



**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON  
ON 21 AUGUST 2023 at 7.00 PM**

PRESENT	Cr. Nathan Conroy (Mayor) Cr. Liam Hughes (Deputy Mayor) (via Zoom) Cr. David Asker Cr. Sue Baker Cr. Kris Bolam Cr. Brad Hill Cr. Suzette Tayler
APOLOGIES:	Cr. Claire Harvey
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 Ms. Danielle Watts, Manager Procurement, Property and Risk (via Zoom) Ms. Tammy Beauchamp, Manager City Futures (via Zoom) Ms. Tracey Greenaway, Coordinator Economy, Investment and Activation (via Zoom) 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

Councillor Tayler 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.”*

Chairperson’s initials.....

**PRAYER**

Councillor Tayler read the Opening Prayer.

**ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

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**1. APOLOGIES**

An apology was received from Cr Claire Harvey.

**2. COUNCILLOR APPRECIATION AWARDS**

Nil.

**3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Council Meeting No. CM10 held on 31 July 2023.

**Council Decision**

**Moved: Councillor Tayler**

**Seconded: Councillor Baker**

That the minutes of the Council Meeting No. CM10 held on 31 July 2023 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

**Carried Unanimously**

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

Nil.

**5. PUBLIC QUESTION TIME**

Nil.

**6. HEARING OF PUBLIC SUBMISSIONS**

Nil.

**7. ITEMS BROUGHT FORWARD**

Nil.

**8. PRESENTATIONS / AWARDS**

Nil.

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

Nil.

**10. DELEGATES' REPORTS**

Nil.

**11. CONSIDERATION OF CITY PLANNING REPORTS****11.1 Statutory Planning Progress Report - June 2023**

*(SC Communities)*

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

That Council:

1. Receives the Statutory Planning Progress Report for the month of June 2023;
2. Notes in the month of June, 84% of applications determined were within the statutory timeframe, above the target of 70%;
3. Notes in the 2022-2023 Financial Year overall, 70% of applications were decided within the statutory timeframe. Over the course of the financial year, the outstanding volume of applications has been reduced from 359 in July 2022 to 251 in June 2023, which has been achieved through progressive efforts to fill staff vacancies and the assistance of additional resourcing;
4. Notes the work of the Major Development Coordinator and other Council officers in improving the efficiency by which major planning applications in the Frankston City Centre and other locations in the municipality are considered; and
5. Resolves that Attachment B (Major Development Updates) remain confidential indefinitely on the grounds that it contains land use planning information and private commercial information (*Local Government Act 2023, s.3(1)(c) and (g)*). These grounds apply because it contains private information and would, if prematurely released, impact the reputation of Councillors and Council.

**Carried Unanimously**

## 12. CONSIDERATION OF REPORTS OF OFFICERS

### 12.1 Governance Matters Report for 21 August 2023

(BA Corporate and Commercial Services)

#### Council Decision

**Moved: Councillor Baker**

**Seconded: Councillor Bolam**

That Council:

#### Council Resolution Status

1. Receives the Council Resolution Status update, including:
  - a. Notice of Motion Cost Summary and Notice of Motion Report for 21 August 2023;
  - b. Notes there are no open Urgent Business actions;
  - c. Notes there are no Notice of Motion actions reported as complete;
  - d. Notes since the Council Meeting, held on 31 July 2023, 9 resolution actions have been completed, as listed in the body of the report;
  - e. Notes there is one report delayed in its presentation Council:
    - Response to 2023/NOM3 - Hall of Fame Revival, delayed to 11 September 2023

#### Instrument of Delegations

2.
  - a. In the exercise of power conferred by the *Local Government Act 2020* and the other legislation referred to in the S6 Instrument of Delegation from Council to Members of Staff (Instrument), Resolves the powers, duties and functions specified in the Instrument be delegated to staff, subject to the conditions and limitations specified in the Instrument;
  - b. Authorises the Chief Executive Officer to sign the S6 Instrument of Delegation;
  - c. Notes:
    - i. The Instrument will come into force immediately upon signing and will remain in force until Council determines to vary or revoke the Instrument;
    - ii. When the Instrument comes into force, the previous Instrument, which was adopted by Council on 1 May 2023, will be revoked; and
    - iii. The powers, duties and functions set out in the Instrument are exercised in accordance with any guidelines or policies that Council may from time to time adopt;
  - d. Notes that in accordance with the recent updates issued by the Maddocks in July 2023, the S5 Instrument of Delegation from Council to the Chief Executive Officer is not required to be updated; and
3. Resolves that the Attachment C (Closed Actions since 31 July 2023) 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**

Chairperson's initials.....

