



**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON  
ON 20 FEBRUARY 2023 at 7.00PM**

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. Suzette Tayler
APOLOGIES:	Nil.
ABSENT:	Cr. Steven Hughes
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Ms. Kim Jaensch, Director Corporate and Commercial Services Ms. Angela Hughes, Director Communities Mr. Cam Arullanantham, Director Infrastructure and Operations Ms. Shweta Babbar, Director Customer Innovation and Arts Ms. Brianna Alcock, Manager Governance Mr. Sam Clements, Manager Development Services (via Zoom) Ms. Fiona McQueen, Manager Customer Relations (via Zoom) Ms. Claire Benzie, Manager Family Health Support Services (via Zoom) Ms. Karen Wheeler, Coordinator Children's Services (via Zoom) Ms. Stuart Caldwell, Coordinator Statutory Planning (via Zoom) Ms. Rachna Gupta Singh, Coordinator Governance Ms. Tenille Craig, Team Leader Governance Mr. Connor Rose, Desktop Support and Project Officer Mr. Josh Lacey, Supervising Technician Mr. Jeremy O'Rourke, Technician
EXTERNAL REPRESENTATIVES:	Nil

**COUNCILLOR STATEMENT**

The Deputy Mayor 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**

The Deputy Mayor read the Opening Prayer.

**ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

Chairperson’s initials .....

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**1. COUNCILLOR APPRECIATION AWARDS****1.1 Councillor Appreciation Award - Seaford Community Committee**

Councillor Bolam presented a Councillor Appreciation Award to the Seaford Community Committee to express appreciation to them for improving communication and creating a stronger sense of community in Seaford. They have achieved this by establishing a local village voice, a village e-newsletter, assisting other community groups in their efforts to retain the Seaford Beach Cabin Park and have lobbied to improve the Seaford Community Centre facilities, the Seaford Service Centre and Library.

**2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**Council Meeting No. CM1 held on 30 January 2023.**

**Council Decision**

**Moved: Councillor Harvey**

**Seconded: Councillor Asker**

That the minutes of the Council Meeting No. CM1 held on 30 January 2023 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

**Carried Unanimously**

**3. APOLOGIES**

Nil

**4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST**

Nil

**5. PUBLIC QUESTION TIME**

Five (5) people submitted questions to Council. At the request of the Mayor, the Chief Executive Officer read the questions and answers to the gallery.

CEO noted that one (1) question received with notice related to an operational matter, and under Section 57.6 of Council's Governance Rules will be responded to outside of the meeting. There was one (1) question that was disallowed under Section 57.8.4 of Council's Governance Rules as the subject matter has already been answered on a previous occasion.

There were three (3) people who submitted questions without notice. The questions were taken on notice and a response will be provided in writing within seven business days of the Council Meeting. Both questions and answers will be provided in the Minutes of the next Council Meeting.

**6. HEARING OF PUBLIC SUBMISSIONS**

Ms Mishelle J made a submission to Council regarding Item 11.1: Planning Application 44/2022/P - 135 Golf Links Road, Frankston South;

Mr Paul Davies made a submission to Council regarding Item 12.5: Frankston Integrated Transport Strategy 2022-2042: Connecting Communities;

The following people made submissions to Council regarding Item 13.1: Response to 2023/NOM2 - Langwarrin Child & Family Centre:

Chairperson's initials .....

- Ms Samantha Warren;
- Ms Kerry Gardeniers;

*Councillor Bolam left the chamber at 7:45 pm.*

- Ms Rhonda McInnes;

*Councillor Bolam returned to the chamber at 7:50 pm.*

- Ms Peggy Pearce;
- Mr Jason Toomer;
- Mr Robert Crockett;
- Mr Matthew Weissenfeld; and
- Mr Joel Wiseman.

*The Meeting was adjourned at 8.39pm*

*The Meeting recommenced at 8.47pm*

## 7. ITEMS BROUGHT FORWARD

### Items Brought Forward

#### Council Decision

**Moved: Councillor Harvey**

**Seconded: Councillor Baker**

That Items listed below be brought forward:

- 11.1: Planning Application 44/2022/P - 135 Golf Links Road, Frankston South - To construct a Telecommunications Facility (including telecommunications tower and associated equipment) in a Rural Conservation Zone Schedule 3 (RCZ3) and to remove one (1) tree in a Significant Landscape Overlay Schedule 1 (SLO1)
- 12.5: Frankston Integrated Transport Strategy 2022-2042: Connecting Communities
- 13.1: Response to 2023/NOM2 - Langwarrin Child & Family Centre

**Carried Unanimously**

### Block Motion

#### Council Decision

**Moved: Councillor Baker**

**Seconded: Councillor Harvey**

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

- 12.1: Governance Matters Report for 20 February 2023;
- 12.2: Capital Works Quarterly Report - Q2 - October to December 2022;
- 12.3: Council Plan and Budget Quarterly Report - including Peninsula Leisure - Q2 - October to December 2022;
- 12.4: 2022-23 Mid-Year Budget Review; and
- 12.6: Native Vegetation Offset Site progress update.

**Carried Unanimously**

## 8. PRESENTATIONS / AWARDS

### 8.1 Australian Street Art Awards 2022

The Mayor congratulated the team at Frankston City Council for winning the Best Street Art Walking Tour in Australia two years in a row. The Street Art Tour stems from the Big Picture Festival that is coming up next month and involves the top Street Artists coming to Frankston City and create their art on the side of buildings located around the City.

Chairperson's initials .....

**9. PRESENTATION OF PETITIONS AND JOINT LETTERS**

Nil

**10. DELEGATES' REPORTS**

Nil

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Chairperson's initials .....

**ITEMS BROUGHT FORWARD****11.1 Planning Application 44/2022/P - 135 Golf Links Road, Frankston South - To construct a Telecommunications Facility (including telecommunications tower and associated equipment) in a Rural Conservation Zone Schedule 3 (RCZ3) and to remove one (1) tree in a Significant Landscape Overlay Schedule 1 (SLO1).**

(SC Communities)

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Hill**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 44/2022/P to construct a Telecommunications Facility (including telecommunications tower and associated equipment) in a Rural Conservation Zone Schedule 3 (RCZ3) at 135 Golf Links Road Frankston South, subject to the following conditions:

**Amended Plans**

1. Before the development 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 *Drawing Number 340111 5 Sheets prepared by Axicom dated 5 April 2022 Revision A* but modified to show:
  - (a) All trees growing on the site and on the adjoining properties within 3m of the boundaries clearly illustrated on all relevant plans. This must include canopy width, trunk location and be clearly labelled in accordance with the arborist report by Treespace Solutions dated 7 April 2022 and state whether the tree is to be retained or removed.
  - (b) The Tree Protection Zone (TPZ), Structural Root Zone (SRZ) and the location of tree protection fencing and or ground protection systems for all retained trees clearly illustrated on all relevant plans.
  - (c) Notation on all relevant plans that the existing natural ground level (NGL) within any TPZ must be maintained and not be altered by excavations throughout all development phases.
  - (d) Increased setback of the facility from the east side boundary to avoid pruning Tree 5.
  - (e) Tree protection conditions noted on all relevant plans in accordance with Condition 6.
  - (f) Landscape Plan in accordance with Condition 3.
  - (g) Amendments to the access track, crossover and tree retention in accordance with the plans received by Council on 27 July 2022.
  - (h) Detailed plan of the proposed crossover and access track, including as necessary swept paths of vehicles used during construction and maintenance of the facility.
  - (i) The exterior colour and cladding of the monopole and buildings of a non-reflective nature and/or either painted or have a pre-painted finish in natural, muted tones (or such other colour as is approved by the Responsible Authority).

