



**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 9 SEPTEMBER 2024 at 7:02 PM**

PRESENT Cr. Nathan Conroy (Mayor)
Cr. Liam Hughes (Deputy Mayor) (via Zoom)
Cr. Glenn Aitken
Cr. David Asker
Cr. Sue Baker
Cr. Kris Bolam
Cr. Claire Harvey
Cr. Brad Hill
Cr. Suzette Tayler

APOLOGIES: Nil.

ABSENT: Nil.

OFFICERS: Mr. Phil Cantillon, Chief Executive Officer
Ms. Kim Jaensch, Director Corporate and Commercial Services
Mr. Sam Clements, Acting Director Communities
Mr. Cam Arullanantham, Director Infrastructure and Operations
Ms. Fiona McQueen, Acting Director Customer Innovation and Arts
Ms. Brianna Alcock, Manager Governance
Ms. Tammy Beauchamp, Manager City Futures (via Zoom)
Ms. Brooke Whatmough, Coordinator Strategic Planning (via Zoom)
Mr. Stuart Caldwell, Coordinator Statutory Planning
Ms. Rachel Masters, Coordinator Social Policy and Planning (via Zoom)
Ms. Tenille Craig, Coordinator Governance
Mr. Ric Rais, Systems Support Officer
Mr. Josh Lacey, Supervising Technician

EXTERNAL REPRESENTATIVES: Nil

COUNCILLOR STATEMENT

The Deputy Mayor, Councillor Liam Hughes, made the following statement:

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

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

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

PRAYER

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

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

Chairperson’s initials

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Chairperson's initials

1. APOLOGIES

Nil

2. COUNCILLOR APPRECIATION AWARDS

2.1 Presentation to Julie Fisher

Councillor Sue Baker presented a Councillor Appreciation Award to Julie Fisher in recognition of her compassionate and tireless work to change attitudes, as well as creating a more inclusive world and support for people with Down Syndrome, so they can live their best lives.

As the mother of Darcy, who lives with Down Syndrome, Council honours her drive, energy and advocacy, while generously sharing knowledge and firsthand experience, through radio, major speaking events, including conferences, writing compelling books and participating in Frankston's Human Library during the South Side Festival.

Congratulations and thank you for making Frankston City the inclusive and welcoming community it is. Keep up the inspirational work!

2.2 Presentation of Letter Under Seal for Jeff Rogut

Councillor Suzette Tayler presented a Letter Under Seal to Jeff Rogut in recognition of his contribution and stellar leadership with the Frankston business Collective. Jeff worked tirelessly to achieve major milestones including the successful launch in 2022, the establishment of the Collective as a legal entity, and the development of the founding pillars: Connection, Education, and Advocacy.

Jeff's unwavering passion for supporting and promoting the local business community has been instrumental in giving Frankston City's businesses and industries a strong and unified voice. This forward-thinking approach also led to the launch of the first-ever annual ACE Business Excellence Awards, a milestone event that recognises and celebrates the achievements of local businesses.

On behalf of Council, Cr Tayler expressed deep appreciation for the commitment, enthusiasm and dedicated service Jeff displayed in carrying out his duty as CEO of the Frankston Business Collective

3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Council Meeting No. CM11 held on 19 August 2024.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Tayler

That the minutes of the Council Meeting No. CM11 held on 19 August 2024 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

Peter Anscombe made a submission to Council regarding Item 11.3 Frankston Metropolitan Activity Centre (FMAC) Development Contributions Plan (DCP) Planning Scheme Amendment (C161fran) - Consideration of submissions received and request the appointment of a Planning Panel;

Gerard Nymyer made a submission to Council regarding Item 11.3 Frankston Metropolitan Activity Centre (FMAC) Development Contributions Plan (DCP) Planning Scheme Amendment (C161fran) - Consideration of submissions received and request the appointment of a Planning Panel;

David Cross made a submission to Council regarding Item 12.1 Governance Matters Report for 9 September 2024;

Michael Telleson made a submission to Council regarding Item 14.3: 2024/NOM19 - FMAC Catchment Areas and Rescode Changes.