**12.2 Adoption of Mobile Food Van Procurement Guidelines***(TB Communities)***Council Decision****Moved: Councillor Baker****Seconded: Councillor Hill**

That Council:

1. Notes the feedback received from engagement with mobile food van operators, sporting clubs and the community on the draft *Mobile Food Van Procurement Guidelines* which was conducted from 2 May to 30 May 2023;
2. Notes the changes made to the draft *Mobile Food Van Procurement Guidelines* in response to feedback received via the engagement process;
3. Adopts the Mobile Food Van Procurement Guidelines and revokes the 2018 Commercial Activities in Public Open Space (CAPOS) Protocol; and
4. Endorses the extension of all current mobile food van licences from 1 December 2023 to 30 April 2024 to allow for an adequate transition period to the Mobile Food Van Procurement Guidelines and to minimise disruption to operators during the peak period.

**Carried**

For the Motion: Crs Asker, Baker, Bolam, Conroy, Hill and Tayler (6)

Against the Motion: Nil

Abstained: Cr Liam Hughes (1)

Chairperson's initials.....

**12.3 Award of Contract CN11141 - Native Vegetation Maintenance Panel***(BH Infrastructure and Operations)***Council Decision****Moved: Councillor Hill****Seconded: Councillor Baker**

That Council:

1. Awards contract CN11141 – Native Vegetation Maintenance Panel to the following tenderers across four categories for an initial one (1) year term with the provision of two (2) further one (1) year extension options at Council’s sole discretion, with a total potential contract value of an estimated \$3,783,000 (exclusive of GST);

**Category 1 – Manual Native Vegetation Maintenance**

- A. Practical Ecology Pty Ltd, ACN 082 911 377,
- B. Wetland and Wildlife Creations Group Pty Ltd; ACN 619 650 350;
- C. Peter Gerard Nash trading as EcoRegen; ABN 99 202 598;
- D. Felix Botanica Pty Ltd; ACN 105 022 651;
- E. Platypus Environmental Services; ACN 137 694 323;
- F. Seeds Bushland Restoration Pty Ltd; ACN 126 186 883;

**Category 2 – Native Vegetation Landscaping**

- A. Practical Ecology Pty Ltd, ACN 082 911 377;
- B. Felix Botanica Pty Ltd; ACN 105 022 651;
- C. Seeds Bushland Restoration; ACN 126 186 883;

**Category 3 – Native Vegetation Weed Suppression**

- A. Wetland and Wildlife Creations Group Pty Ltd; ACN 619 650 350;
- B. Practical Ecology Pty Ltd, ACN 082 911 377;
- C. Environmental restorations Pty Ltd; ABN 55 863 702 716;
- D. Felix Botanica Pty Ltd; ACN 105 022 651;

**Category 4 – Native Vegetation Planting**

- A. Practical Ecology Pty Ltd, ACN 082 911 377;
- B. Felix Botanica Pty Ltd; ACN 105 022 651;
- C. Seeds Bushland Restoration Pty Ltd; ACN 126 186 883;

2. Authorises the Chief Executive Officer to execute and sign the contracts;
3. Authorises the Chief Executive Officer to approve contract variations;
4. Authorises the Director Infrastructure and Operations to approve the extensions of the contract subject to the satisfactory performance of the contractor(s); and
5. Resolves Attachments A and B to this report be retained confidential on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage, pursuant to the *Local Government Act 2020 s3(1)(g)*.

**Carried Unanimously**

Chairperson’s initials.....



**12.4 Award of Contract CN11129 - Building Services Panel***(VG Infrastructure and Operations)***Council Decision****Moved: Councillor Baker****Seconded: Councillor Tayler**

That Council:

1. Appoints the following contractors to CN11129 – Building Services Panel for an initial three (3) year term with a provision of three (3) further two (2) year terms at Council's sole discretion:

**Category 1 – Lead Contractor (Building)**

- Boongalla Group Pty Ltd, ABN 49 114 249 286
- CA Property Group Pty Ltd, ABN 92 094 711 038
- DQ Construction Pty Ltd, ABN 52 614 320 188
- Eastern Property Services Pty Ltd, ABN 17 098 048 312
- Exemplo Constructions Pty Ltd, ABN 36 664 631 690
- Joven Building Services Pty Ltd, ABN 96 085 841 194
- Jardon Group Pty Ltd, ABN 22 628 500 756
- Keon Constructions Pty Ltd, ABN 72 077 075 266
- Kinetic Constructions Pty Ltd, ABN 59 641 009 725
- McKinnon's Construction's Pty Ltd, ABN 86 616 908 313
- More Building Group Pty Ltd, ABN 614 44 992 933
- Tidon Constructions Pty Ltd, ABN 11 125 670 073

**Category 2 – Electrical Services**

- BC Beel Electrical Pty Ltd, ABN 42 140 776 334
- Eco Electrical Services Pty Ltd as Trustee for Eco Electrical Services Trust, ABN 9310 123 9118
- KIJ Electrical Pty Ltd as Trustee for Johnson Family Trust, ABN 9776 575 5258
- QA Electrical Pty Ltd, ABN 52 124 222 760
- Wallgates Pty Ltd, ABN 27 096 477 842

**Category 3 – Plumbing Services**

- The Trustee for Blue Contracting Unit Trust, ABN 12 951 246 211

**Category 4 – Painting Services**

- Resolute Painting & Projects, ABN 68 626 374 329

**Category 5 – Joinery / Furniture**

- Spencer Van Dam Pty Ltd trade as Backcare and Seating Dandenong, ABN 51 153 583 290

**Category 6 – Mechanical Services**

- Precision Mechanical Services (Australasia) Pty Ltd, ABN 45 128 199 931
- Roejen Services Pty Ltd, ABN 30 273 382 860
- Tcm Solutions Pty Ltd as Trustee for The Keating Family Trust, ABN 94 805 931 763.

