

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

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

## 8. Related documents

- Local Government Act 2020
- Public Interest Disclosure Act 2012

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

## 9. Implementation of the Policy

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

## 10. Document History

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

## Executive Summary

### 12.5 Instrument of Appointment and Authorisation

*Enquiries: (Brianna Alcock: Corporate and Commercial Services)*

#### Council Plan

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

#### **Purpose**

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

#### **Recommendation (Director Corporate and Commercial Services)**

That Council:

1. Appoints the officers listed in the Instrument of Appointment and Authorisation, pursuant to the provisions of Section 147 (4) of the *Planning and Environment Act 1987*;
2. Authorises for the Instruments of Appointment and Authorisation to be signed and Sealed; and
3. Resolves that the Attachments be retained as confidential indefinitely on the grounds that they include personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (*Local Government Act 2020, s.3(1)(f)*). These grounds apply because the Instruments includes personal information of the officers which, if released would breach privacy obligations.

#### **Key Points / Issues**

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

#### **Financial Impact**

There are no financial implications associated with this report.

#### **Consultation**

##### **1. External Stakeholders**

Not applicable.

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

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

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

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

**Legal / Policy / Council Plan 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

Officers are required to be appointed as authorised officers under Section 147(4) the *Planning and Environment Act 1987* to enable the officer to legally enforce and administer the Acts.

Policy Impacts

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

Officer's Declaration of Interests

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

**Risk Mitigation**

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

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

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

**Conclusion**

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

It is recommended that Council appoints the officer listed in the attached instrument of appointment and authorisation, and authorises the Instrument to be signed and sealed.

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**ATTACHMENTS**

Attachment A: s11a Instrument of Appointment and Authorisation for Planning Service Officer - **CONFIDENTIAL**

Attachment B: s11a Instrument of Appointment and Authorisation for Subdivision Officer - **CONFIDENTIAL**

**Executive Summary****12.6 Award of Contract CN10738 - Linen House Centre - Internal Alterations**

*Enquiries: (Chris Disseldorp: Infrastructure and Operations)*

Council Plan

Level 1:	4. Well Planned and Liveable City
Level 2:	4.3 Provide well designed, fit for purpose, multi-use open spaces and infrastructure for the community to connect, engage and participate

**Purpose**

To obtain Council approval to Award of Contract CN10738 to Lloyd Group Pty Ltd (ACN: 069 674 479) for Internal Alterations to the Linen House Centre.

**Recommendation (Director Infrastructure and Operations)**

That Council:

1. Notes Council is in the final stages of entering into a new leasing agreement with St Kilda Football Club for the Belvedere site for a seven year term with two options to renew for a seven year period for each option;
2. Notes the impacts of current construction market volatility and rapidly growing cost of construction materials and labour on the overall project costs;
3. Notes that there is an overall budget shortfall of \$2,228,025.00 to deliver the project and endorses required budget adjustments to the Capital Works Program for 2022/23 to fund project funding shortfall as per Attachment A;
4. Awards Contract CN10738 for Linen House Centre internal alterations to Lloyd Group Pty Ltd (ACN: 069 674 479) for a total lump sum of \$4,310,789.00 excl. GST;
5. Authorises the Chief Executive Officer to sign the Contract;
6. Delegates approval of contract variations to the Chief Executive Officer;
7. Notes a proposed official opening date for the refurbished facility is March 2023 subject to successful completion of construction activities; and

Resolves the attachment B to this report be retained confidential 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 the *Local Government Act 2020 s3(1)(a)*.

**Key Points / Issues**

- Linen House Centre was initially established in 2011 as a purpose built elite level training facility for St Kilda Football Club (SKFC). The site is located within Belvedere Reserve, 151 East Rd, Seaford VIC 3198.
- St Kilda Football Club has since relocated their elite men's training and administration back to Moorabbin Oval but have continued to operate some of their community and training academy programs from the Linen House Facility. Since 2018 the facility has remained largely empty while a future for the facility has been determined.
- St Kilda have had a lease over the facility and a licence over the oval and car park that expire in 2059. Through the negotiations this term has been reduced down to three seven year terms.