7. ITEMS BROUGHT FORWARD**Items Brought Forward****Council Decision****Moved: Councillor Harvey****Seconded: Councillor Hill**

That Items listed below be brought forward:

- 11.3: Frankston Metropolitan Activity Centre (FMAC) Development Contributions Plan (DCP) Planning Scheme Amendment (C161fran) - Consideration of submissions received and request the appointment of a Planning Panel
- 12.1: Governance Matters Report for 9 September 2024
- 14.3: 2024/NOM19 - FMAC Catchment Areas and Rescode Changes

Carried Unanimously

Chairperson's initials

Block Motion**Council Decision****Moved: Councillor Harvey****Seconded: Councillor Baker**

That the items listed below be block resolved:

- 11.1: Frankston Metropolitan Activity Centre Coordination Update (April to June 2024)
- 12.2: Capital Works Quarterly Report - Q4 - April to June 2024
- 12.3: Frankston City Health and Wellbeing Plan 2021-2025 - Year Three Annual Report and Draft Year Four Action Plan
- 12.5: Connecting City, Creek and Coast - A Masterplan for Nepean Boulevard
- 12.7: Frankston City Bike Riding Strategy 2024-2039
- 12.8: Annual Volunteering Frankston Award Nominations
- 12.9: Frankston Business Collective Update
- 12.10: Award of Contract CN11415 - Sandfield Reserve Playspace Upgrade and BBQ and Picnic Areas
- 12.11: Award of Contract CN11417 - Frankston Park Oval Reconstruction
- 12.13: Award of Contract CN11377 - Langwarrin Community Hub
- 13.1: Further response to 2022/NOM8 Outreach Support Services

Carried Unanimously**8. PRESENTATIONS / AWARDS**

Acting Director Customer, Innovation and Arts, Fiona McQueen, provided a statement to recognise that Frankston Arts Centre – Arts Access Program received an IMPACT Award for the Performing Arts Centre Australia IMPACT Awards.

Fiona McQueen also acknowledged the outgoing Frankston Arts Advisory Committee Member, Doug Spencer-Roy and thanked him for his dedication to the arts and commitment over these past for his 14-years of service with the Committee.

Chairperson's initials

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Petition – Upgrade of Escarpment Reserve

Council Decision

Moved: Councillor Harvey

Seconded: Councillor Hill

That the petition in relation to increasing the priority level of medium to high for the upgrade of Escarpment Reserve and to include construction of a half-court basketball court, containing 45 signatures, be considered for development as part of the annual budget and LTIP process.

Carried Unanimously

Petition – Objection to Planning Application 8/2024/P

Council Decision

Moved: Councillor Asker

Seconded: Councillor Tayler

That the petition objecting to the planning application 8/2024/P, containing 24 signatures, be referred to the planning department for consideration in the planning application process.

Carried Unanimously

10. DELEGATES' REPORTS

Nil

ITEMS BROUGHT FORWARD**11.3 Frankston Metropolitan Activity Centre (FMAC) Development Contributions Plan (DCP) Planning Scheme Amendment (C161fran) - Consideration of submissions received and request the appointment of a Planning Panel***(TB Communities)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Hill**

That Council:

1. Notes that Planning Scheme Amendment C161fran was publicly exhibited from 9 May to 5 July 2024 for a period of eight (8) weeks;
2. Notes that a total of 10 written submissions (including 1 late submission) were received to Planning Scheme Amendment C161fran;
3. Notes and considers all submissions received in response to the exhibition of Planning Scheme Amendment C161fran in accordance with Section 22(1) of the *Planning and Environment Act 1987*;
4. Notes and considers the late submission received in response to Planning Scheme Amendment C161fran in accordance with Section 22(2) of the *Planning and Environment Act 1987*;
5. Endorses Officers' response to submissions to Planning Scheme Amendment C161fran as shown at Attachment A;
6. Requests the Minister for Planning appoint a Planning Panel under Part 8 of the *Planning and Environment Act 1987* to hear and consider submissions made to Planning Scheme Amendment C161fran;
7. Refers all submissions on Planning Scheme Amendment C161fran (including the late submission) to the Planning Panel appointed by the Minister for Planning in accordance with Section 23 of the *Planning and Environment Act 1987*;
8. Endorses the recommended changes to Planning Scheme Amendment C161fran outlined in the Officer Report and Attachment A for the purposes of Council's advocacy position before the Planning Panel;
9. Authorises the Director Communities to make any minor or necessary changes to Planning Scheme Amendment C161fran documentation prior to the Planning Panel hearing, that do not change the intent of the amendment for the purpose of Council's advocacy position before the Panel; and
10. Writes to all submitters to inform them of Council's decision.