**No Alterations**

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

Chairperson's initials .....

### Landscape Plan

3. Before the development starts, a detailed landscape plan for a 10 metre radius around the compound, consistent with Frankston City Council's Landscape Plan Guidelines (2020) must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be prepared by a suitably qualified landscape designer, drawn to scale with dimensions. The plan must be consistent with the development plans and show:
  - a) The Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of retained trees illustrated with notations regarding protection methods during construction;
  - b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
  - c) a range of plant types from ground covers to large shrubs and trees;
  - d) adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
  - e) A 100% indigenous planting theme;
  - f) All existing environmental weed species must be removed from the site and environmental and noxious weeds found in the 'Frankston City Council Invasive Species Guide (2019)' must not be planted;
  - g) the provision of notes on the landscape plan regarding site preparation, removal of all weeds, weed control, planting timing, plant protection, proposed mulch, soil types and thickness, subsoil preparation and ongoing maintenance requirements;
  - h) All tree stock used must be in accordance with *AS2303-2015 Tree stock for Landscape Use*.
4. The landscaping as shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority before the use starts or at such later date as is approved by the Responsible Authority in writing.
5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged trees are to be replaced.

### Tree Protection

6. Tree protection must be carried out in accordance with the Australian Standard AS 4970-2009 Protection of Trees on Development Sites to the satisfaction of the Responsible Authority. Prior to the commencement of the development (including demolition and any initial site preparations) Tree Protection Fencing (TPF) must then be erected at the applicable radial TPZs. The TPF must comprise temporary fencing panels (min. 1.8m height) and held in place with concrete feet. A fixed sign stating Tree Protection zone is to be provided on all visible sides of the TPF. All tree protection zones, fencing and signage must be to the satisfaction of the Responsible Authority.

The requirements below must be observed within this area –

- a) Coarse mulch laid to a depth of 75 mm (excluding road reserve of street trees).
- b) No vehicular or pedestrian access.
- c) The existing soil level must not be altered either by fill or excavation.
- d) The soil must not be compacted or the soil's drainage changed.
- e) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees

Chairperson's initials .....

are to be disposed of or stored.

- f) No storage of equipment, machinery or material is to occur.
- g) No open trenching to lay underground services.
- h) Nothing whatsoever is to be attached to any tree.
- i) Tree roots must not be severed or injured.
- j) All tree pruning (including to roots) is to be carried out by a professional arborist and in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees.

Note: where TPF is impractical, formalised ground protection must be installed. Ground protection must comprise strapped timber rumble boards installed over the previously installed layer of mulch.

The tree protection fence must remain in place for the duration of building and works to the satisfaction of the Responsible Authority.

### Telecommunications

- 7. The telecommunications cabinets and equipment must be visually maintained and kept free from vandalism and graffiti to the satisfaction of the Responsible Authority.
- 8. Any landscaped areas surrounding the housing units must be maintained regularly to the satisfaction of the Responsible Authority.
- 9. Any communications infrastructure decommissioned and no longer required at the telecommunications facility must be removed from the site in one month of being decommissioned and no longer required to the satisfaction of the Responsible Authority.
- 10. If the telecommunications facility hereby approved becomes redundant, all above ground infrastructure associated with the telecommunication facility must be removed and the area reinstated to the satisfaction of the Responsible Authority. All works to comply with this condition must be completed within three months of the facility ceasing to operate and must be at the expense of the permit holder.

### Completion of Works

- 11. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 12. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 13. The use and development must be managed to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected through the:
  - (a) Transport of materials, goods or commodities to or from the land; and
  - (b) Appearance of the building, works or materials.

### Engineering

- 14. Vehicle crossing must be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
- 15. Where the development involves work on or access to Council controlled land including roads, reserves and right of way, the owner, operator and their agents under this permit must at all times take adequate precautions to maintain works to the highest public safety standards, to the satisfaction of the Responsible Authority.

Precautions must include, appropriate signage to AS 1743 Road Works Signing Code of Practice, the provision of adequate barricading of works, including trenches of Service Authorities and any other road openings, sufficient to ensure public safety.

Chairperson's initials .....

All relevant permits must be obtained from Council for works within the existing road reserves, in addition to the planning permit.

**Permit Expiry**

16. This permit will expire if:

- (a) The development is not started within two (2) years of the date of this permit; or
- (b) The development is not completed within four (4) years of the issued date of this permit.

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.

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**Permit Notes****A. Asset Protection Permit**

Prior to the commencement of construction the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Council's Engineering Services Department.

**B. 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.

**C. 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.

**Carried**

For the Motion: Crs Asker, Baker, Bolam, Conroy, Harvey, Hill and Tayler (7)  
Against the Motion: Cr Liam Hughes (1)

**12.5 Frankston Integrated Transport Strategy 2022-2042: Connecting Communities**  
(DD Infrastructure and Operations)**Council Decision****Moved: Councillor Harvey****Seconded: Councillor Hill**

That Council:

1. Notes the Frankston Integrated Transport Strategy 2022-2042: Connecting Communities was exhibited for a period of seven weeks and 45 submissions were received; where applicable the submitters comments were incorporated into the Strategy;
2. Adopts the Frankston Integrated Transport Strategy 2022-2042: Connecting Communities; and
3. Notes that officers will notify the submitters of its decision accordingly.

**Carried Unanimously**

**13.1 Response to 2023/NOM2 - Langwarrin Child & Family Centre***(CB Communities)***Recommendation (Director Communities)**

That Council:

1. Notes a petition containing 1751 signatures was tabled at the 30 January 2023 Council Meeting, requesting Council to stop the demolition of Long Street Reserve for the proposed Langwarrin Child and Family Centre, and that the Head Petitioner has been formally notified of the acceptance of the petition;
2. Recognises the community engagement work undertaken to date, which finishes on 26 March 2023, is to establish which building design option the community prefers for the Child and Family Centre at this site;
3. Releases the remaining information comprising the 24 October 2022 confidential report, including the attachment, with the draft minutes of this meeting;
4. Notes that:
  - (a) Officers will commence development of a Kindergarten Strategy in July 2023.
  - (b) This will be a strategic and forward looking document to identify the forecast, future kindergarten needs of the municipality and identify locations for where new and/or expanded kindergartens could be located;
  - (c) The Strategy will take up to 18 months to be completed; and,
  - (d) Community and stakeholders will be invited to participate throughout the process.
5. Receives a report on the outcomes of the community engagement by no later June 2023, including future amenity improvements to the Long Street reserve received as feedback through the current community engagement.
6. Notes that a Response to the Petition is not expected to occur before June 2023.