**12.6 Award of Contract CN10738 - Linen House Centre - Internal Alterations****Executive Summary**

- Council at its meeting on 27 January 2021 provided in principal support of a proposal by SKFC to repurpose the Belvedere Precinct to best serve the needs of the Frankston community in the years ahead.
- One of the new tenants being Belvedere Community Centre (BCC), are currently located at an existing Council owned facility at 36R Belvedere Road Seaford. This facility is too small, poorly designed and non-compliant with Disability Discrimination Act (DDA) requirements as a result of changes in use patterns and the associated regulatory requirements since the use commenced approximately 30 years ago.
- Ongoing operation of this centre will require \$350,000 of DDA compliance works in the short term, however this will still not make the facility fit for purpose.
- Council had originally considered the need to design a new multi-purpose facility housing the BCC – which had been costed several years ago at \$9million with \$3million to \$3.5million attributable to the BCC component. This build was also being considered to take place in an existing park area which would have diminished the provision of open space available to the community.
- There is potential for the existing Belvedere Community Centre site to be sold in the future offsetting some of the costs attributed towards refurbishment of the existing Linen House facility. The sale of land can be further investigated by Council's Property Management team on completion of a refurbished Linen House and relocation of the Community Centre to their proposed new location.
- Council officers have continued to develop plans for the site in conjunction with SKFC and stakeholder groups.
- The design has since been finalised and includes the retention of the existing basketball court, swimming pool and gymnasium along with new multi-use program room, inclusion of several consulting rooms, offices and open plan administration space.
- Other amenities include an Activity room, Board room and Lecture theatre, male and female change rooms and storage facilities. The proposed building form proposes to provide for a new entry that leads into a community lounge and Café.
- A public tender has been carried out in accordance with Council's procurement policy. Response to Council's public tender has been impacted by the current volatility in the market conditions in particular:
  - Rapidly increasing costs of construction materials such as steel, timber, pipes etc. resulting in contractors inability to hold prices for longer period and commit to lump sum tender prices;
  - Growing concerns with collapse of builders such as Probuild, Condev Construction, Pivotal Homes, Solido Builders and its impact on the construction market;
  - Long lead time on the materials especially procured from overseas;
  - Ongoing increases in fuel prices impacting transport and construction costs; and
  - High levels of absenteeism and labour shortage, resulting in contractors not being able to deliver works in line with the agreed construction works program, or a reluctance in the market to commence new works.

**12.6 Award of Contract CN10738 - Linen House Centre - Internal Alterations****Executive Summary**

- The table below sourced from Master Builders Australia provides some example as to material cost increases experienced in Australia during the first quarter of 2022.

ELECTRICAL CABLE <b>UP 27%</b>	PLASTIC PIPES <b>UP 26%</b>	REINFORCING STEEL <b>UP 43%</b>	STEEL BEAMS <b>Up 41%</b>	METAL ROOFING <b>Up 20%</b>
COPPER PIPES <b>Up 25%</b>	TERRACOTTA TILES <b>Up 21%</b>	STRUCTURAL TIMBER <b>Up 39%</b>	PLYWOOD <b>Up 29%</b>	INSULATION <b>Up 14%</b>

*Credit – Master Builders Australia*

- Council is experiencing significant cost escalation on a number of building, civil and open space projects with project costs varying from 30% to 40% subject to overall scope of works and materials involved.
- Additionally, an extensive infrastructure program currently being delivered by State Government is also contributing to a competitive market from both material and labour shortage perspective potentially resulting in lack of response from builders on retrofitting jobs such as Linen House with greater preference from the builders to work on the Greenfield sites.
- The tender prices received are only valid for 60 days i.e. until 05 August 2022 and as such it is important that Council consider this report and resolve to award the contract at its meeting on 11 July 2022 to enable formal contract signing and confirmation to the tenderer expediently post Council decision. Any delays in awarding the contract could result in cost escalation and revised tender pricing.
- Additionally, to ensure new tenants of the building can move in by early 2023, works needs to commence by no later than early August 2022. There is a significant reputation risk for Council if these works are further delayed.

**Background**

Linen House Centre was established at Belvedere Reserve in 2011 as an elite purpose built training and administration facility for St Kilda Football Club. It was built with combined funding from the St Kilda Football Club, Victorian State Government, Australian Football League (AFL) and Frankston City Council.