Carried

For the Motion: Crs Aitken, Asker, Baker, Bolam, Conroy, Harvey, Hill and Tayler (8)

Against the Motion: Cr Hughes (1)

Chairperson's initials

12.1 Governance Matters Report for 9 September 2024

(BA Corporate and Commercial Services)

Recommendation (Director Corporate and Commercial Services)

That Council:

Council Resolution Status Update

1. Receives the Council Resolution Status update, including:
 - i. Notice of Motion Cost Summary and Notice of Motion Report for 9 September 2024;
 - ii. Notes there are two Notice of Motion actions reported as complete by officers:
 - 2023/NOM6 - Accountability Transparency Reform (ATR) III
 - 2024/NOM11 – Strengthening the voice of young people within Council
 - 2024/NOM14 - Wells Street Post Office
 - iii. Notes there is one (1) report delayed in the presentation to Council:
 - Mobile Shower Facilities, delayed to June 2025
 - iv. Notes, due to the Election Period commencing on 17 September until 26 October 2024, the following reports will be delayed in their presentation to Council and will be presented at its 2 December 2024 Meeting:
 - Chief Executive Officer's quarterly Report – July to September 2024
 - Capital Works Quarterly Report – Q1 – July to September 2024
 - City Futures Progress Report – Quarter 1 July -September 2024
 - Consolidated Performance Report – including Peninsula Leisure – Q1 - July -September 2024
 - Statutory Planning Progress Report for August and September 2024
 - Young Street Action Plan Quarterly Report – July to September 2024
 - Governance Matters Report
 - v. Notes since the Council Meeting, held on 12 August 2024, 33 resolution actions have been completed, as listed in the body of the report;

Councillor Briefings Record

2. Receives the record of Councillor Briefing meetings held since the date of last Council Meeting held on 12 August 2024 as listed in the body of the report;

Instrument of Delegations

3.
 - 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 21 August 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;

Chairperson's initials

- 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

Letter Under Seal for Outgoing Mayor and Deputy Mayor

4. Awards a Letter Under Seal to Cr Nathan Conroy in recognition of his service as Mayor during the Mayoral Term from November 2023 to October 2024;
5. Awards a Letter Under Seal to Cr Liam Hughes in recognition of his service as Deputy Mayor during the Deputy Mayoral Term from November 2023 to October 2024;
6. Presents the Letters Under Seal to Cr Nathan Conroy and Cr Liam Hughes at a Briefing or function prior to the conclusion of this Council Term;

Frankston Citizen of the Year Selection Panel

7. Notes that the Expression of Interest for nominations for the Frankston Citizen of the Year Award Selection Panel was launched from 15 July to 1 September 2024 on Council's website;
8. Notes the submissions received were assessed against the criteria, as detailed in the Citizen of the Year Selection Panel Terms of Reference;
9. Endorses the recommended nominees, as listed in Attachment F, to be members of the Citizen of the Year Award Selection Panel, and, on endorsement, authorises the release of the names following this Council Meeting;

Community Local Law

10. Commences a review of the Community Local Law by July 2025;

Contract CN10845 - Construction of Kananook Commuter Multi-Level Car Park

11. Notes that Contract CN10845 – Construction of Kananook Commuter Multi-Level Car Park was awarded to Ireland Brown Constructions Pty Ltd (ACN:111 715 621) at Council Meeting on 20 February 2023 for a total contract value of \$15,440,367.00 (exclusive of GST) and authorised the Chief Executive Officer to approve any contract variations from the approved contingency amount;
12. Notes, due to unforeseen latent conditions, delay in external authorities' approval and design improvements, variations are likely to exceed the previously approved contingency amount;
13. Notes the project budget is fully funded by the Australian Government and authorises the Chief Executive Officer to approve all further contract variations in addition;

Relocation of Frankston Rotary Shed

14. Acknowledges the necessity to relocate the Frankston Rotary Club from Kananook Reserve due to the redevelopment of Frankston Basketball and Gymnastics stadium (superseding Council's prior resolution Item 12.13 from the Council Meeting on 13 May 2019);
15. Approves the construction of a new enhanced shed for the Frankston Rotary Club at 9R Daniel Drive, Carrum Downs, consistent with agreed-upon scope and conditions as set out in the formal correspondence dated 4 September 2024 from the Acting President on behalf of Frankston Rotary (confidential attachment);

Sandhurst Estate Asset Transfer

16. Notes the previous resolution made at its Meeting on 19 February 2024 in relation to the Sandhurst Estate formal asset transfer, which authorised the Chief

Executive Officer to sign the minor variations to the Amendment to the Section 173 Agreement and the Transfer Deed subsequent to the transition period;