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

That Council:

1. Notes a petition containing 1751 signatures was tabled at the 30 January 2023 Council Meeting, requesting Council to stop the demolition of Long Street Reserve for the proposed Langwarrin Child and Family Centre, and that the Head Petitioner has been formally notified of the acceptance of the petition;
2. Recognises the community engagement work undertaken to date, which finishes on 26 March 2023, is to establish which building design option the community prefers for the Child and Family Centre at this site;
3. Releases the remaining information comprising the 24 October 2022 confidential report, including the attachment, with the draft minutes of this meeting;
4. Notes that:
  - (a) Officers will commence development of a Kindergarten Strategy in July 2023.
  - (b) This will be a strategic and forward looking document to identify the forecast, future kindergarten needs of the municipality and identify locations for where new and/or expanded kindergartens could be located;
  - (c) The Strategy will take up to 18 months to be completed;

Chairperson's initials .....

- (d) Community and stakeholders will be invited to participate throughout the process;
5. Receives a report on the outcomes of the community engagement by no later than June 2023, including both comments on the design options and the range of other feedback generated not related to the design, future amenity improvements to the Long Street reserve received as feedback through the current community engagement; and
6. Notes that a Response to the Petition is not expected to occur before June 2023.

*In accordance with Governance Rules 79.3, the Chair called to remove the Deputy Mayor from the Chamber for a period of 15mins at 9.16pm*

*Deputy Mayor Liam Hughes left the meeting at 9.16pm and did not return*

**Extension of Time**

**Moved: Councillor Baker**

**Seconded: Councillor Harvey**

That Cr Baker be granted an extension of time.

**Carried Unanimously**

**The motion was put and**  
**Carried Unanimously**

**11. CONSIDERATION OF CITY PLANNING REPORTS**

Refer to page 6 of these Minutes where this item was brought forward.

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## 12. CONSIDERATION OF REPORTS OF OFFICERS

### 12.1 Governance Matters for 20 February 2023

*(BA Corporate and Commercial Services)*

#### Council Decision

**Moved: Councillor Baker**

**Seconded: Councillor Harvey**

That Council:

1. Resolves to include the Council Resolution Status update as part of this Governance matters report going forward;
2. Receives the Council Resolution Status update, including:
  - a. Notice of Motion Cost Summary and Notice of Motion Report for 20 February 2023;
  - b. Urgent Business Status Update for 20 February 2023;
  - c. Notes there is one Notice of Motion actions reported as complete:
    - 2023/NOM1 – Kananook Railway Station Sound Wall;
  - d. Notes there are two reports delayed in its presentation to Council:
    - Proposed renaming a section of RF Miles Reserve, delayed to May 2023
    - Response to 2022/NOM11 - Exploration of the establishment of a South Eastern Councils Biodiversity Network, delayed to 3 April 2023
  - e. Notes since the Council Meeting held on 30 January 2023, 22 resolutions have been completed, as listed in the body of the report;
3.
  - a. Appoints the officers listed in the Instrument of Appointment and Authorisation under Section 147 (4) of the Planning and Environment Act 1987 and the regulations made thereunder and under Section 313 of the Local Government Act 2020;
  - b. Authorises for the Instruments of Appointment and Authorisation to be signed and Sealed;
4.
  - a. Revokes the Audit and Risk Committee Charter adopted on 10 August 2020;
  - b. Adopts the Draft Audit and Risk Committee Charter 2023 as recommended by the Audit and Risk Committee at its meeting on 2 December 2022 to take effect from 20 February 2023 including updating the website.
  - c. Authorises the charter be signed by the Audit Committee Chair, the Mayor and the CEO; and
5. Resolves that the Attachments D, E and F to remain confidential indefinitely on the grounds that they include 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)*) and 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)*) respectively.

**Carried Unanimously**

**Note:** refer to page 4 of these Minutes where this item was Block Resolved

Chairperson's initials .....

**12.2 Capital Works Quarterly Report - Q2 - October to December 2022***(LU Infrastructure and Operations)***Council Decision****Moved: Councillor Baker****Seconded: Councillor Harvey**

That Council:

1. Receives and notes the quarterly progress report for the second quarter (October to December 2022) of the 2022/23 Capital Works Program;
2. Notes Attachments A, B, C, D and E are included in the report as part of full disclosure of the capital works program to the public; and
3. Notes the reported projects where variations have exceeded the pre-approved variation amount in accordance with S7 Instrument of Sub-Delegation by CEO.

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

Chairperson's initials .....

**12.3 Council Plan and Budget Quarterly Report - including Peninsula Leisure - Q2 - October to December 2022***(CR Corporate and Commercial Services)***Council Decision****Moved: Councillor Baker****Seconded: Councillor Harvey**

That Council:

1. Receives the 2022-2023 Quarter two Council Plan and Budget Performance Report;
2. Receives the 2022-2023 Quarter two Peninsula Leisure Performance Report; and
3. Resolves that Attachment B - 2022-2023 Quarter Two Peninsula Leisure Performance Report - remains confidential indefinitely as it contains private commercial information (*Local Government Act 2020, s(3)(g)*). These grounds apply because the information is provided by a business, commercial or financial undertaking and, if released, would impact the relationship between Council and Peninsula Leisure Pty Ltd.

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

Chairperson's initials .....

**12.4 2022-23 Mid-Year Budget Review***(CR Corporate and Commercial Services)***Council Decision****Moved: Councillor Baker****Seconded: Councillor Harvey**

That Council:

1. Endorses the Mid-Year Budget review which includes the following amendments:
  - Proposed amendments to the adopted 2022/2023 Budget resulting in a cash surplus of \$184,000;
  - Bringing forward of \$1.4 million in loan funds from 2023/2024 for the accelerated delivery program of Eric Bell Reserve Pavilion
  - Deferral of \$1.3 million in grant funds to 2023/2024 for the delayed delivery program of Seaford Wetlands Implementation;
  - Capital and operating Councillor initiatives totalling \$267,000;
2. Notes that \$175,000 will be allocated to Community Support Frankston to support a review of the building and undertake any necessary works to improve its safety and functionality and opportunities to improve the service as it relates to Council;
3. Notes also, that Community Support Frankston has received an additional \$92,000 in one-off Grant Funding from the Federal Government for the provision of emergency relief, as a result of the combined advocacy of Frankston City Council, Community Support Frankston the local Federal Member for Dunkley Ms Peta Murphy MP; and
4. Notes the key dates for the 2023/2024 Budget process.

