



**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 12 DECEMBER 2022 at 7.01PM**

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| PRESENT | Cr. Nathan Conroy (Mayor) Cr. Liam Hughes (Deputy Mayor) Cr. David Asker Cr. Sue Baker Cr. Kris Bolam Cr. Claire Harvey Cr. Brad Hill Cr. Steven Hughes |
| APOLOGIES: | Cr. Suzette Tayler |
| ABSENT: | Nil. |
| OFFICERS: | Mr. Phil Cantillon, Chief Executive Officer Ms. Kim Jaensch, Director Corporate and Commercial Services (via Zoom) Ms. Sam Clements, Acting Director Communities Mr. Cam Arullanantham, Director Infrastructure and Operations Ms. Shweta Babbar, Director Customer Innovation and Arts Ms. Brianna Alcock, Manager Governance Ms. Tammy Beauchamp, Manager City Futures (via Zoom) Ms. Tammy Ryan, Manager Arts & Culture (via Zoom) Ms. Rachel Masters, Coordinator Social Policy and Planning (via Zoom) Ms. Rachna Gupta Singh, Coordinator Governance Ms. Rebecca Swann, Governance Officer Mr. Connor Rose, Desktop Support Officer Mr. Josh Lacey, Supervising Technician Mr. Jeremy O'Rourke, Technician |
| EXTERNAL REPRESENTATIVES: | Nil |

COUNCILLOR STATEMENT

Councillor Liam Hughes made the following statement:

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

- *Based on the individual merits of each item;*
- *Without bias or prejudice by maintaining an open mind; and*

- *Disregarding Councillors' personal interests so as to avoid any conflict with our public duty.*

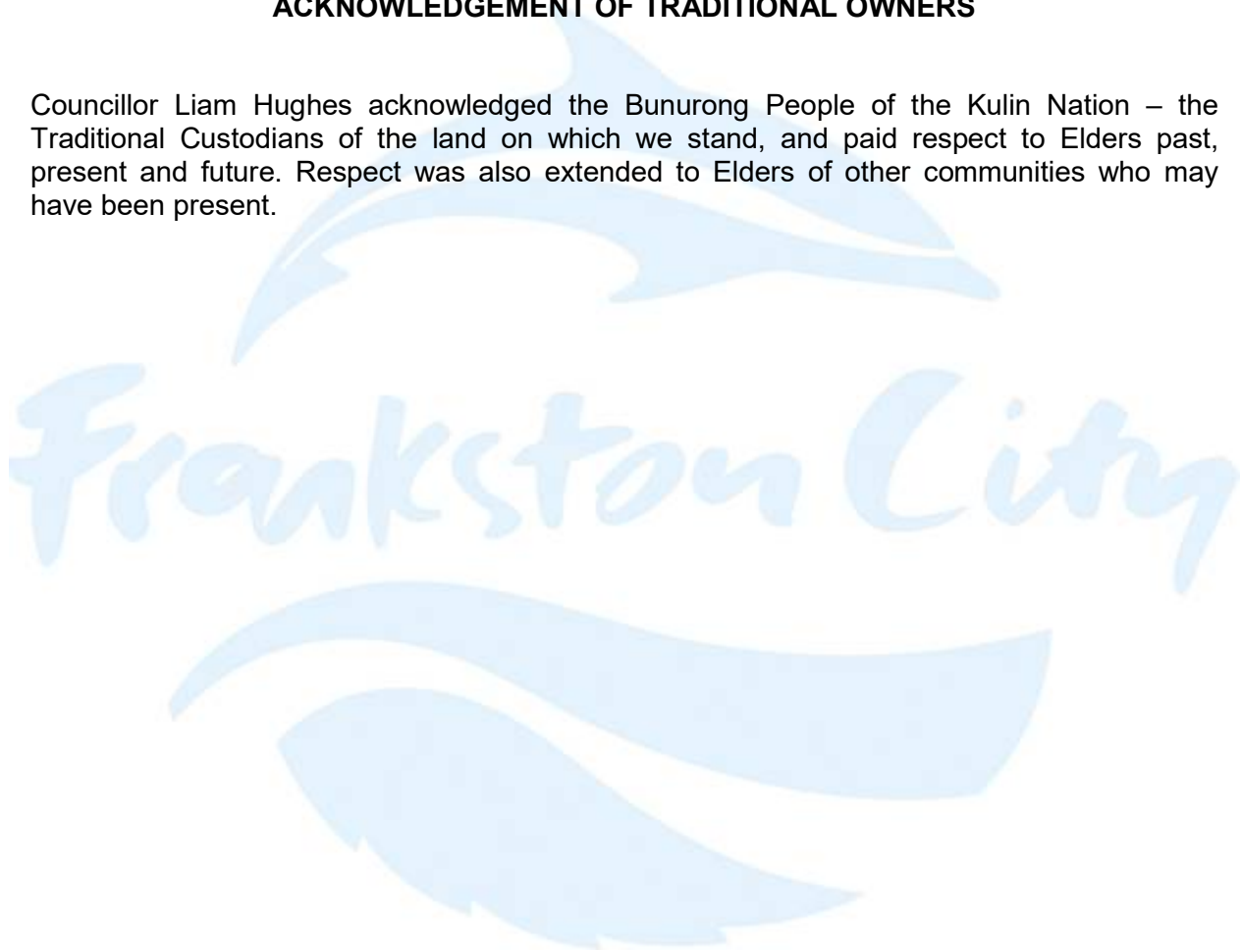
Any Councillor having a conflict of interest in an item will make proper, prior disclosure to the meeting and will not participate or vote on the issue."

