



COUNCIL MEETING AGENDA

2022/CM11

Wednesday 27 July 2022

Commencing at 6.30 pm



THE COUNCIL MEETING

Welcome to this Meeting of the Frankston City Council

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

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

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

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

When are they held?

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

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

Frankston City Council Governance Rules (adopted 31 August 2020)

25. Chair's Duty

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

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

79. Chair May Remove

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

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

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

Live Streaming of Council Meetings

Frankston City Council is now Live Streaming its Council Meetings.

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

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

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

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

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

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

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

In the event Council encounters technical issues with the livestreaming, the meeting will be adjourned for up to 30 minutes until the matter is resolved. If the matter cannot be resolved, the meeting will be postponed to another evening.

The Formal Council Meeting Agenda

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

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

- **Items Brought Forward**

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

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

Question Time forms are available from the Civic Centre and our website, www.frankston.vic.gov.au.

“Questions with Notice” are to be submitted before 12 noon on the Friday before the relevant Ordinary Meeting either in person at the Frankston Civic Centre, online using the Question Time web form or via email to questions@frankston.vic.gov.au.

“Questions without Notice” are to be submitted between 12 noon on the Friday before the relevant Ordinary Meeting up until 4pm on the day of the relevant Ordinary Meeting either in person via the designated Question Time box located at the Frankston Civic Centre front reception or the after-hours mail box or via email to questions@frankston.vic.gov.au.

A maximum of 3 questions may be submitted by any one person at one meeting. There is no opportunity to enter into debate from the Gallery.

More detailed information about the procedures for Question Time is available from Council's Councillors Office (call 9768 1632) and on our website, www.frankston.vic.gov.au.

- **Presentation of Petitions and Joint Letters**

These are formal requests to the Council, signed by a number of people and drawing attention to matters of concern to the petitioners and seeking remedial action from the Council. Petitions received by Councillors and presented to a Council meeting are usually noted at the meeting, then a report is prepared for consideration at the next available meeting.

- **Presentation of Reports**

Matters requiring a Council decision are dealt with through officer reports brought before the Council for consideration. When dealing with each item, as with all formal meeting procedures, one Councillor will propose a motion and another Councillor will second the motion before a vote is taken. If the members of the public wish to clarify any of the items on the Agenda, please contact the relevant manager by phoning 1300 322 322.

- **Presentation of Delegate Reports**

A Councillor or member of Council staff who is a delegate may present to Council on the deliberations of the external body, association, group or working party in respect of which he or she is a delegate or an attendee at a Council approved conference / seminar.

- **Urgent Business**

These are matters that Councillors believe require attention and action by Council. Before an item can be discussed, there must be a decision, supported by the majority of Councillors present, for the matter to be admitted as “Urgent Business”.

- **Closed Meetings**

Because of the sensitive nature of some matters, such as personnel issues, contractual matters or possible legal action, these matters are dealt with confidentially at the end of the meeting.

Opportunity to address Council

Any person who wishes to address Council must pre-register their intention to speak before 4.00pm on the day of the meeting, by telephoning Council's Councillors Office (call 9768 1632) or by submitting the online web form or by using the application form both available on the website, www.frankston.vic.gov.au.

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

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

Disclosure of Conflict of Interest

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

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

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

MAYOR



NOTICE PAPER

ALL COUNCILLORS

NOTICE is hereby given that a Council Meeting of the Council will be held at the Civic Centre, Davey Street, Frankston, on 27 July 2022 at 6.30pm.