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

Chairperson's initials .....

**12.6 Native Vegetation Offset Site progress update***(TB Communities)***Council Decision****Moved: Councillor Baker****Seconded: Councillor Harvey**

That Council:

1. Notes the progress of the establishment of an native vegetation offset site at Wittenberg Reserve and the final review undertaken in the due diligence report;
2. Supports putting in abeyance the establishment of an offset site at Studio Park due the complexity of the restrictive title;
3. Notes the due diligence report found that Witternberg Bushland Reserve is eligible to be established as an offset site according to Department of Energy, Environment and Climate Action (DEECA) criteria;
4. Supports the commencement of consultation with local residents on the fencing and selected track closures at Wittenberg Reserve;
5. Commits the required funding of approximately \$130,000 (excluding GST) towards fencing works in the 2023-24 Capital Works budget process; and
6. Notes that officers will report back to Council at the completion of the consultation no later than June 2023.

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

Chairperson's initials .....

**12.7 Award of Contract - CN10845 Kananook Multilevel Commuter Car Park***(RS Infrastructure and Operations)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Baker**

That Council:

1. Subject to the issuing of a Planning Permit under application number 760/2022/P, awards contract CN10845 Kananook Multilevel Commuter Car Park to Ireland Brown Constructions Pty Ltd ACN:111 715 621 for \$15,440,367.00 GST exclusive;
2. Authorises the Chief Executive Officer to sign the contract;
3. Delegates approval of contract variations within the contingency amount outlined in the confidential attachment to the Chief Executive Officer;
4. Notes the extensive advocacy undertaken throughout 2021 and 2022 that resulted in successfully securing Australian Government investment totalling \$22 million from the Urban Congestion Fund towards a new multi-level commuter car park servicing Kananook Railway Station and the Kananook Recreation Reserve Precinct;
5. Notes the excellent advocacy undertaken towards delivering the Kananook Commuter Car Park as well as a major redevelopment of Kananook Recreation Reserve Precinct that is funded through positive partnerships with three levels of government;
6. Notes the ongoing collaboration between Council and the Federal Department of Infrastructure, Transport, Regional Development, Communications and the Arts throughout the detailed design phase of the Kananook Commuter Car Park and the support of local Federal Member for Dunkley Ms Peta Murphy MP;
7. Provides a letter of thanks to Federal Member for Dunkley Ms Peta Murphy MP and Federal Minister for Infrastructure, Transport and Regional Development of Australia the Hon Catherine King MP acknowledging the Australian Government's commitment towards the Frankston City community, updating the project status and inviting their participation in official project events and milestones;
8. Notes that ongoing annual maintenance costs for this facility will likely require an estimated cost in the order of \$180,000.00 per annum, and as such will require necessary adjustments in 2024/25 and ongoing Operating Budgets for Facilities Management; and
9. Resolves Attachments A,B and C 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**

**13. RESPONSE TO NOTICES OF MOTION**

Refer to page 11 of these Minutes where this item was brought forward.

**14. NOTICES OF MOTION**

Nil

**15. LATE REPORTS**

Nil

**16. URGENT BUSINESS****Procedural Motion to admit Urgent Business****Council Decision****Moved: Councillor Hill****Seconded: Councillor Bolam**

That the matter of seeking to bring an application for a Councillor Conduct Panel to make a finding of serious misconduct against Cr Steven Hughes in relation to his failure to comply with a direction given by an arbiter, and his social media posts on 30 January 2023, be accepted as urgent business.

**Carried Unanimously****Urgent Business****Moved: Councillor Hill****Seconded: Councillor Bolam**

That Council:

1. Resolves to make an application under section 154 of the Local Government Act 2020 for a Councillor Conduct Panel to make a finding of serious misconduct against Councillor Steven Hughes, alleging multiple acts of serious misconduct in respect of his failure to comply with a direction given by an arbiter under section 147, and his social media posts of 30 January 2023;
2. Appoints Mayor Nathan Conroy to be its representative in respect of the Application; and
3. Authorises Mayor Nathan Conroy to finalise and submit the Application.

**Carried Unanimously**

## 17. CONFIDENTIAL ITEMS

Nil Reports

DRAFT

Chairperson's initials .....

**18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS**

*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****Moved: Councillor Bolam****Seconded: Councillor Baker**

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.

**Carried Unanimously**

Reports of Officers

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24 October 2022  
2022/CM15**Executive Summary****C.1 Kindergarten Reform Update and Langwarrin Child & Family Centre***Enquiries: (Claire Benzie: Communities)*Council Plan

Level 1: 1. Healthy and Safe Communities

Level 2: 1.1 Engage families to promote the importance of early childhood education and health

**Purpose**

To inform Council of the Kindergarten Reform and infrastructure requirements, and to propose a new preferred site for the Langwarrin Child &amp; Family Centre.

**Recommendation (Director Communities)**

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.

**Key Points / Issues**

At the Council briefing on 12 September 2022, officers presented information pertaining to the Kindergarten Reform and proposed a new preferred site for the Langwarrin Child & Family Centre.

Kindergarten Reform Update

Chairperson's initials .....

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24 October 2022  
2022/CM15

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

**Executive Summary**

The Victorian Government recently announced free kindergarten for all 3 and 4 year old children commencing in 2023, included in the announcement is delivery of 30 hours of kindergarten for 4 year olds commencing in 2025. This will place additional pressure on existing infrastructure and will significantly increase the demand for new and or expansion of existing buildings. It is anticipated that with the introduction of 30 hours commencing in 2025, all single room kindergartens will only be able to offer one group of funded 4 year old kindergarten.

A single room kindergarten can currently accommodate up to 77 children to provide kindergarten programs, and when the 30 hours per week commences in 2025 this will reduce to 28 available places. In total there are 23 community kindergartens in Frankston, these are run by Committees of Management (COM) and Early Years Managers (EYM), and of these kindergartens, 17 are single room.

- Officers engaged an architect to undertake an assessment of the 11 single room kindergartens (not currently in the LTIP) with the objective to ascertain which ones can be expanded, a summary of these findings has been provided, see 'Attachment A – Kindergarten Expansion Opportunities'. At this stage there are 4 sites that cannot be expanded, this means approximately 162 children attending these sites will need to be relocated to another provider. If these kindergartens become unviable, resulting in their closure, the number of displaced children will increase to 276.

To reduce further impact on community, the remaining sites listed in the summary table will be incorporated into the LTIP as new projects, in total there are 6 new projects. Further planning and feasibility is required to determine the scope and infrastructure options at each site. Where appropriate, pre-fabricated modular, 2 or 3 room kindergartens will be utilised to reduce construction time and cost of the overall project.