PRAYER

At the request of the Mayor, Councillor Liam Hughes read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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



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1. COUNCILLOR APPRECIATION AWARDS**1.1 Councillor Appreciation Award to Leon Costermans**

Councillor Harvey presented a Councillor Appreciation Award to Leon Costermans for his tireless work in the community as a Frankston Environmental Friends Network volunteer, especially through the Friends of Langwarrin Flora and Fauna Park, and to also congratulate him on his co-authored book 'Stories beneath our feet: exploring the geology and landscapes of Victoria and surrounds'.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Council Meeting No. CM17 held on 21 November 2022.

Council Decision

Moved: Councillor Hill

Seconded: Councillor Liam Hughes

That the minutes of the Council Meeting No. CM17 held on 21 November 2022 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

The Mayor acknowledged an apology from Cr Suzette Tayler.

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil

5. PUBLIC QUESTION TIME

One (1) person submitted questions to Council. At the request of the Mayor, the Chief Executive Officer read the questions and answers to the gallery. The questions and answers will be provided in the Minutes of the next Council Meeting.

6. HEARING OF PUBLIC SUBMISSIONS

John McKenzie made a submission to Council regarding Item 12.8 - Housing Advisory Committee - Draft Work Plan and amended Terms of Reference.

7. ITEMS BROUGHT FORWARD**Block Motion****Council Decision****Moved: Councillor Bolam****Seconded: Councillor Hill**

That in accordance with rule 35.2 of the Council's Governance Rules, the items listed below be Block Resolved:

- 11.1 City Futures Progress Report - Quarter 1 July - September 2022
- 11.2 Statutory Planning Progress Report - October 2022
- 12.3 Outcomes of the Audit & Risk Committee Meeting - 14 October 2022
- 12.4 Frankston City Health and Wellbeing Plan 2021-2025 - Year One Annual Report and Draft Year Two Action Plan
- 12.5 Frankston Youth Action Plan 2022-2026
- 12.6 Update to the Long Term Infrastructure Plan 2022-2032
- 12.7 Draft Community Needs Assessment and Community Infrastructure Plan
- 12.9 Adoption of Child Safety and Wellbeing Policy
- 12.10 Frankston Wayfinding Strategy and Style Guide 2022
- 12.11 Strategic Review and Audit of all Business Grants programs
- 12.12 National Centre for Healthy Ageing - Belvedere proposal
- 12.13 Management of Community Requests For Use of Council Facilities
- 12.14 Advice regarding the dissolution of the Frankston Coast Guard
- 12.15 Award of Contract CN10894 - Lloyd Park Netball Pavilion Redevelopment

Carried Unanimously

8. PRESENTATIONS / AWARDS

Nil

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Petition to urgently upgrade the storm water system on Overton Road Seaford and surrounding roads

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

That the petition concerning the urgent upgrade of the storm water system on Overton Road Seaford and surrounding roads be received and referred to the Chief Executive Officer for consideration.