17. Authorises the common seal to be affixed to the Amendment to the Section 173 Agreement and the Transfer Deed;

CCTV Cameras at the Frankston Memorial Park

18. Notes the Cemetery Trust Committee resolved, at its last Trust meeting on 8 May 2024, to identify if there is a need for 2 (two) additional CCTV cameras to be installed on the cemetery grounds. An assessment has been undertaken and confirmed there are already seven (7) CCTV cameras in operation which are positioned sufficiently to cover the Cemetery. Security checks are also carried out every morning and night;

Extra Council Meeting

19. Notes it has received the Planning Panel Report for Planning Scheme Amendment C160fran that outlines five (5) recommendations. An extra Council Meeting is required for Council to consider the Panel Report, adopt the *Frankston Metropolitan Activity Centre Structure Plan - September 2024* and determine whether to adopt Planning Scheme Amendment C160fran as is or with the recommended changes or to abandon;
20. Notes a planning application 427/2020/P/C for a major development at 35 Playne Street, Frankston is ready for a decision, and an extra Council Meeting is required for Council to determine whether to amend the planning permit;
21. Notes there are no further Council meetings scheduled prior to Election Period and an extra Council Meeting is recommended to be held on 16 September 2024, with notice of the meeting to be given in accordance with Council's Governance Rules;
22. Resolves for Attachment F (Citizen of the Year Selection Panel submissions) to remain confidential indefinitely, except for the names only as referenced in Item 9 of this resolution, 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 panel submitters, who have not consented to their information being disclosed. Release of this information might undermine public confidence and make people reluctant to submit nominations in the future, which would compromise Council's ability to run similar processes in the future; and
23. Resolves that Attachment G (Letter from Rotary Club of Frankston) 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 (section 3(1)(a)), Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

Motion

That Council:

Council Resolution Status Update

1. Receives the Council Resolution Status update, including:
 - i. Notice of Motion Cost Summary and Notice of Motion Report for 9 September 2024;
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Chairperson's initials

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2. Receives the record of Councillor Briefing meetings held since the date of last Council Meeting held on 12 August 2024 as listed in the body of the report;

Instrument of Delegations

3. 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 21 August 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

Letter Under Seal for Outgoing Mayor and Deputy Mayor

4. Awards a Letter Under Seal to Cr Nathan Conroy in recognition of his service as Mayor during the Mayoral Term from November 2023 to October 2024;
5. Awards a Letter Under Seal to Cr Liam Hughes in recognition of his service as Deputy Mayor during the Deputy Mayoral Term from November 2023 to October 2024;
6. Presents the Letters Under Seal to Cr Nathan Conroy and Cr Liam Hughes at a Briefing or function prior to the conclusion of this Council Term;

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7. Notes that the Expression of Interest for nominations for the Frankston Citizen of the Year Award Selection Panel was launched from 15 July to 1 September 2024 on Council's website;
8. Notes the submissions received were assessed against the criteria, as detailed in the Citizen of the Year Selection Panel Terms of Reference;
9. Endorses the recommended nominees, as listed in Attachment F, to be members of the Citizen of the Year Award Selection Panel, and, on endorsement, authorises the release of the names following this Council Meeting;

Community Local Law

10. Commences a review of the Community Local Law by July 2025;

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11. Notes that Contract CN10845 – Construction of Kananook Commuter Multi-Level Car Park was awarded to Ireland Brown Constructions Pty Ltd (ACN:111 715 621) at Council Meeting on 20 February 2023 for a total contract value of \$15,440,367.00 (exclusive of GST) and authorised the Chief Executive Officer to approve any contract variations from the approved contingency amount;
12. Notes, due to unforeseen latent conditions, delay in external authorities' approval and design improvements, variations are likely to exceed the previously approved contingency amount;
13. Notes the project budget is fully funded by the Australian Government and authorises the Chief Executive Officer to approve all further contract variations in addition;

Relocation of Frankston Rotary Shed

14. Acknowledges the necessity to relocate the Frankston Rotary Club from their existing location within Kananook Reserve due to the redevelopment of Frankston Basketball and Gymnastics stadium (noting the Rotary Shed's original establishment was approved via Council's prior resolution: Item 12.13 from the Council Meeting on 13 May 2019);
15. Approves the construction of a new like-for-like shed albeit in a different location within Kananook Reserve (subject further site assessment and external authorities approvals) - noting the cost to re-establish this prescribed shed in Kananook Reserve is estimated to cost \$250,000, whereas the negotiated relocation to 9R Daniel Drive, Carrum Downs is estimated to cost \$600,000;