- For kindergartens that cannot expand, officers will commence discussions with service providers and other peak early years' bodies to consider viable options to allow the continuation of programs. It is critical through this planning to ensure programs meet community need and provide optimal learning opportunities for children.
- The inclusion of new expansion projects will greatly improve the capacity shortage for the future, however it will not meet all of the expected shortfall. Meeting the kindergarten supply shortage will be a shared responsibility between Council and the not-for-profit and for-profit long day care sector. Where the demand for places exceeds the additional supply provided through Council's LTIP, Council Officers, in partnership with DET, will advocate to the long day care sector to meet the gap.

Langwarrin Child & Family Centre

- Locating appropriate land for the Langwarrin Child & Family Centre has proven to be challenging and has taken a number of years. The recent announcement to increase program hours, along with information regarding the existing Langwarrin Pre-School's inability to expand, has presented an opportunity to re-visit the Long Street Reserve as the site for the facility.
- The Long Street Reserve land is owned by Frankston City Council and is zoned as Public Park and Recreation (PPRZ), as such, no planning permit is required to build the facility. The site is not in a bushfire prone area, and has no significant planning overlays. There are numerous mature trees on the site, however the land

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24 October 2022  
2022/CM15**C.1 Kindergarten Reform Update and Langwarrin Child & Family Centre****Executive Summary**

is of sufficient size to minimise the impact and tree removal through the design and concept of the facility. There is existing play equipment in the reserve, and there is an opportunity for this to be renewed and relocated within the site.

The Long Street Reserve site is an ideal location for a kindergarten due to its proximity to public transport and location within a high density residential area. There are tall mature trees across the site that would provide screening for the surrounding properties and shade for the children in the outdoor play space. Towards the back of the site is heavily vegetated and is of sufficient size to allow for a Bush Kinder, the Bush Kinder would be fantastic for Frankston City Council and the community, and a significant drawcard for families.

Given the Long Street Reserves close proximity to the existing Langwarrin Pre-School that cannot be expanded, there is an opportunity to commence early conversations with the Committee of Management to seek their Expression of Interest in operating from the new facility. This opportunity presents benefits for all parties. The Committee would have certainty about their future, families attending the centre could remain in the same location, and Council could then consider the future use or disposal of the land. A valuation is currently being carried out on the existing Langwarrin Pre-School site.

- The integrated facility will accommodate, 3 kindergarten program rooms that meet the minimum compliance requirements for the licenced areas including outdoor play space. There are 2 MCH consult suites and a smaller consult suite for allied services to attend the centre, along with a parenting education room. Sufficient space is allocated for a staff kitchen and office.
- Currently, the project has an allocation of \$8.2 million in the LTIP. Without detailed cost estimates there is an assumption that the Long Street project may cost approximately \$7.279 million, additionally, due to site constraints and the relocation of the existing playground the overall cost of the project is estimated to be \$7.679 million. Funding up to \$2 million is available through the Victorian School Building Authority (VSBA) and this will reduce the estimated cost to \$5.679 million.

**Financial Impact**

There is currently an allocation of approximately \$26 million in the LTIP for Early Years facilities. The recent announcements require addition Early Years infrastructure projects to reduce the impact of the reform. It is estimated the additional projects, along with a review of existing projects, will increase the overall allocation for Community Health to approximately \$60 million.

Building Blocks grant funding is available through the Victorian School Building Authority (VSBA). Each project is assessed individually, and the amount of funding awarded is based on the increase in capacity and if the site is integrated with other services. If the capacity expansion is stand alone, funding of up to \$1.2 million may be awarded, and up to \$2 million if it is integrated with other services. Without further feasibility and cost estimates it is anticipated that of the total estimated \$60 million for all projects, Council could apply for approximately \$22 million, thereby reducing the cost to Council to \$38 million. If additional funding streams become available in the future, Council officers will apply accordingly.

The provision of kindergarten infrastructure is critical, and opportunities will be sought to advocate to State and Federal Government. Council staff will ensure the Advocacy Team is provided with a list of all kindergarten projects requiring additional funding allocation.

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24 October 2022  
2022/CM15**C.1 Kindergarten Reform Update and Langwarrin Child & Family Centre****Executive Summary****Consultation****1. External Stakeholders**

- Cohen Leigh was the appointed architect to undertake the capacity expansion assessment of the single room kindergartens, and provided feasibility studies for the Long Street and Pindara Boulevard sites in Langwarrin.
- Robert Panozzo was appointed as the consultant to develop the Community Infrastructure Plan. Robert provided statistic data and advice regarding the expected implications for Council due to the Kindergarten Reform.

**2. Other Stakeholders**

The following internal teams were consulted on the initial planning and feasibility of the single room kindergartens and proposed Langwarrin sites:

- Building and Facilities
- Capital Works Delivery
- Traffic Engineering
- Environment and Planning
- Open Space
- Development Services

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

Access to kindergarten programs is crucial to provide young children the learning opportunity to develop their social, emotional and behavioural skills. These foundation years for children will support learning and long term success. It is important that Council supports the reform changes and additional infrastructure projects to give the children in Frankston City the best start in life.

Tree removal will be a consistent issue across every kindergarten site identified for redevelopment and expansion. Officers will comply with relevant procedures and permit requirements for any trees that require removal, and will ensure concept designs are developed with a view to minimise impact on the environment and surrounding aesthetics of the community.

**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

Local Government is a key stakeholder in the Victorian Government Kindergarten Reform. The Kindergarten Infrastructure and Services Plan (KISP), although not legally binding, is an agreement co-signed by the Department of Education and Training (DET) and Frankston City Council to support the Kindergarten Reform. It is a commitment to work together to improve joint planning to deliver more kindergarten places to better support children and families wherever they live.

Policy Impacts

Chairperson's initials .....

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24 October 2022  
2022/CM15**C.1 Kindergarten Reform Update and Langwarrin Child & Family Centre****Executive Summary**

Relevant Council policies include, Open Space Strategy, Kindergarten Infrastructure and Services Plan (KISP), Draft Community Infrastructure Plan (CIP), Municipal Early Years Plan (MEYP) and the Council Plan.

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 Kindergarten Reform announcements were unexpected, and the implementation is commencing within a short time period, at the beginning of 2023. It is imperative that Council supports the inclusion of new infrastructure projects, and for all Early Years projects to be deemed non-discretionary, to reduce the number of children impacted by the reform. There are 6 new projects to be listed in the LTIP, if these projects are not progressed there is significant risk that approximately 163 children will either be relocated to another provider, or miss out altogether. If these kindergartens then become unviable, resulting in their closure, the number of displaced children will increase to 317. In total, including kindergartens that cannot be expanded the number of children displaced could be up to 678. Noting this capacity reduction does not incorporate the additional children identified in the Key Infrastructure and Services Plan (KISP).