Carried Unanimously

10. DELEGATES' REPORTS

Nil

11. CONSIDERATION OF CITY PLANNING REPORTS**11.1 City Futures Progress Report - Quarter 1 July - September 2022***(TB Communities)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Hill**

That Council:

1. Receives the City Futures Progress Report for Quarter 1 from July – September 2022; and
2. Notes that the Economic Development Scorecard was separately reported to Council on 21 November 2022.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

11.2 Statutory Planning Progress Report - October 2022*(SC Communities)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Hill**

That Council:

1. Receives the Statutory Planning Progress Reports for the month of October 2022; and
2. Resolves that the Applications of Councillor Interest (Attachment B) remain confidential indefinitely on the grounds that it contains land use planning information and private commercial information (*Local Government Act 2020, s.3(1)(c) and (g)*). These grounds apply because it contains private development information and would, if prematurely released, impact the reputation of Councillors and Council.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

12. CONSIDERATION OF REPORTS OF OFFICERS

12.1 Council Resolution Status Update for 12 December 2022

(BA Corporate and Commercial Services)

Recommendation (Director Corporate and Commercial Services)

That Council:

1. Receives the Notice of Motion Report for 12 December 2022;
2. Receives the Urgent Business Status Update for 12 December 2022;
3. Notes there are two Notice of Motion actions that have been reported as being complete;
 - 2022/NOM9 - Nature Strip Guidelines
 - 2022/NOM10 - Letter Under Seal
4. Notes there are four reports that will not be presented to Council:
 - Draft Ballam Park Masterplan
 - Adoption of Integrated Transport Strategy
 - Response to 2022/NOM11 - Exploration of the establishment of a South Eastern Councils Biodiversity Network
 - Response to 2022/NOM8 - Outreach Support Service
5. Notes, since the Council Meeting held on 21 November 2022, 36 resolutions have been completed, as listed in the body of the report;
6. Amends the resolution passed on 21 November 2022 relating to the nomination of Council's representative to the Board of Peninsula Leisure Pty Ltd. to remove the name of Cr Nathan Conroy as Council's representative;
7. Notes that Cr Claire Harvey continues to be the Council's representative to the Peninsula Leisure Pty Ltd Board as nominated at the Council meeting held on 21 November 2022;
8. Amends the resolution passed on 21 November 2022 relating to the nomination of Council's representative to the Audit and Risk Committee to provide for Cr Sue Baker and Cr Nathan Conroy to be represented by any other Councillor if required; and
9. 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.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Hill

That Council:

1. Receives the Notice of Motion Report for 12 December 2022;
2. Receives the Urgent Business Status Update for 12 December 2022;
3. Notes there are two Notice of Motion actions that have been reported as being

Chairperson's initials *NC*

complete;

- 2022/NOM9 - Nature Strip Guidelines
- 2022/NOM10 - Letter Under Seal

4. Notes there are four reports that will not be presented to Council:

- Draft Ballam Park Masterplan
- Adoption of Integrated Transport Strategy
- Response to 2022/NOM11 - Exploration of the establishment of a South Eastern Councils Biodiversity Network
- Response to 2022/NOM8 - Outreach Support Service

5. Notes, since the Council Meeting held on 21 November 2022, 36 resolutions have been completed, as listed in the body of the report;

6. Resolves to discontinue post meeting debriefs with effect from this Council Meeting;

7. Amends the resolution passed on 21 November 2022 relating to the nomination of Council's representative to the Board of Peninsula Leisure Pty Ltd. to remove the name of Cr Nathan Conroy as Council's representative;

8. Notes that Cr Claire Harvey continues to be the Council's representative to the Peninsula Leisure Pty Ltd Board as nominated at the Council meeting held on 21 November 2022;

9. Amends the resolution passed on 21 November 2022 relating to the nomination of Council's representative to the Audit and Risk Committee to provide for Cr Sue Baker and Cr Nathan Conroy to be represented by any other Councillor if required; and

10. 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.

Carried Unanimously

12.2 Frankston Arts Advisory Committee - Report*(TR Customer Innovation and Arts)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Asker**

That Council:

1. Receives the Minutes of the Frankston Arts Advisory Committee meetings of 15 and 22 November 2022;
2. Receives the Minutes from the South Side Festival Sub-Committee held 15 November 2022;
3. Endorses the recommended shortlist of three sculptures for lease by Sculptures by the Sea;
4. Notes the Committee supported the proposed new concept design for a mural on the Library Wall as part of Big Picture Festival 2023;
5. Notes the Committee supported a competition element be added to the Big Picture Festival in 2024;
6. Endorses the recommended \$5K artist commission for South Side Festival 2023, and
7. Resolves for Attachment D (151122 Minutes - November 2022 Southside Festival) to remain confidential and can be released once the South Side Festival artists have been contacted, on the grounds that it includes private commercial information, being information provided by a business, commercial or financial undertaking that (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (*Local Government Act 2020, s.3(1)(g)*). These grounds apply because the information is commercial information and would, if released, result in a loss of confidence by other businesses who may be reluctant to deal with Council in the future.