Sandhurst Estate Asset Transfer

16. Notes the previous resolution made at its Meeting on 19 February 2024 in relation to the Sandhurst Estate formal asset transfer, which authorised the Chief Executive Officer to sign the minor variations to the Amendment to the Section 173 Agreement and the Transfer Deed subsequent to the transition period;
17. Authorises the common seal to be affixed to the Amendment to the Section 173 Agreement and the Transfer Deed;

CCTV Cameras at the Frankston Memorial Park

18. Notes the Cemetery Trust Committee resolved, at its last Trust meeting on 8 May 2024, to identify if there is a need for 2 (two) additional CCTV cameras to be installed on the cemetery grounds. An assessment has been undertaken and confirmed there are already seven (7) CCTV cameras in operation which are positioned sufficiently to cover the Cemetery. Security checks are also carried out every morning and night;

Extra Council Meeting

19. Notes it has received the Planning Panel Report for Planning Scheme Amendment C160fran that outlines five (5) recommendations. An extra Council Meeting is required for Council to consider the Panel Report, adopt the Frankston Metropolitan Activity Centre Structure Plan - September 2024 and determine whether to adopt Planning Scheme Amendment C160fran as is or with the recommended changes or to abandon;
20. Notes a planning application 427/2020/P/C for a major development at 35 Playne Street, Frankston is ready for a decision, and an extra Council Meeting is required for Council to determine whether to amend the planning permit;
21. Notes there are no further Council meetings scheduled prior to Election Period and an extra Council Meeting is recommended to be held on 16 September 2024, with notice of the meeting to be given in accordance with Council's Governance Rules;
22. Resolves for Attachment F (Citizen of the Year Selection Panel submissions) to remain confidential indefinitely, except for the names only of the recommended panellists as referenced in Item 9 of this resolution, 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 panel submitters, who have not consented to their information being disclosed. Release of this information might undermine public confidence and make people reluctant to submit nominations in the future, which would compromise Council's ability to run similar processes in the future; and
23. Resolves that Attachment G (Letter from Rotary Club of Frankston) 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 (section 3(1)(a)), Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.
24. Amends part 6 of the Council resolution, included in the Setting of the Mayoral and Councillor Allowances 2020-2024 report, carried unanimously on 27 January 2021 from the existing wording of:
 6. *Notes an amount equivalent to the superannuation guarantee contribution under Commonwealth taxation legislation (currently 9.5%) is payable in addition to the allowance amounts. This contribution, which increases in accordance with the Commonwealth taxation legislation, is to be paid into the approved fund nominated by the Mayor and each Councillor, on a quarterly in-arrears basis for the 2020/2021, 2021/2022, 2022/2023, 2023/2024 and 2024/2025 financial years.*

To the following wording:

6. *Notes an amount equivalent to the superannuation guarantee contribution under Commonwealth taxation legislation (currently 9.5%) is payable in addition to the allowance amounts. This contribution, which increases in accordance with the Commonwealth taxation legislation, is to be paid into the approved fund nominated by the Mayor and each Councillor, **or alternately directly to the Mayor and Councillor in lieu of superannuation**, on a quarterly in-arrears basis for the 2020/2021, 2021/2022, 2022/2023, 2023/2024 and 2024/2025 financial years.*