Community consultation will be key to mitigating the risk of community resistance. It is important that Council has the support from the Langwarrin Pre-School Committee and extended Langwarrin local community. Commencing early conversations with the Committee will provide certainty around their future and will encourage support from existing families and broader community.

A Kindergarten Strategy is required to ensure the program of infrastructure projects are prioritised and delivered in key priority areas, and aligned with other relevant strategic documents. The strategy will be a key communication piece to consult and involve community across the roll out of all infrastructure projects. Similarly, the ongoing management of capacity expansion projects is essential to coordinate and facilitate the relocation of existing services and respond to key stakeholders and families.

**Conclusion**

The search to locate suitable land for a new kindergarten in Langwarrin has taken several years. A recent capacity assessment has identified the Long Street Reserve site as an ideal location for an Early Years facility. Public transport is within close proximity and being in a high density residential area, will be within walking distance for many families. The tall mature trees create a natural play space for the children screening for surrounding properties. Furthermore, the site allows for a Bush Kinder, and this would be a great asset to Frankston City Council and the community. The overall project cost of the Long Street Reserve site will be reduced as the land is owned by Council. It is important that this project be progressed in a timely manner to align with the LTIP and Kindergarten Reform requirements.

A number of new Early Years projects need to be incorporated into the current LTIP to reduce the impact of the Kindergarten Reform. A Kindergarten Strategy, is required to ensure the community are informed, and Council is well positioned to implement the reform and support the ongoing education needs of children in the community.

Chairperson's initials .....

Reports of Officers

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2022/CM15****Executive Summary**

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**ATTACHMENTS**

Attachment A:

Attachment A - Kindergarten Expansion Opportunities -  
**CONFIDENTIAL**

Chairperson's initials .....

Reports of Officers

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24 October 2022  
2022/CM15**C.1 Kindergarten Reform Update and Langwarrin Child & Family Centre  
Officers' Assessment****Background**

Over the last few years officers have carried out feasibility studies across a number of sites in Langwarrin for the Langwarrin Child & Family Centre facility. These are:

- Lloyd Park – Telecom Tower
- Lloyd Park – North West Corner
- Lloyd Park North – Pindara Boulevard
- Melbourne Water site – McClelland Drive
- Studio Park – McClelland Gallery
- Cruden Farm
- Langwarrin Gateway
- McClelland Gallery – new allotment

In April 2021, the McClelland Gallery was identified as the preferred site for the new facility, this was predominantly due to land availability. The size of the land required to be purchased by Council in the subdivision process also afforded the opportunity to provide the community with a Bush Kindergarten.

In June 2022, the Victorian Government announced free kindergarten for all 3 & 4 year old children commencing in 2023, and an increase of program hours to 30 hours per week for 4 year olds in 2025. The need for additional kindergarten infrastructure across the municipality was quickly realised.

At a briefing in August 2022, officers presented an update on the Kindergarten Reform and further feasibility studies at the McClelland Gallery site. Feedback was received from Councillors regarding the overall cost of the project and the cost escalation of all LTIP projects. It was also noted that a number of new projects will be required in the current LTIP in other local areas. Additionally, there was a request to assess the ability for Council to expand the existing single room kindergartens.

At a briefing in September 2022, officers presented the findings of the capacity assessment, along with two alternative sites for the Langwarrin Child & Family Centre. The Long Street Reserve site affords many benefits to Council, the Langwarrin Pre-School Committee of Management, and families accessing existing Maternal and Child Health, and Kindergarten services.

**Issues and Discussion**

The Kindergarten Reform has presented additional challenges with the recent announcement to increase enrolments and program hours. This will have a significant impact on existing infrastructure, a number of single room kindergartens will require expansion to ensure children have access to community kindergarten programs to support improved educational outcomes for future generations.

Council will need to take a circumspect approach with the roll-out of the expansion projects. Children attending the facility identified for expansion will need to be relocated to a suitable licenced area during the redevelopment period, and these spaces are very limited. Kananook Pre-School is currently being used for supported playgroups, this site has been identified as the first relocation site for projects in the Seaford area. The Building and Facilities team has undertaken works to ensure the space is approved for kindergarten services to operate.

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24 October 2022  
2022/CM15**C.1 Kindergarten Reform Update and Langwarrin Child & Family Centre  
Officers' Assessment**

The larger infrastructure projects have been listed in the LTIP over the next few years to provide additional options for the relocation of children during construction. The larger facilities comprise of 3 program rooms, this will allow 2 rooms for the existing kindergarten and 1 room for the relocation option. All 3 projects are across different local areas.

The number of new projects required to support the implementation of the Kindergarten Reform will increase budget allocations in the LTIP. Equally, additional Council staff resourcing will be required to establish a Kindergarten Strategy and manage the number of redevelopments.

**Options Available including Financial Implications**

Alternative service delivery models were explored for single room kindergartens that cannot be expanded, the proposed model will allow the continuation of kindergarten programs whilst maximising the number of children that can attend when the increase to 30 hours commences.

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Scenario 1 30 hours	Session 1	Session 1	Session 1	Session 1	Session 1	Session 1
	8–1pm	8–1pm	8–1pm	8–1pm	8–1pm	8–1pm
	Session 2	Session 2	Session 2	Session 2	Session 2	Session 2
	1:30- 6:30pm	1:30- 6:30pm	1:30- 6:30pm	1:30- 6:30pm	1:30- 6:30pm	1:30- 6:30pm
Scenario 2 30 hours	Session 1	Session 1	Session 1	Session 1	Session 1	
	7 – 1pm	7 – 1pm	7 – 1pm	7 – 1pm	7 – 1pm	
	Session 2	Session 2	Session 2	Session 2	Session 2	
	1:30- 7:30pm	1:30- 7:30pm	1:30- 7:30pm	1:30- 7:30pm	1:30- 7:30pm	

Notwithstanding that the above model would increase the number of children at single room kindergartens, the ability to provide these sessions would require overcoming several barriers including; the commitment from the kindergarten managers, availability of staff during our current workforce crisis; ability to meet the requirements of the Victorian Early Childhood Teacher and Educator Agreement; and enough community desire to attend the extended hours to be a viable option for service providers.

Langwarrin Site Options:

- Pindara Boulevard
  - Significant planning overlays
  - Land owned by DELWP, Council will require permission to build the new facility
  - Large open space with minimal tree removal
  - Previous community feedback prior to community consultation
  - Total project cost estimate \$7.279 million (\$5.279 million with VSBA funding)

Chairperson's initials .....

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24 October 2022  
2022/CM15

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

**Officers' Assessment**

- McClelland Gallery
  - Large area sufficient for the facility
  - Significant tree removal required
  - Land acquisition cost and surrounding road/earth works in excess of \$2 million to \$2.5 million.
  - Not in high density residential area
  - Bush kindergarten opportunity
  - Total project cost estimate \$9 million to \$9.5 million (\$7 million to \$7.5 million with VSBA funding)
- Long Street Reserve
  - Supports Langwarrin Pre-School Committee of Management
  - Supports existing families accessing MCH & Kindergarten services
  - Community engagement may have improved result as existing services in the same street
  - Total project cost estimate \$7.679 million (\$5.679 million with VSBA funding)

Chairperson's initials .....