Carried**For the Motion: Crs Asker, Baker, Bolam, Conroy, Harvey and Hill****Against the Motion: Nil****Abstained: Crs Liam & Steven Hughes**

12.3 Outcomes of the Audit & Risk Committee Meeting – 14 October 2022*(KJ Corporate and Commercial Services)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Hill**

That Council:

1. Receives the unconfirmed minutes of the Audit and Risk Committee meeting held on 14 October 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), €, (f), (g) and (h)). Premature release of this information would impact the status of the audits and compromise the ability for future audits to be properly undertaken.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

12.4 Frankston City Health and Wellbeing Plan 2021-2025 – Year One Annual Report and Draft Year Two Action Plan*(TB Communities)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Hill**

That Council:

1. Endorses the Year One Annual Report for the Health and Wellbeing Plan 2021-2025, noting its completion as a statutory requirement; and
2. Adopts the Draft Year Two Action Plan to progress implementation of the statutory Health and Wellbeing Plan 2021-2025 during 2022-2023.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

12.5 Frankston Youth Action Plan 2022-2026*(TB Communities)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Hill**

That Council:

1. Notes the draft Youth Action Plan 2022-2026 was developed over several stages, involving extensive engagement with young people/community members and internal/external stakeholders;
2. Notes that the draft Youth Action Plan 2022-2026 was publicly exhibited for a period of 4 weeks and no written submissions were received; and
3. Adopts the Youth Action Plan 2022-2026.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

12.6 Update to the Long Term Infrastructure Plan 2022-2032*(LU Infrastructure and Operations)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Hill**

That Council:

1. Adopts the update to the 2022/23 and 2023/24 financial years of the Long Term Infrastructure Plan (LTIP) 2022-2032;
2. Notes the impacts the COVID-19 pandemic, recent weather events and global market pressures has had on the construction industry and the LTIP, resulting in cost escalations on projects;
3. Notes the staged strategy outlined in the report to mitigate the risks of current cost escalations in order to manage the budgetary pressures on the 2022/23 Capital Works Program and future years of the LTIP;
4. Endorses the budget adjustments to the 2022/23 Capital Works Program as a key component of the cost escalation strategy;
5. Authorises the Chief Executive Officer to execute the cost escalation strategy, including executing deeds of contract variation;
6. Authorises the Chief Executive Officer to reallocate funding from the established Program contingency to ensure a sound return on investment in the current climate;
7. Notes all authorised budget adjustments to address cost escalations will be managed in accordance with Council's LTIP Governance Structure and reported to Council via tender award & quarterly monitoring reports; and
8. Notes this review is addressing cost pressures on the LTIP in 2022/23 and 2023/24, and future years of the LTIP will be reassessed as part Council's 2023/24 budget development process.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

12.7 Draft Community Needs Assessment and Community Infrastructure Plan
(TB Communities)**Council Decision****Moved: Councillor Bolam****Seconded: Councillor Hill**

That Council:

1. Notes the Draft Community Needs Assessment & Community Infrastructure Plan, which provides an evidence-base of the community's current and future community infrastructure needs to help guide the integrated planning of Council's community infrastructure provision;
2. Adopts the Draft Community Needs Assessment & Community Infrastructure Plan to provide strategic direction on Council's future community infrastructure needs and delivery; and
3. Notes that once adopted, for any recommended actions in the Draft Plan to be implemented will need to be considered through Council's Long Term Infrastructure Plan and be subject to annual budget processes.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

12.8 Housing Advisory Committee – Draft Work Plan and amended Terms of Reference*(TB Communities)***Council Decision****Moved: Councillor Baker****Seconded: Councillor Harvey**

That Council:

1. Adopts the Housing Advisory Committee's Draft Work Plan and amended Terms of Reference; and
2. Notes that an annual report on progress made with the Draft Work Plan will be presented to Council at its meeting in December 2023.

*In accordance with Governance Rules 28.1 the motion was amended***Council Decision****Moved: Councillor Baker****Seconded: Councillor Harvey**

That Council:

1. Adopts the Housing Advisory Committee's Draft Work Plan and amended Terms of Reference;
2. Notes that an annual report on progress made with the Draft Work Plan will be presented to Council at its meeting in December 2023; and
3. Notes that local Community Groups will be invited by the Committee to participate in future discussions as required.