The vision was for an elite sporting precinct that would be shared with the surrounding broader community along with substantial on flow positive economic impacts for the Frankston municipality.

St Kilda Football Club has since relocated their elite men's training and administration to Moorabbin Oval and now operate their community and training academy programs from the Linen House Facility. Since the club moved out in 2018 the facility has remained largely empty while a future for the facility has been developed. St Kilda have had a lease over the facility and a licence over the oval and car park that expire in 2050. Through the negotiations this term has been reduced down three seven year terms.

Frankston City Council has endorsed the proposal to repurpose the Linen House Centre into the Belvedere 'Healthy Futures Hub' which will accommodate a smaller operation from St Kilda Football Club alongside community, sports and allied health providers.

**12.6 Award of Contract CN10738 - Linen House Centre - Internal Alterations****Executive Summary**

The St Kilda Football Club have worked closely with Council to develop the Healthy Futures Hub with the focus on *“Creating a healthier community through partnership and innovation”*.

Together with Monash University they have led co design workshops for all tenants to come together to strategically work how they can maximise the experience for all centre users and how they collaborate effectively with each other.

This facility will also be the new home for the Belvedere Community Centre who have supported this project from its inception for its participants.

It is anticipated that this facility will be a true community hub bringing together people from a diverse range of backgrounds, cultures and needs. People will be drawn to this centre to:

- Improve their health
- Develop their education
- Learn new skills
- Meet new people
- Develop their sporting ability
- Access integrated services from health professionals

The following list of tenants are proposed to occupy the redeveloped facility along with Saint Kilda Football Club as the lease holder:

- Belvedere Community Centre – Provides a range of community support services and programs
- Monash University – Student Telehealth, student placement and research in aged care / NDIS
- Wallara – NDIS Day service for adults
- Belgravia Leisure – Commercial Gym, Classes and Learn to Swim program
- Everyday Independence – NDIS AH Services
- MP Sports Physicians – Sports medical / Doctors
- Chelsea Longbeach Physiotherapy – Sports allied health provider
- Guide Dogs Victoria – Vital support and skill for people with low vision
- Pathways to care – NDIS Support coordinator
- Peninsula Health – Community dental practice
- Dandenong Stingrays – Elite boys / girls talent pathway training + match day games
- St Kilda Next Generation Academy
- Frankston Football Club

There are a range of other community groups who will also access the facility including:

- Seaford Junior Football Club
- AFL South East
- Seaford Tigers Cricket Club

**12.6 Award of Contract CN10738 - Linen House Centre - Internal Alterations****Executive Summary**

- A range of Frankston Football Clubs and basketball teams

Mantric Architecture were engaged by Council in 2021 to undertake a comprehensive stakeholder engagement and design process with the aim of drawing out design, functionality and operational requirements for a multi-purpose Community facility.

The design has since been finalised and includes the retention of the existing basketball court, swimming pool and gymnasium along with new multi-use program room, inclusion of several consulting rooms, offices and open plan administration space. Other amenities include an Activity room, Board room and Lecture theatre, male and female change rooms and storage facilities. The proposed building form proposes to provide for a new entry that leads into a community lounge and Café.

**Modular Change Rooms**

The existing player change facility and amenities do not meet the needs of community sport, especially when considering female friendly facilities. A modular change facility that includes umpire and first aid rooms etc. is planned for the site but not part of this tender.

The St Kilda Football Club are taking responsibility for this project and are leading the advocacy with the AFL and local parliamentary members to raise the funds for this facility at the site. The anticipated project cost for the modular change facility is anticipated to be \$2.3M.

**Lease**

The St Kilda Football Club and Council are in the final stages of signing a lease for the Healthy Futures Hub for seven years with two options each with a seven year term. The lease provides key performance indicators (KPI's) that St Kilda will need to meet to succeed. In taking up the new lease St Kilda have relinquished their facility lease, licence over the car park and oval that had a further 38 years to run to term.

The new lease includes an annual rent of \$10,000 in the first year, \$15,000 in the second year and scaling to \$20,000 in the third year.