Confidential Items

Item C.1 Attachment A: Attachment A - Kindergarten Expansion Opportunities

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24 October 2022

## Summary of Expansion Assessment – Single Room Kindergartens

Kindergarten	MCH Onsite	Suburb	Capacity to Expand				Notes & Actions	Priority Ranking
			1 Room Modular	2 Room Modular	3 Room Modular	Custom Build		
Bayview Pre School		Frankston				✓	Requires 2 rooms Will require new carpark and play space Existing building is in poor condition  There is currently a renewal project underway for Willow Reserve, the design and concept is already out for community consultation. This kindergarten is marked as low risk due to the utilisation and proximity to other kindergartens <b>Action:</b> Develop POS for LTIP	Low  Based on current utilisation
Karingal East Pre School		Frankston		✓	✓	✓	Requires 2 rooms Currently utilised by one group of mixed 3 & 4 year olds  <b>Action:</b> Develop POS for LTIP	Low  Based on current utilisation
Montague Park Pre School	2 Consult Room MCH & Parenting Room	Frankston		✓	✓	✓	<b>Must be 3 room – high priority area</b> Arborist report required May need custom build/integrated facility  <b>Action:</b> Follow up Playgroup building condition report with Building & Facilities Explore a new playgroup/MCH/parenting room across the road along with a 3 room modular at the existing MCH/kinder site <b>OR</b>	High utilisation for MCH & Kindergarten  Identified in KISP as priority

Chairperson's initials .....

Confidential Items

Item C.1 Attachment A: Attachment A - Kindergarten Expansion Opportunities

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24 October 2022

							Custom MCH/parenting room and 3 room modular on existing site Playgroup building needs renewal or new building pending report <b>Action:</b> Develop POS for LTIP	
Ballam Park Pre School		Frankston		✓		✓	Requires 2 rooms Requires additional land <b>Action:</b> Develop POS for LTIP	Medium Well utilisation
Paratea Pre School		Frankston South					Planning controls prevent this site from development, along with the high value vegetation within the kinder site and surrounding proposed play space.	X
Botany Park Pre School	2 Consult Suite MCH & Parenting room	Carrum Downs					Only 2 storey custom build (unlikely to fit) – due to size and shape of land the design would not be ideal, a roof top play space would be required <b>Action:</b> Retain existing MCH & parenting room & use kindergarten as playgroup/community space Review condition report of the existing kinder building & William Road Playgroup building If/when Botany Park Kindergarten ceases to operate, there is potential to relocate William Road Playgroup to Botany Park and sell William Road land	X
Rowellyn Pre School	2 Consult Suite MCH	Carrum Downs					Levels of land is significant, land size too small to expand. No capacity for additional parking	X
Bowerbird Pre School		Carrum Downs		✓	✓	✓	<b>MUST be 3 room kindergarten (reduced Kinder at Botany Park and Rowellyn)</b>	High

Chairperson's initials .....

Confidential Items	12	24 October 2022
Item C.1 Attachment A: Attachment A - Kindergarten Expansion Opportunities		

						Require minimum 24 car spaces <b>Action:</b> Develop POS for LTIP	Based on inability to expand two other kindergartens in Carrum Downs
Langwarrin Pre School	1 Consult Suite MCH	Langwarrin				Land is too small for expansion of any infrastructure due to size and shape of the land and would not meet car parking requirements MUST have a 3 room kindergarten in Langwarrin. High demand for community kindergarten	X
Bayport Pre School		Langwarrin		✓	✓	Requires 2 rooms Single room modular will not fit Requires new play area and new carpark <b>Action:</b> Develop POS for LTIP	High Based on utilisation Identified as priority in the KISP
Wonnai Pre School		Langwarrin			✓	Requires 2 rooms Single room modular will not fit. Expansion will only be possible if car parking can be expanded along Larch Street.  Potential to renew and add an additional custom room or demolish existing building and build a custom 2 room kindergarten. Modular design will not fit <b>Action:</b> Develop POS for LTIP	High Based on utilisation Identified as priority in the KISP

Chairperson's initials .....

**QUESTION TIME**

*The following questions with notice were presented at the Council Meeting 2023/CM01 – 30 January 2023. 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.*

**Barbara Cox****Question 1**

I have seen 3 different figures relating to the Ballam Park upgrade - 1. FCC website, 2. Tender by contractor & 3. Video with Mayor and Paul Edbrooke. Could you please provide the total completed cost of the Ballam Park upgrade including water play, play equipment, sand play area, BBQ's, and all landscaping, trees, shading, pathways, bridge etc?

**Response by Director of Infrastructure & Operations**

An amount of \$3 million was provided via the Victorian Government's - Community Infrastructure Loans Scheme (CILS) to deliver the Play Space improvements to the Cranbourne Road frontage of Ballam Park.

The total project cost of \$3 million comprises of \$2.253 million construction tender award amount, design and project management costs.

**Question 2**

Are you going to put shade over, water play area and the rest of the b-b-q areas, if so how much will this additional cost be? If not, why not.?

**Response by Director of Infrastructure & Operations**

The provision of shade to the recently delivered Play Space is achieved via Shelter Structures over some of the BBQ/Picnic Facilities. Additional shade is provided by the existing large tree which will be further increased in addition, once the canopy of recently planted trees mature, this will enhance the shading. The specific provision of a shade structure over the water play area has been deliberately omitted, to provide an outdoor experience.

**Question 3**

What was the total cost of re-surfacing the athletics track?

**Response by Director of Infrastructure & Operations**

A total budget allocation of \$1.220 million was provide over two financial years of FY21/22 & FY22/23 to deliver the resurfacing of the Ballam Park Athletics Track & Field Facilities.

The principal cost is attributed to the contract awarded by Council at the April 2022 meeting for the amount of \$1.126 million. The balance of costs to deliver the project are attributed to Design, Project Management and a separate project component to construct a ball stop Fence on the eastern boundary to manage stray hammer throw projectiles.

**Kelly Gardeniers****Question 1**

What were the other seven sites that council considered across Langwarrin and what reasons were determined by the feasibility studies that caused the rejection of these sites?

**Response by Director of Communities**

The previous sites investigated for the Langwarrin Child & Family Centre were listed in a Confidential Council Report from October last year. Council is considering Item 14.2 later on tonight's agenda which recommends the immediate release of parts this report to the community via the draft minutes of this meeting.

If Council resolves to release this information, it will also be shared on the Engage Frankston webpage in the coming few days under the Early Years Infrastructure – Langwarrin project. Anyone that has subscribed to the page will get an automatic notification that there is new information available.