Carried Unanimously

12.9 Adoption of Child Safety and Wellbeing Policy*(NU Customer Innovation and Arts)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Hill**

That Council:

1. Notes the Interim Child Safe Policy was publicly exhibited and engagement activities undertaken from 17 October – 15 November 2022 with three submissions received;
2. Notes the Child Safety and Wellbeing Policy has been reviewed in response to feedback and submissions received through consultation and in line with the Child Safe Standards that came into effect on 1 July 2022; and
3. Adopts the Child Safety and Wellbeing Policy.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

12.10 Frankston Wayfinding Strategy and Style Guide 2022*(TB Communities)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Hill**

That Council:

1. Receives and adopts the Frankston Wayfinding Strategy and Style Guide 2022;
2. Notes that the Gateway and Suburb markers are funded through Council's Long Term Infrastructure Plan over the next 3 years;
3. Resolves for prototyping and implementation of the Gateway and Suburb markers to commence, noting that the final siting and type of each Gateway and Suburb marker will be undertaken in consultation with Department of Transport and Councillors as required;
4. Resolves for Council officers to progress siting and implementation of a 'Seaford' Suburb marker on the east side of Nepean Highway at the entrance to the Eel Race Road pedestrian underpass and a Gateway marker on the Nepean Highway central median, to Department of Transport requirements, for motorists travelling south from Carrum into the Frankston municipality (Attachment B); and
5. Notes that inclusion of traditional owner language is subject to approval by the Bunurong Land Council Aboriginal Corporation.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

12.11 Strategic Review and Audit of all Business Grants programs*(TB Communities)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Hill**

That Council:

1. Receives and notes the internal audit report on Council's Business Grants programs from 2012 to 2022 as a part of Council's 2021-22 Internal Audit Program;
2. Notes the internal audit of Council's Business Grants program was completed in September 2022 and presented at the Audit and Risk Committee meeting of 14 October 2022. The audit included eleven (11) recommendations;
3. Notes that Council's 2022-23 Business Grants program, including a total budget of \$180,000 will commence in the first quarter of 2023 to allow for all internal audit recommendations to be addressed; and
4. Notes the feedback received from local business operators about their experience of Council's Business Grants program, including the type of grants sought.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

12.12 National Centre for Healthy Ageing - Belvedere proposal*(TB Communities)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Hill**

That Council:

1. Notes that public consultation on the proposal from the National Centre for Healthy Ageing (NCHA) to site an independent living lab with mobility garden and an intergenerational play space and exercise park at Belvedere Reserve, Seaford was held for four weeks from the 6 October - 3 November 2022;
2. Notes that 98 percent of community feedback received on the NCHA proposals for Belvedere Reserve, Seaford was positive and supportive;
3. Notes that the NCHA proposals are anticipated to be cost neutral for Council;
4. Supports in-principle the proposal from the NCHA to temporarily site an independent living lab with mobility garden and an intergenerational play space and exercise park at Belvedere Reserve, Seaford;
5. Resolves for officers to work with NCHA representatives to negotiate:
 - a) appropriate terms for a lease and license under delegation; and
 - b) the provision of signage, landscaping and fencing (as appropriate) to ensure the development does not detract from the amenity and aesthetics of the area.
6. Notes that the Independent Living Lab will be subject to statutory town planning processes.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

12.13 Management of Community Requests For Use of Council Facilities*(TB Communities)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Hill**

That Council:

1. Notes the work presently being undertaken to review, investigate and develop a new process for the management of facility requests by community groups;
2. Notes that this matter will be included for further consideration in Council's Service Plan initiatives and annual budget development process; and
3. Seeks an update to be provided to Councillors in March 2023 on the status of the review together with a detailed project plan with relevant phasing for the remaining actions to be undertaken.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

12.14 Advice regarding the dissolution of the Frankston Coast Guard*(TB Communities)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Hill**

That Council:

1. Notes the correspondence from Emergency Management Victoria that the Australian Volunteer Coast Guard Association Inc. (AVCGA) is to dissolve the operations of VF1 – Frankston Flotilla;
2. Notes the significant history and service provided by the Frankston Coast Guard to the Frankston and wider community over a period of 60 years and as the oldest Coast Guard Flotilla in the Australian Volunteer Coast Guard Association;
3. Formally recognises and thanks both past members and the current volunteers who are being consolidated into the Carrum Coast Guard;
4. Notes that Emergency Management Victoria has said it 'is grateful for the extensive assistance that the Frankston City Council has provided to the Frankston AVCGA over many years and in particular in recent times with the renovation of the mechanics hall and detailed consideration of the Oliver's Hill redevelopment proposals';
5. Requests ongoing communication from Emergency Management Victoria regarding MSAR operations in the Frankston zone of Port Phillip Bay to ensure no adverse service delivery gap as a result of the closure of Frankston Coast Guard;
6. Rescinds any existing funding commitments and directs officers to cease any further work in relation to determining a storage site for a rescue vessel in Frankston City; and
7. Notes Council officers will work with the Australian Volunteer Coast Guard Association to transfer relevant equipment and belongings from Mechanics Institute into AVCGA care.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