2. Notes that this is a Schedule of Rates contract(s). The award of any contract for works procured via this panel will be approved in accordance with the provisions set out in the relevant Instrument(s) of Delegation;
3. Notes award of work per project is capped at \$1million excluding GST which is

Chairperson's initials.....

within CEO approved financial delegation;

4. Authorises the Chief Executive Officer to execute the contract(s);
5. Authorises the Chief Executive Officer to approve any contract variations;
6. Authorises the Director Infrastructure and Operations to approve the extensions of the contract(s) subject to the satisfactory performance of the contractor(s); and
7. Resolves that Attachment A 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**

Nil

**14. NOTICES OF MOTION**

Nil

**15. LATE REPORTS**

Nil

**16. URGENT BUSINESS**

Nil

**17. CONFIDENTIAL ITEMS**

Nil

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**QUESTION TIME****Questions received with Notice**

*The following questions with notice were received for the Council Meeting 2023/CM010 – 31 July 2023. In accordance with the Public Submissions and Question Time Policy, the questions and response(s) are published below:*

**Raja Lingam****Question 1**

*Part 1.* I refer to planning application 351-2016-P lodged by Dogs Victoria with council on 24/6/2022.

Can council advise why they are considering this Amendment to grant retrospective approval to illegal works done in breach of the 2018 Remediation Works permitted Plan Endorsed by Council Delegate

*Part 2.* The application makes no mention of the Environmental Management Plan (EMP) this site is subject to and I ask if the Planning Department has this document and has assessed this proposal with this document in mind?

Did Dogs Victoria disclose this pollution and that the site is listed as a contaminated site by the EPA and at the time of lodgement of this application, already subject to the referred to EMP?

If council grants this permit, does it do so knowing full well that its endorsing of unapproved works, which it is under no obligation to approve, which will enable the permanent “storage” of water soluble “forever” chemicals in Frankston.

Will adjacent residents of Sandhurst Estate, which i understand is placed in the path of groundwater flows, be consulted prior to council approving an application which would allow 4800 tonnes of PFAS contaminated soil adjacent to their houses?

**Response**

*In accordance with Governance Rules 57.4, if more than two parts to a question are received, only the first two parts will be considered. The first two parts to this question were responded to.*

Part 1. Council is required by law to consider and assess all applications to amend a planning permit made to it, pursuant to the Planning and Environment Act (1987). Council cannot decline to accept an application.

Part 2. Council is aware of contaminants on the land, and has sought input from the Environmental Protection Authority (EPA). Council will consider the EPA's advice, particularly in respect of any additional matters that may be required to be added to an Environmental Management Plan, when Council makes a decision on the application.

**Question 2**

I refer to planning application 351-2016-P lodged by Dogs Victoria with council on 24/6/2022.

Council are considering this Amendment to grant retrospective approval to illegal works done in breach of the 2018 Remediation Works permitted Plan Endorsed by Council Delegate: Michael Churilo Date: 8 March 2018.

This permit if granted would allow 4800 Tonnes of PFAS contaminated soil to remain on site forever in Frankston Shire, creating a future health risk to the population and environment.

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The application makes no mention of the Environmental Management Plan (EMP) this site is subject to.

Dogs Victoria does not disclose this pollution and that the site is listed as a contaminated site by the EPA and at the time of lodgement of this application, already subject to the referred to EMP.

If council grants this permit, does it do so knowing full well that its endorsing of unapproved works, which it is under no obligation to approve, which will enable the permanent “storage” of water soluble “forever” chemicals in Frankston.?

**Response**

*As per clause 57.8.4 of the Governance Rules, this question was disallowed by the Chief Executive Officer.*

**Question 3**

I refer to planning application 351-2016-P lodged by Dogs Victoria with council on 24/6/2022.

Will adjacent residents of Sandhurst Estate, which i understand is placed in the path of groundwater flows, be consulted prior to council approving an application which would allow 4800 tonnes of PFAS contaminated soil adjacent to their houses?

**Response**

The response to this question is same as already mentioned, Council will consider the EPA's advice in respect to any necessary actions.

*The meeting was closed to the public at 7.23 pm*

CONFIRMED THIS

DAY OF

2023

.....  
CHAIRPERSON

**AUTHORITY TO STAMP INITIALS ON MINUTES**

I, Cr. Nathan Conroy, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday, 21 August 2023, confirmed on Wednesday, 6 September 2023.

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

Dated this

day of

2023

Chairperson's initials.....