Chairperson's initials

25. Directs the CEO to ensure that:
- a) Councillors are given appropriate notification and are briefed, to the extent that is legally permissible, on operational matters that could impact the reputation of Council and/or Councillors;
 - b) Upon commencement of the new single-Councillor ward structure, Ward Councillors are appropriately briefed on issues relevant to their Ward, and of significant bureaucratic decisions regarding matters within their Ward boundaries;
 - c) Information is published on Council's website and provided to suspects in relation to enforcement matters to clarify that investigation and enforcement activities are undertaken by the Council administration and to explain the inability of councillors to intervene;
26. Resolves that matters set out in Item 25 of this resolution are to be reflected in the CEO's Key Performance Indicators; and
27. Notes that Actions taken in response to Item 25 of this resolution are to be reported to Council in the next quarterly CEO's report.
28.
 - a) Council notes the \$5,000 contribution to the Ballam Park Preschool to assist in soil testing to enable funding a new shade sail with Victorian Government funding;
 - b) Council notes that the \$5,000 provided by Frankton City Council will be reimbursed by the Victorian Government given the funding approval for the shade sail;
 - c) Instead of the \$5,000 returning to Council, the Council is to allow the Ballam Park Preschool to keep the funding, for the purpose of replacing its end-of-life storage shed which is located within the kindergarten area;
 - d) That the remaining \$4,000 required for the new storage shed is to be funded from efficiencies for the recently approval Havana Reserve shade sail (ie. reducing some of the street furniture that formed the overall cost for this project)
29. The CEO is instructed to ensure that:
- a) New shade sail receives relevant planning approvals before the summer period to enable use during the warm weather period;
 - b) That in the event the Ballam Park Preschool is successful in receiving funding from the Peninsula Kingswood Foundation for sought play equipment improvement works, relevant staff are to pro-actively work with the Foundation and Committee on streamlining these playground upgrades which are/will continue to be located within the kindergarten area; and
30. Council notes that, as per Item 28 of this resolution, the Ballam Park Preschool has received a total of \$41,392 from the Victorian Government with a further \$17,970 forthcoming pending the completion of milestones. In order to prevent the stalling of works to install the shade sail, Council is to fund the \$17,970 imbalance but is to be reimbursed upon the State Government milestone contribution being paid.

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

That Council:

Council Resolution Status Update

1. Receives the Council Resolution Status update, including:
 - i. Notice of Motion Cost Summary and Notice of Motion Report for 9 September 2024;
 - ii. Notes there are two Notice of Motion actions reported as complete by officers:
 - 2023/NOM6 - Accountability Transparency Reform (ATR) III
 - 2024/NOM11 – Strengthening the voice of young people within Council
 - 2024/NOM14 - Wells Street Post Office
 - iii. Notes there is one (1) report delayed in the presentation to Council:
 - Mobile Shower Facilities, delayed to June 2025
 - iv. Notes, due to the Election Period commencing on 17 September until 26 October 2024, the following reports will be delayed in their presentation to Council and will be presented at its 2 December 2024 Meeting:
 - Chief Executive Officer’s quarterly Report – July to September 2024
 - Capital Works Quarterly Report – Q1 – July to September 2024
 - City Futures Progress Report – Quarter 1 July -September 2024
 - Consolidated Performance Report – including Peninsula Leisure – Q1 - July -September 2024
 - Statutory Planning Progress Report for August and September 2024
 - Young Street Action Plan Quarterly Report – July to September 2024
 - Governance Matters Report
 - v. Notes since the Council Meeting, held on 12 August 2024, 33 resolution actions have been completed, as listed in the body of the report;

Councillor Briefings Record

2. Receives the record of Councillor Briefing meetings held since the date of last Council Meeting held on 12 August 2024 as listed in the body of the report;

Instrument of Delegations

3.
 - 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 21 August 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

Chairperson’s initials

Letter Under Seal for Outgoing Mayor and Deputy Mayor

4. Awards a Letter Under Seal to Cr Nathan Conroy in recognition of his service as Mayor during the Mayoral Term from November 2023 to October 2024;
5. Awards a Letter Under Seal to Cr Liam Hughes in recognition of his service as Deputy Mayor during the Deputy Mayoral Term from November 2023 to October 2024;
6. Presents the Letters Under Seal to Cr Nathan Conroy and Cr Liam Hughes at a Briefing or function prior to the conclusion of this Council Term;

Frankston Citizen of the Year Selection Panel

7. Notes that the Expression of Interest for nominations for the Frankston Citizen of the Year Award Selection Panel was launched from 15 July to 1 September 2024 on Council's website;
8. Notes the submissions received were assessed against the criteria, as detailed in the Citizen of the Year Selection Panel Terms of Reference;
9. Endorses the recommended nominees, as listed in Attachment F, to be members of the Citizen of the Year Award Selection Panel, and, on endorsement, authorises the release of the names following this Council Meeting;

Community Local Law

10. Commences a review of the Community Local Law by July 2025;

Contract CN10845 - Construction of Kananook Commuter Multi-Level Car Park

11. Notes that Contract CN10845 – Construction of Kananook Commuter Multi-Level Car Park was awarded to Ireland Brown Constructions Pty Ltd (ACN:111 715 621) at Council Meeting on 20 February 2023 for a total contract value of \$15,440,367.00 (exclusive of GST) and authorised the Chief Executive Officer to approve any contract variations from the approved contingency amount;
12. Notes, due to unforeseen latent conditions, delay in external authorities' approval and design improvements, variations are likely to exceed the previously approved contingency amount;
13. Notes the project budget is fully funded by the Australian Government and authorises the Chief Executive Officer to approve all further contract variations in addition;