Officers will also bring an update report to the February 2023 Council Meeting on the proposed kindergarten design for the Long Street, Langwarrin site. This will provide some additional information about the project, and timeframe for when further information will be released.

**Question 2**

Can Frankston City Council provide maps of the distribution areas which included the delivery of the letters that were hand delivered and the postcards that were distributed in early December?

**Response by Director of Communities**

Letters were delivered to approximately 30 houses directly adjoining the reserve in Alcon Court, Wooten Crescent and Pamela Place, and homes opposite the reserve.

Approximately 700 postcards were delivered to houses along Cranbourne Road from Malcolm Road to Veronica Street; along Poplar Grove, into Sycamore Street toward Turner Road; into Chatswood Avenue, Lorraine Avenue and Long Street. All other streets within this boundary were included in the delivery, including those residents who also received the letter.

At this stage we are not releasing to the public the specific map of houses that received the letter or the postcard.

**Question 3**

Considering the inclusion of an entrance to an off street carpark, as included in this proposed development, will effectively create a total of 4 intersections within the length of 130m on Long St, on a sharp bend; as well as the road not being wide enough to allow a car to be parked opposite a continuous white line because it would not leave a 3m clearance, as legally required, why has council not conducted a formal traffic engineering assessment prior to choosing Long Reserve as its preferred site for this proposed development?

**Response by Director of Communities**

Council is engaging with the community on the two design options for this site, with more detailed feasibility work to occur once an option is settled upon. We have heard from the community about traffic concerns, and will consider these comments made as part of our overall assessment of the project. The officer's report going to the February Council Meeting will provide some initial information as to how traffic going to and around the site is managed to ensure safety and accessibility for residents.

*The following questions were received without notice for the Council Meeting 2023/CM01 – 30 January 2023. The questions and answers were provided directly to the submitters. In accordance with the Public Submissions and Question Time Policy, the questions and response(s) are published at the next Council Meeting Minutes.*

**Jason Toomer****Question 1**

Considering the obvious backlash toward the council over the poor consultation with residents for the proposed building on Long Reserve, how do the council plan to improve consultation and transparency going forward?

**Response by Director of Communities**

As you are aware, Council is engaging the community on this matter until 26 March 2023. There are information sessions planned next month, on 7 and 9 February, to hear more about the project and receive information.

Officers will also be bringing a report to the February 2023 Council Meeting to provide an update on the project.

**Question 2**

Councillor representation for the North East Ward - It seems rather lightly represented with the Mayor now living in South Frankston, how can we be assured that he has the North east ward's best interests in mind, his push to build on Long reserve in the North East ward doesn't represent the majority of locals wishes?

**Response by Director of Communities**

Subject to Governance Rules 57.8.5, this question was disallowed by the Chief Executive Officer as it was aimed at embarrassing a Councillor.

**Joanna Bouris****Question 1**

In the council minutes 17/11/2022 response to my questions 24/10/2022 CM15 council made an undertaking to work with Beach 162 cafe and the EPA to address ongoing music noise issues impacting residences from the venue. What actions have the council undertaken in relation to this matter over the past 3 months?

**Response by Director of Communities**

Council officers have corresponded and attended the site with representatives of the EPA to observe the noise control measures implemented by the venue.

**Question 2**

In the minutes from CM 17/11/2022, council indicated that "unreasonable noise levels were identified" by the council's commissioned acoustic report. Can council confirm what is meant by (unreasonable)? Was the venue found to be in breach of EPA noise limits detailed in the document? [State Environment Protection Policy N-2: Control of music noise from public premises]?

**Response by Director of Communities**

The term 'unreasonable' was used to describe the noise levels measured as they were well above the guidelines within the 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.'

**Samantha Warren****Question 1**

Regarding the proposal to build a new kinder on the Long Street Reserve site, what are the reasons council did not choose another site. I understand that several other sites were considered and investigated and were found to be unsuitable; I am interested to know why destroying the reserve was found to be the best option?

**Response by Director of Communities**

The previous sites investigated for the Langwarrin Child & Family Centre were listed in a Confidential Council Report from October last year. Council considered Item 14.2 at the Council Meeting on 30 January 2023 which recommended the immediate release of parts this report to the community via the draft minutes of this meeting.

This information has also been shared on the Engage Frankston webpage under the Early Years Infrastructure – Langwarrin project. Anyone that has subscribed to the page will get an automatic notification that there is new information available.

**Question 2**

How is council going to preserve the integrity of the reserve, i.e. the flora and fauna that reside on the site, in its construction?

**Response by Director of Communities**

Council acknowledges that the flora and fauna is important to community and also maintaining the integrity of the reserve. These very same attributes are also important to the design of this project, as kindergarten children will enjoy the nature as part of a bush kindergarten program.

As the project develops, detailed site assessments will be carried out and the recommendations from these will be incorporated into the final concept design with the view to minimise impact on flora and fauna. The officer's report coming to the February Council Meeting will touch on timeframes for the release of further information.

**Question 3**

Given the extensive community opposition to this proposal, is council willing to re-consider alternative locations for the development?

**Response by Director of Communities**

Officers do not consider that there are other suitable sites for a kindergarten, with MCH, in Langwarrin. The officer's report coming to the February 2023 Council Meeting will provide greater information as to why the Long Street site was selected.

Council has so far heard from many community members, some of whom are agreeable to this site being developed as proposed and others who would prefer it not to be built on this site.

**Sandy Riley****Question 1**

Council claims to have transparency. As a member of the public, I wished to see the agenda for tonight's Council Meeting 30/1/23. There is no written agenda for the public to see the topics being discussed tonight. Why is the Council Agenda not listed on the website a few days before the Council Meeting?

**Response by Director of Corporate and Commercial Services**

In accordance with Council's Governance Rules, the Agenda for the Council Meeting – 30 January 2023 was published on the website on Wednesday, 25 January 2023 (at approximately 3.45pm).

Below is the link to the page at website:

<https://www.frankston.vic.gov.au/Council/Council-and-committee-meetings/Upcoming-Council-Meeting-Agendas-and-Minutes-2023> .

**Question 2**

There is no scientific support as regards the masks reducing infections. Studies have found significant problems with wearing a mask. This can vary from headaches, increased airway resistance, carbon dioxide accumulation to hypoxia all the way to serious complications. In essence, your facial mask may put you at increased risk of infections. Important to note, is that a drop in oxygen levels (hypoxia) is associated with an impairment of immunity. (Source: Dr Russell Blaylock MD (source website referenced) 11<sup>th</sup> May 2020)

Why are some Councillors wearing masks?

**Response by Director of Corporate and Commercial Services**

Mask wearing is the personal choice of Councillors.

DRAFT

*The meeting was closed to the public at 9.45 pm*

DRAFT  
CONFIRMED THIS

DAY OF

2023

.....  
CHAIRPERSON

DRAFT

Chairperson's initials .....