COUNCILLOR STATEMENT

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

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

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

OPENING WITH PRAYER

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

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

BUSINESS

1. **PRESENTATION TO COMMUNITY GROUPS**
Nil
2. **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
Council Meeting No. CM10 held on 25 July 2022.
3. **APOLOGIES**
4. **DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST**
5. **PUBLIC QUESTIONS**
6. **HEARING OF SUBMISSIONS**
7. **ITEMS BROUGHT FORWARD**
8. **PRESENTATIONS / AWARDS**
9. **PRESENTATION OF PETITIONS AND JOINT LETTERS**
Nil
10. **DELEGATES' REPORTS**
Nil
11. **CONSIDERATION OF CITY PLANNING REPORTS**
Nil
12. **CONSIDERATION OF REPORTS OF OFFICERS**
 - 12.1 Hearing of Submitters - FMAC Structure Plan - Emerging Ideas
Paper3
13. **RESPONSE TO NOTICES OF MOTION**
Nil
14. **NOTICES OF MOTION**
Nil
15. **REPORTS NOT YET SUBMITTED**
Nil
16. **URGENT BUSINESS**
17. **CONFIDENTIAL ITEMS**
Nil

Phil Cantillon

CHIEF EXECUTIVE OFFICER

21/07/2022



Executive Summary**12.1 Hearing of Submitters - FMAC Structure Plan - Emerging Ideas Paper**

Enquiries: (Johann Rajaratnam: Communities)

Council Plan

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

Purpose

To provide Council with public submissions relating to the *FMAC Structure Plan – Emerging Ideas Paper* (April 2022) for consideration.

Recommendation (Director Communities)

That Council:

1. Notes the draft *Frankston Metropolitan Activity Centre Structure Plan – Emerging Ideas Paper* (April 2022) was on public exhibition from 1 April – 30 May 2022 and that 17 written submissions were received;
2. Notes that all submitters have been invited to provide a verbal submission in support of their written submission;
3. Hears and considers the public submissions relating to *FMAC Structure Plan – Emerging Ideas Paper* (April 2022);
4. Notes that feedback will be considered in the draft FMAC Structure Plan which will be presented to Council at a meeting in October 2022; and
5. Resolves that the attachment be retained as confidential indefinitely on the grounds that it includes personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (*Local Government Act 2020*, s.3(1)(f)). These grounds apply because the information concerns information about the submitters, who have not consented to their information being disclosed. Release of this information might undermine public confidence and make people reluctant to provide submissions in the future.

Key Points / Issues

- Community consultant on the *Frankston Metropolitan Activity Centre Structure Plan – Emerging Ideas Paper* (April 2022) was undertaken from 1 April to 30 May 2022.
- A total of that seventeen (17) written submissions were received.
- Feedback will be considered as part of the draft FMAC Structure Plan which will be presented to Council at its meeting in October 2022.

Financial Impact

There are no financial implications associated with this report.

1. External Stakeholders

Engagement activities were promoted and hosted via Frankston City Council's Engage Frankston, online engagement portal and corporate social media channels. They consisted of:

12.1 Hearing of Submitters - FMAC Structure Plan - Emerging Ideas Paper

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- An online survey and key directions activity
- Three (3) Community place-based pop-ups and two (2) walking tours
- Four (4) Online and face-to-face workshops with key stakeholders and community groups
- One (1) Youth groups workshop
- Informally, through Frankston City Council Facebook account

There were 856 comments received from approximately 142,147 people who live in, work or study in, or visit the City of Frankston, and who participated in various engagement activities.

As of 6 July 2022 seventeen (17) written submissions had been received and a brief summary of each of these is provided below:

Submission No.	Who	Submission summary
1.	Resident	Support <ul style="list-style-type: none"> • Sees the potential for Frankston • Ideas on how to improve areas within and outside of the FMAC
2.	Resident	Does not support <ul style="list-style-type: none"> • Concerns about the South East Water Building, desire for free car parking and a preference for Council to have retained strip shopping rather than allowing the Bayside Shopping Centre.
3.	Resident	Support <ul style="list-style-type: none"> • Supportive of ideas and provided additional ideas.
4.	Landholder	Support with changes <ul style="list-style-type: none"> • Seeking the Power Centre to be included within the FMAC Boundary • Seeking electrification of railway through to Baxter
5.	Community group	Does not support <ul style="list-style-type: none"> • Seeking height limit along Kananook Creek to be limited to 20m (4 storeys) • Support activation of the Kananook Creek and promenade
6.	Community Group	Does not support <ul style="list-style-type: none"> • Seeking height limit along Kananook Creek to be limited to 20m (4 storeys) • Concerned about climate change and flooding impacts
7.	Landholder	Support <ul style="list-style-type: none"> • Seeking the opportunity to purchase Playne Lane and accommodate it within a redevelopment of the surrounding properties
8.	Resident	Support <ul style="list-style-type: none"> • Proposes a number of urban design ideas and seeking to increase native flora within the FMAC
9.	Visitor	Does not support <ul style="list-style-type: none"> • Seeking height limit along Kananook Creek to be limited to 20m (4 storeys) • Seeking an increase in car parking
10.	Community Group	Does not support <ul style="list-style-type: none"> • Seeking height limit along Kananook Creek to be limited to 20m (4 storeys)

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		<ul style="list-style-type: none"> Support activation of the Kananook Creek and promenade
11.	Landholder	Support <ul style="list-style-type: none"> Seeking additional height and no shadow controls Support the exploration of the potential relocation of the Civic Centre.
12.	Landholder	Support <ul style="list-style-type: none"> Supports ideas on improving public realm and pedestrian connections Seeking additional height in the centre of the FMAC Support the exploration of potential relocation of the Civic Centre
13.	Resident	Support <ul style="list-style-type: none"> Support open space / gathering location ideas that support events Seeking an increase in car parking
14.	Community Group	Support with changes <ul style="list-style-type: none"> Support planning certainty Concerns with lack of car parking / affordability and location Seeking electrification of railway through to Langwarrin Relocate bus interchange to Fletcher Road Support streetscape and public realm ideas for Kananook Creek Promenade, Nepean Highway Boulevard and Playne Street
15.	Resident	Does not support <ul style="list-style-type: none"> No development along Kananook Creek and concerned it will evolve into a Docklands if development is allowed Dislike of the South East Water building Disagrees with Frankston's designation as a Major Activity Centre (MAC)
16.	Resident	Does not support <ul style="list-style-type: none"> Supports the vision for Kananook Creek Promenade but not the proposed heights. Dislike of the South East Water building which represents lack of articulation or setbacks and is out of scale with its surrounds.
17.	Business	Does not support <ul style="list-style-type: none"> Disagrees that there is an oversupply of parking Does not see how cyclists contribute to the economy Increase car parking supply, lower costs and make more parking free.

Out of the 17 submissions received:

- Seven (7) were in support;
- Two (2) were in support with changes; and
- Eight (8) do not support (based on currently proposed building heights and a desire for more car parking).

2. Other Stakeholders

An internal stakeholder workshop with the following Council departments was held on Thursday, 28 April 2022.

- Strategic Planning
- Statutory Planning

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- Urban Design Policy and Planning
- Social Policy and Planning
- Engineering Services
- Economic Development
- Environmental Policy and Planning

Analysis (Environmental / Economic / Social Implications)

Nil.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

All matters relevant to the Charter of Human Rights and Responsibilities have been considered in the preparation of this report and are consistent with the standards set by the Charter.

Legal

There are no legal implications identified with this report.

Policy Impacts

There are no policy impacts identified with this report

Officer's Declaration of Interests

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

Risk Mitigation

There are no direct risk implications arising from this report.

Conclusion

The *Frankston Metropolitan Activity Centre Structure Plan – Emerging Ideas Paper* (April 2022) was on public exhibition from 1 April 2022 to 30 May 2022.

Council received 17 written submissions. Feedback received during this time will inform the development of the draft Structure Plan.

All submitters have been invited to provide a verbal submission to support their written submission to the emerging ideas paper and this report seeks to summarise submitter comments for Council's consideration and review.

ATTACHMENTS

Attachment A: Council Meeting 27 July 2022_FMAC Emerging Ideas Submissions - **CONFIDENTIAL**

17. CONFIDENTIAL ITEMS

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

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

Nil Reports

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Signed by the CEO