As part of the lease Belvedere Community Centre will use the facility at no cost as well as the Frankston Football Club using the oval and change facilities each year when the Skybus Stadium ground is under renovation.

**Tender Process**

A public request for tender process was conducted in accordance with Council's procurement policy and guidelines.

The tender was released to market on, 26 March 2022 via Council's website and advertised in The Age newspaper.

Initially Tenders were scheduled to close on Wednesday, 20 April 2022 at 3pm. Nil (0) Tender submissions were received at scheduled Tender Close. Consequently, the evaluation panel elected to extend the Public tender period by a further three (3) weeks.

Tenders closed through Council's eTender portal at 3pm on Wednesday, 11 May 2022 and one tender submission was received prior to tender close date and time.

A further Expression of Interest (EOI) email was received that had been addressed and submitted directly to St Kilda Football Club. This EOI submission was deemed non-conforming as it did not meet submission requirements, formatting or contain required pricing information.

No late tenders were received.

**12.6 Award of Contract CN10738 - Linen House Centre - Internal Alterations****Executive Summary****Probity**

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

Council's procurement policy requires an external probity advisor for procurement activities where the value of goods or services exceeds \$5 million (excl. GST). A probity advisor was not engaged on this occasion as the value of works was estimated at below this threshold.

**Tender Evaluation**Conformance and Mandatory Criteria

All submissions passed initial checks against the conformance and mandatory criteria.

Evaluation criteria

<b>Criteria</b>	<b>Weighting (%)</b>
Financial Cost to Council	30%
Demonstrated past experience on similar projects and ability to meet the technical requirements of the contract	25%
Methodology, works programme and ability to meet project timeframes	15%
Current Commitments, capacity and nominated staff and subcontractors	10%
Quality Assurance, Occupational Health & Safety and Environmental Management Systems	10%
Community Benefit	10%
Required Builder Registration and Insurances	Pass/Fail
Financial Check – Corporate Scorecard Standard Financial Assessment (Conducted for preferred tenderer only)	Pass/Fail

Evaluation was guided by the approved Evaluation Plan, which is filed in Council's Document Management System, reference A4632830.

The evaluation of submissions is documented in the Tender Evaluation Report, which is provided as Attachment B.

Negotiations

All tender negotiations have been completed.

Post Award of the Contract

If award is approved by Council at this Ordinary Meeting, all respondents will be notified of the outcome and offered an opportunity to debrief.

Details of the awarded contract will be published on the Council website.

**12.6 Award of Contract CN10738 - Linen House Centre - Internal Alterations****Executive Summary****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 fixed price contract.

The total contract price is \$4,310,789.00 GST exclusive.

**Term of the Contract**

The contract term will be 7 months from the date of award with a 12 month defects liability period commencing from the date of practical completion.

**Policy Considerations**

This procurement does not conflict with any of Council's policies.

**Collaboration**

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

Under this contract there were no opportunities to collaborate with other Councils or public bodies.

**Financial Implications**

The total project budget including multi-year allocations against 2019/20, 2020/21, 2021/22 and 2022/23 financial years is \$3,981,000 (excl. GST) as per table below.

Item	Amount
2019/20 FY Actual Expenditure	\$31,190
2020/21 FY Actual Expenditure	\$16,546
2021/22 FY Adjusted Budget	\$402,264
2022/23 FY Adopted Budget	\$3,531,000
<b>Total Budget Allocation*</b>	<b>\$3,981,000</b>

\*This budget allocation includes \$750,000 for the proposed St. Kilda advocacy/ contribution towards modular change rooms. This budget allocation is now listed as a new project in the LTIP for 2023/24 and is subject to outcome of advocacy efforts.

The anticipated total project expenditure inclusive of the tender award figure is \$5,459,025.00 excl. GST leaving an anticipated budget shortfall of \$2,228,025.00 excl. GST.

**12.6 Award of Contract CN10738 - Linen House Centre - Internal Alterations****Executive Summary**

Item	Amount
Design, Project Management, Authorities, relocation costs, contingencies etc.	\$1,148,236
Construction Tender Award	\$4,310,789
<b>Anticipated Total Project Expenditure</b>	<b>\$5,459,025</b>

The pre-tender estimate of build cost prepared by qualified quantity surveyor for the proposed works was \$3,067,964.