12.15 Award of Contract CN10894 - Lloyd Park Netball Pavilion Redevelopment*(VG Infrastructure and Operations)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Hill**

That Council:

1. Awards Contract CN10894 for Lloyd Park Netball Pavilion Redevelopment to More Building Group Pty Ltd (ACN: 614 992 933) for a total lump sum of \$993,000.00excl. GST;
2. Notes that the project has received \$800K funding from State Government through the Female Friendly Facilities funding stream;
3. Notes current ongoing annual maintenance costs for existing facility is around \$7,000. Upon completion of the new pavilion the maintenance costs will likely increase to an estimated cost of around \$20,000, and as such will require necessary adjustments in 2023/24 operating budget for Facilities Management;
4. Authorises the Chief Executive Officer to sign the Contract;
5. Delegates approval of contract variations within the contingency amount outlined in the confidential attachment to the Chief Executive Officer; and
6. Resolves Attachments A and B to this report be retained confidential on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage, pursuant to the Local Government Act 2020 s3(1)(g).

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

13. RESPONSE TO NOTICES OF MOTION

Nil

14. NOTICES OF MOTION

Nil

15. LATE REPORTS

Nil

16. URGENT BUSINESS

Nil

17. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Harvey****Seconded: Councillor Bolam**

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

C.1 South East Metropolitan Advanced Waste Processing Project

Agenda Item C.1 South East Metropolitan Advanced Waste Processing Project is designated confidential on the grounds that they contain private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage, pursuant to the Local Government Act 2020 s3(1)(g)

Carried Unanimously

The meeting was closed to the members of the public at 7.53 pm

18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS

The Council considered the item 17 C.1 in the closed meeting and passed the following resolution:

C.1 South East Metropolitan Advanced Waste Processing Project (considered at this meeting)**Council Decision**

That Council:

1. Notes at the Council meeting held on 4 April 2022, it voted against a commitment to the South East Metropolitan Advanced Waste Processing Project ('project') owing to its concerns with the project's level of community engagement and the State's absence of financial underwriting of this regionally significant project;
2. Notes the letter from the State Minister for Energy, Environment and Climate Change, the Hon. Lily D'Ambrosio MP in response to Council's request for the Victorian Government to provide a financial commitment and underwriting of the project in order to mitigate exposure to ongoing risks over the 25 year life of the contract;
3. Notes the community engagement report to establish whether there was support for a future commitment to a project based on waste to energy technologies was presented to the Council meeting on 15 August 2022;
4. Notes the *Alternative Waste Processing Options and Risks Report November 2022*, which recommends that Council commit to the project;
5. Resolves to:
 - a) commit to enter into a Contract with a successful tenderer by sending a commitment letter provided the tender conforms to all of the predetermined conditions as specified by South East Metropolitan Advanced Waste Processing Pty Ltd (ACN 654 660 438) including:
 - the project being located at the agreed Site, but that site being located outside the Frankston municipality;
 - the waste supply deed issued for tender; and
 - the gate fee being within an agreed limit for the South East Metropolitan Advanced Waste Processing Project;
 - b) Authorises the Chief Executive Officer to sign a commitment letter;
 - c) Endorses a minimum tonnage guarantee arrangement for the South East Metropolitan Advanced Waste Processing Project;
 - d) Endorses the provision of a financial guarantee, under which the Councils' guarantee that South East Metropolitan Advanced Waste Processing Pty Ltd will remain solvent and will not be wound up during the term of the Contract;
 - e) Endorses partial bid reimbursement costs to unsuccessful tenderers who submit a compliant tender if Councils choose to cancel the tender for the South East Metropolitan Advanced Waste Processing Project;
 - f) Authorises the Chief Executive Officer to take any further actions necessary to facilitate Council's participation in the South East Metropolitan Advanced Waste Processing Project;
6. Resolves that this report and the attachments are retained confidential indefinitely on the grounds that they contain private commercial information, being information provided by a business, commercial or financial undertaking that if released, would

- unreasonably expose the business, commercial or financial undertaking to disadvantage, pursuant to the Local Government Act 2020 s3(1)(g); and
7. Authorises the public release of this resolution, including its publication in the open minutes of this meeting.

The Council at its meeting held on 24 October 2022 considered the following item in the closed meeting and passed the following resolution:

C.1 Kindergarten Reform Update and Langwarrin Child & Family Centre

Council Decision

That Council:

1. Notes the Kindergarten Reform changes and the assessment findings for existing single room kindergarten expansions;
2. Supports the inclusion of new kindergarten infrastructure projects into the Long Term Infrastructure Plan (LTIP) to reduce the impact of the reform on community, and for all Early Years projects to be prioritised;
3. Endorses the Long Street Reserve to be the preferred site for the Langwarrin Child & Family Centre to enable further planning and feasibility to be undertaken;
4. Endorses commencing conversations with the existing Langwarrin Pre-School Committee of Management (COM) regarding the opportunity to transition to the new Langwarrin Child & Family Centre site;
5. Notes McClelland Gallery has been informally advised that the acquisition of part of its land for a Bush Kindergarten will not be pursued and that will now be formally communicated;
6. Resolves that the report and Attachment A be retained as confidential indefinitely on the grounds that it contains information that is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (*Local Government Act 2020, section 3(1)(a)*); and private commercial information, being information provided by a business, commercial or financial undertaking that (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (*section 3(1)(g)*). These grounds apply because the information concerns matters that are likely to be the subject of future negotiations and would, if prematurely released, compromise the integrity and outcome of those negotiations; and
7. Resolves that the resolution be released after Council staff having commenced conversations with the Langwarrin Pre-School Committee of Management.

QUESTION TIME

The following questions were presented at the Council Meeting 2022/CM17 – 21 November 2022. The questions and answers were read out publicly. In accordance with the Public Submissions and Question Time Policy, the questions and response(s) are published at the next Council Meeting Minutes.

Emily Green**Question 1**

I am curious as to how the Frankston Council will help the small businesses lined up on the Nepean Highway, near the Frankston McDonalds. While speaking to locals I have been informed of issues with the seating that was installed now taking up the docking lanes for these businesses, and they're having increasing issues with getting their supplies within their stores. This has gotten to the point of them being fined multiple times for parking in other people's space, as they have no supply entry point. Multiple businesses have stated that the seating doesn't benefit them and would much rather have their loading spaces back.

What can be done to help them? Can these seating areas be reviewed??

Response by Director Communities

The extended outdoor dining 'parklets' on the Nepean Highway occupy standard vehicle parking spaces only, and loading bays are still available for use for deliveries.

Frankston City Council is currently reviewing all of its extended outdoor dining infrastructure which was implemented as a part of its COVID-19 Community Support package. All of the businesses along the Nepean Highway with extended outdoor dining infrastructure were consulted in early October this year regarding the possibility of extending the arrangement and they have all expressed an interest in doing so.

Question 2

What are Frankston City Council currently doing for the homeless gentleman that live on the Frankston Foreshore? Have they been given a safe, long-term environment for them to live? Have they been connected to what Frankston services could aid them??

Response by Director Communities

Council Officers continue to work with support agencies such as Launch Housing and Bolton Clarke in an effort to support people experiencing homelessness. This is a sensitive situation and it would not be appropriate for the person's privacy to elaborate any further. Please rest assured that all available support is being investigated and the relevant support agencies are actively engaged.

Michael Telleson**Question 1**

As it is now over six months since the commencement of the dog off-leash beach area at Keast Park, has the Council carried out an assessment of the operation of the off-leash dog initiative, including but not limited to Keast Park and all the other Frankston LGA foreshore areas, and will this assessment be made public?

Response by Director Communities

An interim review was undertaken in April 2022, however officers have applied a continual monitoring approach where officers patrol and assess the free roam area on an ongoing basis.

Officers consider that the free roam area at Keast Park has been successful with some minor issues around dog waste and parking availability. The next full review is due in 2024 as part

of the Domestic Animal Management Plan where Keast Park and other foreshore areas will be assessed for free roam suitability.

Question 2

I refer to the Motion 12.2 CM12 2022 - "Frankston Arts Advisory Committee - Report." "....(3) Resolves that the following locations are considered for the feasibility of installing of new sculptures (2023/2024 period):

- Keast Park beach entrance (dog-esque sculpture to celebrate Frankston's only dog off-leash beach)....."

Also, I note that a major goal of this new public art is the 'mental well being' of local residents. Before a decision to install such artwork is made, considering its potential to attract more dog owners & their dogs from outside the Frankston LGA and make Keast Park less 'family friendly', will Frankston residents & in particular Seaford residents be consulted on the choice of any new artwork?