The increased cost as received through tender submission process can be attributed to market volatility and the current cost escalation experienced across the construction industry as discussed in the key points/issue section of this report.

It is recommended that the budget shortfall is addressed through a reallocation of projects in Council's Capital Works Program in 2022/23 which has been detailed in Attachment A.

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

The Belvedere facility is currently underutilised. Future use and management of the facility needs to be determined so that the facility can provide a return on investment for the community.

Council's Health and Wellbeing Plan identifies some significant community health issues and a number of actions to address these. This includes a focus on improving nutrition and physical activity, affordable access to programs, addressing social isolation, targeting gender equality and vulnerable groups within the community.

A health and wellbeing hub at the Belvedere Precinct could deliver services for the community at large whilst intentionally lowering entry barriers for identified vulnerable populations.

The redevelopment meets Council's Environmentally Sustainable Design Standards for Council Buildings Policy (2020).

**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

The tender process complies with Section 186 of the *Local Government Act 1989*.

**Buy Local Impacts**

Community Benefit is part of the evaluation criteria. All tenders were assessed against this criteria.

**ATTACHMENTS**

Attachment A: [↓](#) Linen House Centre - Funding Strategy

Attachment B: Linen House Centre - Internal Alterations - Tender Evaluation Report - **CONFIDENTIAL**



**Healthy Futures Hub (Formerly Linen House Centre) - Funding Strategy**  
FRANKSTON CITY COUNCIL

29-Jun-22

2366	14355	Project Budget Allocation	Amount
2366	14355	2019/20 FY Actual Expenditure	31,190
2366	14355	2020/21 FY Actual Expenditure	16,546
2366	14355	2021/22 FY Adjusted Budget	402,264
2366	14355	2022/23 FY Adopted Budget	3,531,000
<b>Budget Allocation*</b>			<b>3,981,000</b>
*Total Project budget budget allocation includes \$750,000 for the proposed St. Kilda advocacy/contribution towards modular change rooms. This project is now listed as a new project in the LTIP for 2023/24 and is subject to outcome of advocacy efforts.			
<b>Total Budget Allocation (excluding SKFC contribution to new change room facility)</b>			<b>3,231,000</b>
2366	14355	Anticipated Project Expenditure	Amount
2366	14355	Design, Project Management, Authorities, relocation costs, contingencies etc.	1,148,236
2366	14355	Construction Tender Award	4,310,789
<b>Anticipated Cost to Complete</b>			<b>5,459,025</b>
<b>Anticipated Budget Shortfall</b>			<b>2,228,025</b>

**FUNDING STRATEGY TO ADDRESS BUDGET SHORTFALL**

2366	14355	Project Description	Total	Officer Comments	2022/23 Adopted Budget	2022/23 Adjusted Budget
1513	13354	Monterey Reserve - Monterey Recycled Water Scheme (Council Contribution to SEW project)	440,000	Advocacy efforts and joint grant application to the State Government by South East Water & FCC unsuccessful. Funding reallocated to 23/24.	440,000	-
2552	13458	Easement Drainage Pit Alterations	50,000	Adopted budget of \$120K, budget reduced to \$70K in 22/23 (year 1 of recurrent works program).	120,000	70,000
2553	14423	Gatic Pit Lid Renewal Program	100,000	Adopted budget of \$180K, budget reduced to \$80K in 22/23 (year 1 of recurrent works program).	180,000	80,000
2755	14553	Frankston South Drainage Strategy - Williams Street Stage 2 Drainage Upgrade	500,000	Deferral of \$500K adopted budget to 23/24 to alleviate budget shortfall. Budget in 23/24 is now \$700K.	500,000	-
2813	12695	Public PC Replacement	50,000	Adopted budget of \$50K, budget removed in 22/23. Surplus desktop PCs from Council's fleet to be redeployed in 22/23 for public use.	50,000	-
2596	13305	Reserves Internal Fencing Program	58,000	Adopted budget of \$108K, budget reduced to \$50K in 22/23 (year 1 of recurrent works program).	108,000	50,000
2881	14480	Storm & Vandalism Renewal Program	50,000	Adopted budget of \$108K, minor budget adjustment to reduce budget by \$50K in 22/23, resulting in a proposed adjusted budget of \$58K for reactive vandalism/ storm facility works.	108,000	58,000
2060	14495	Minor Sports Infrastructure Program	50,000	Adopted budget of \$50K, funds to be deferred to 23/24. Any urgent reactive works will be managed through other open space renewal programs if required.	50,000	-
1371	14280	Kevin Collopy Pavilion Upgrade at Jubilee Park	532,000	Deferral of Council's contribution to the Kevin Collopy Pavilion from 22/23 to 23/24. Project has been delayed due to gas monitoring. Current carry forward of \$1.44M forecast from 21/22 to 22/23.	2,212,000	1,680,000
3193	14716	Belvedere Precinct Overflow Carparking	400,000	Deferral of \$400K adopted budget in 22/23 to 23/24 following completion of Frankston Healthy Futures Hub.	400,000	-
<b>Total Funding Available</b>			<b>2,230,000</b>			

**14.1 2022/NOM8 - Outreach Support Service**

On 26 May 2022 Councillor Bolam gave notice of his intention to move the following motion:

That a report be provided at the September 2022 Council Meeting exploring a service agreement with a suitably qualified localised outreach provider to undertake referral advocacy, throughout the municipality, to assist those without a permanent place of abode.

The service guarantee is to focus on a prescribed mandatory minimum response time (i.e. twenty-four hours) upon the outreach provider being notified of new clients/rough sleepers by the Frankston City Council.

Following the initial interaction with new clients/rough sleepers, the service provider is to:

- a) Make clients aware of local and regional support agencies insofar uplift and direct support;
- b) Collaborate with local and regional support services on behalf of clients and their needs; and
- c) Conduct ongoing wellbeing audits of clients/rough sleepers, as commissioned by the Frankston City Council.

**COMMENTS BY DIRECTOR COMMUNITIES**

<b>Question for Consideration</b>	
<b>1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?</b>	<b>YES</b> Comments: Nil.
<b>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?</b>	<b>YES</b> Comments: Nil.
<b>3. Is the NoM clear and well worded?</b>	<b>YES</b> Comments: Nil.
<b>4. Is the NoM capable of being implemented?</b>	<b>YES</b> Comments: Nil.
<b>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?</b>	<b>NO</b> Comments: Nil.
<b>6. Is the NoM within the powers of a municipal Council?</b>	<b>YES</b> Comments: While it is within Council's power, it is not the responsibility of local government to fund outreach support services for homeless people. The State Government currently provide such funding.

## 14.1 2022/NOM8 - Outreach Support Service

Question for Consideration	
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	<b>NO</b> Comments: As identified above, it is currently the responsibility of State Government to fund outreach work.
8. Is the NoM consistent with all relevant legislation?	<b>YES</b> Comments: Nil.
9. Is the NoM consistent with existing Council or State policy or position?	<b>YES</b> Comments: The Council Plan supports the work of the Frankston Strategic Homelessness Alliance, which in part, seeks to reduce the number of people sleeping rough in Frankston to zero.
10. Is the NoM consistent with Council's adopted strategic plan?	<b>YES</b> Comments: As explained above, the Council Plan supports the work of the Frankston Strategic Homelessness Alliance, which in part, seeks to reduce the number of people sleeping rough in Frankston to zero.
11. Can the NoM be implemented without diversion of existing resources?	<b>POTENTIALLY</b> Comments: In investigating this matter and reporting it back to the September 2022 Council Meeting, officers will be able to advise whether outreach agency/ies are willing or able to commit to a guaranteed response time and the cost of this service, if any.
12. Can the NoM be implemented without diversion of allocated Council funds?	<b>YES</b> Comments: The NoM requires a report back to Council and this can be achieved within existing resources.
13. Are funds available in the adopted budget to implement the NoM?	<b>NO</b> Comments: The NoM as written does not require an allocation of (additional) funds.
14. What is the estimated cost of implementing the NoM?	<b>NIL</b>

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**ATTACHMENTS**

Nil

**17. CONFIDENTIAL ITEMS**

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

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

Nil Reports

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Signed by the CEO