Response by Director Customer, Innovation and Arts

At this stage the Keast Park location has only been suggested as a potential site for a sculpture that has not yet been confirmed. If a sculpture does go ahead at this site the artwork is usually acquired by an open Expression of Interest process for artists to respond to a brief. A panel then assesses the applications and refers to Council for endorsement. The panel consists of community representatives that sit on the Frankston Arts Advisory Committee

Ken Rightnour**Question 1**

In relation to the proposed 14 story building at 448 Nepean Hwy Frankston.

Can the planning department comment on how it plans to manage traffic on Kananook Blvd between Beach St, which is a one way street and also Wells St between the surf club and the Nepean highway, neither of which are equipped to handle the amount of vehicular traffic that this site would incur. Please do not refer to this as a Vic Roads issue.

Response by Director of Communities

Council's Traffic Engineering team and the Department of Transport support the proposed vehicle access arrangements. The proposed access is workable as it will split the traffic arrangement to both the Nepean Highway and Kananook Creek Boulevard. The site is located at the 'book end' of the Kananook Creek Boulevard and is unlikely to have a significant impact in planning terms. The proposal does not undermine the current vision for this precinct, which seeks to achieve a strong sense of place and identity to both the Highway and the Boulevard.

Question 2

In relation to the proposed 14 story building at 448 Nepean Hwy Frankston.

Can the planning department comment on how it plans to manage the preservation of Kananook Creek and the wildlife and creek amenity which will certainly be adversely affected by shadowing and wind, not to mention the adjacent the same effect of private properties on Gould St

Response by Director of Communities

There is no vegetation on the subject site and therefore a fauna impact assessment was not required.

The submitted Wind Assessment demonstrates that the development will not have an unreasonable impact upon the public realm or an adverse amenity impact.

At 9am (September equinox), the shadows cast by the development will not have an impact upon the secluded private open space of properties facing Gould Street.

The proposal is consistent with the requirements of the Draft FMAC Structure Plan (2022) pertaining to limiting overshadowing to Kananook Creek. Solar access is provided to the eastern edge of Kananook Creek and the entire foreshore reserve between 10am and 2pm at the winter solstice (22 June). The extent of overshadowing will be off the shared path of the Kananook Creek Boulevard between 10am and 2pm at the spring equinox (23 September).

Question 3

In relation to the proposed 14 story building at 448 Nepean Hwy Frankston.

Can the planning department comment on how it plans to manage the massive lighting and noise pollution, especially at night and the direct line of site from this building directly into the private dwellings on Gould St, a mere 50 metres away

Response by Director of Communities

Noise and artificial lighting must be in accordance with EPA requirements. Recommended Conditions 6 and 26 in the officer's report requires compliance with EPA requirements.

Diane Rightnour

Question 1

RE 448 NEPEAN HIGHWAY FRANKSTON - 14 STOREY BUILDING

Why would this application even be considered when it has so many negatives for Frankston's Kananook Creek wildlife and vegetation - not to mention the massive parking and traffic problems and wind tunnels it will definitely create?

Response by Director of Communities

There is no vegetation on the subject site and the proposal will not negatively impact on vegetation within the creek environment.

The car parking provision complies with the requirements of the Frankston Planning Scheme and the Council's Traffic Engineering team and the Department of Transport support the proposed vehicle access arrangements. The proposed access is workable as it will split traffic flows between Nepean Highway and Kananook Creek Boulevard.

The submitted Wind Assessment demonstrates that the development will not have an unreasonable impact upon the public realm or an adverse amenity impact.

Question 2

Why not keep massively tall developments back from the foreshore to preserve our foreshore and Kananook Creek (Frankston's assets), and stagger heights toward the foreshore like other bayside suburbs who have had clever foresight and planning?

Response by Director of Communities

The Draft FMAC Structure Plan (2022) envisages taller buildings up to 54m in the core of the city centre. The preferred building height of 41 metres for this site (within the waterfront precinct) is based on strong urban design principles relating to setbacks, articulation, minimisation of visual impact and bulk, access to sunlight and overshadowing. The proposal is considered to be substantially in accordance with the requirements of the Draft Structure Plan (2022).

The meeting was closed to the public at 7.53 pm

CONFIRMED THIS

30th

DAY OF

January

2023

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Nathan Conroy, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on 12 December 2022, confirmed on 30 January 2023.

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

Dated this

30th

day of

January

2023