Relocation of Frankston Rotary Shed

14. Acknowledges the necessity to relocate the Frankston Rotary Club from their existing location within Kananook Reserve due to the redevelopment of Frankston Basketball and Gymnastics stadium (noting the Rotary Shed's original establishment was approved via Council's prior resolution: Item 12.13 from the Council Meeting on 13 May 2019);
15. Approves the construction of a new like-for-like shed albeit in a different location within Kananook Reserve (subject further site assessment and external authorities approvals) - noting the cost to re-establish this prescribed shed in Kananook Reserve is estimated to cost \$250,000, whereas the negotiated relocation to 9R Daniel Drive, Carrum Downs is estimated to cost \$600,000;

Sandhurst Estate Asset Transfer

16. Notes the previous resolution made at its Meeting on 19 February 2024 in relation to the Sandhurst Estate formal asset transfer, which authorised the Chief Executive Officer to sign the minor variations to the Amendment to the Section

173 Agreement and the Transfer Deed subsequent to the transition period;

17. Authorises the common seal to be affixed to the Amendment to the Section 173 Agreement and the Transfer Deed;

CCTV Cameras at the Frankston Memorial Park

18. Notes the Cemetery Trust Committee resolved, at its last Trust meeting on 8 May 2024, to identify if there is a need for 2 (two) additional CCTV cameras to be installed on the cemetery grounds. An assessment has been undertaken and confirmed there are already seven (7) CCTV cameras in operation which are positioned sufficiently to cover the Cemetery. Security checks are also carried out every morning and night;

Extra Council Meeting

19. Notes it has received the Planning Panel Report for Planning Scheme Amendment C160fran that outlines five (5) recommendations. An extra Council Meeting is required for Council to consider the Panel Report, adopt the Frankston Metropolitan Activity Centre Structure Plan - September 2024 and determine whether to adopt Planning Scheme Amendment C160fran as is or with the recommended changes or to abandon;
20. Notes a planning application 427/2020/P/C for a major development at 35 Playne Street, Frankston is ready for a decision, and an extra Council Meeting is required for Council to determine whether to amend the planning permit;
21. Notes there are no further Council meetings scheduled prior to Election Period and an extra Council Meeting is recommended to be held on 16 September 2024, with notice of the meeting to be given in accordance with Council's Governance Rules;
22. Resolves for Attachment F (Citizen of the Year Selection Panel submissions) to remain confidential indefinitely, except for the names only of the recommended panellists as referenced in Item 9 of this resolution, 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 panel submitters, who have not consented to their information being disclosed. Release of this information might undermine public confidence and make people reluctant to submit nominations in the future, which would compromise Council's ability to run similar processes in the future; and
23. Resolves that Attachment G (Letter from Rotary Club of Frankston) 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 (section 3(1)(a)), Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.
24. Amends part 6 of the Council resolution, included in the Setting of the Mayoral and Councillor Allowances 2020-2024 report, carried unanimously on 27 January 2021 from the existing wording of:
 6. *Notes an amount equivalent to the superannuation guarantee contribution under Commonwealth taxation legislation (currently 9.5%) is payable in addition to the allowance amounts. This contribution, which increases in accordance with the Commonwealth taxation legislation, is to be paid into the approved fund nominated by the Mayor and each Councillor, on a quarterly in-arrears basis for the 2020/2021, 2021/2022, 2022/2023,*

2023/2024 and 2024/2025 financial years.

To the following wording:

6. *Notes an amount equivalent to the superannuation guarantee contribution under Commonwealth taxation legislation (currently 9.5%) is payable in addition to the allowance amounts. This contribution, which increases in accordance with the Commonwealth taxation legislation, is to be paid into the approved fund nominated by the Mayor and each Councillor, or **alternately directly to the Mayor and Councillor in lieu of superannuation**, on a quarterly in-arrears basis for the 2020/2021, 2021/2022, 2022/2023, 2023/2024 and 2024/2025 financial years.*
25. Directs the CEO to ensure that:
 - a) Councillors are given appropriate notification and are briefed, to the extent that is legally permissible, on operational matters that could impact the reputation of Council and/or Councillors;
 - b) Upon commencement of the new single-Councillor ward structure, Ward Councillors are appropriately briefed on issues relevant to their Ward, and of significant bureaucratic decisions regarding matters within their Ward boundaries;
 - c) Information is published on Council's website and provided to suspects in relation to enforcement matters to clarify that investigation and enforcement activities are undertaken by the Council administration and to explain the inability of councillors to intervene;
26. Resolves that matters set out in Item 25 of this resolution are to be reflected in the CEO's Key Performance Indicators; and
27. Notes that Actions taken in response to Item 25 of this resolution are to be reported to Council in the next quarterly CEO's report.
28.
 - a) Council notes the \$5,000 contribution to the Ballam Park Preschool to assist in soil testing to enable funding a new shade sail with Victorian Government funding;
 - b) Council notes that the \$5,000 provided by Frankton City Council will be reimbursed by the Victorian Government given the funding approval for the shade sail;
 - c) Instead of the \$5,000 returning to Council, the Council is to allow the Ballam Park Preschool to keep the funding, for the purpose of replacing its end-of-life storage shed which is located within the kindergarten area;
 - d) That the remaining \$4,000 required for the new storage shed is to be funded from efficiencies for the recently approval Havana Reserve shade sail (ie. reducing some of the street furniture that formed the overall cost for this project)
29. The CEO is instructed to ensure that:
 - a) New shade sail receives relevant planning approvals before the summer period to enable use during the warm weather period;
 - b) That in the event the Ballam Park Preschool is successful in receiving funding from the Peninsula Kingswood Foundation for sought play equipment improvement works, relevant staff are to pro-actively work with the Foundation and Committee on streamlining these playground upgrades which are/will continue to be located within the kindergarten area; and

Chairperson's initials

- 30. Council notes that, as per Item 28 of this resolution, the Ballam Park Preschool has received a total of \$41,392 from the Victorian Government with a further \$17,970 forthcoming pending the completion of milestones. In order to prevent the stalling of works to install the shade sail, Council is to fund the \$17,970 imbalance but is to be reimbursed upon the State Government milestone contribution being paid.

Carried Unanimously

14.3 2024/NOM19 - FMAC Catchment Areas and Rescode Changes*(SC Communities)***Council Decision****Moved: Councillor Aitken****Seconded: Councillor Bolam**

That Council:

1. Notes that the Victorian Planning Authority (VPA) on behalf of the State Government is undertaking community consultation on their Activity Centre Program which includes the Frankston Metropolitan Activity Centre (FMAC). As part of this consultation, the State Government have identified 'catchment areas' extending 800 metres from the boundary of the FMAC as areas where residential change and particularly, increased residential densities could occur, as part of the State Government's implementation of their State-wide Housing Strategy;
2. Reaffirms its strong support for the current Frankston Metropolitan Activity Centre (FMAC) Structure Plan – September 2024, recognising its critical role in guiding sustainable and strategic development within Frankston;
3. Notes that the Council adopted the FMAC Structure Plan in June 2023, solidifying its commitment to the plan's vision for balanced growth and community well-being;
4. Expresses deep concern regarding the Victorian Government's proposed changes in the Activity Centres consultation, particularly the introduction of new catchment areas outside the established FMAC boundaries. These changes could pave the way for the construction of tall buildings (3-6 storeys) and small apartments, which risk leading to overdevelopment and could significantly alter the character and amenity of sensitive residential neighbourhoods, particularly in Frankston South and parts of Seaford;
5. Supports Council Officers in preparing and submitting a comprehensive submission to the Victorian Government, articulating the Council's strong opposition to the proposed catchment areas and advocating passionately for the protection and preservation of Frankston's established residential areas.
6. Encourages community members to also make their thoughts known by writing directly to the Victorian Government on this matter;
7. Notes that the State Government are also proposing changes to ResCode, which they have engaged Councils to respond to by 11 September 2024. ResCode is the tool in the Planning Scheme by which most, if not all, new residential development planning application are assessed against. These changes seek to reduce the requirements on new development in terms of open space provision, shadowing, overlooking to name a few and may have a significant impact on the local character of the area; and
8. Supports Council Officers in making a submission to the Victorian Government on proposed ResCode changes.

Extension of Time

Moved: Councillor Tayler

Seconded: Councillor Asker

That Cr Aitken be granted an extension of time.

Carried Unanimously

The motion was

Carried

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

11. CONSIDERATION OF CITY PLANNING REPORTS**11.1 Frankston Metropolitan Activity Centre Coordination Update (April to June 2024)**
*(SC Communities)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Notes that the FMAC Coordination Group met twice during the April to June 2024 quarter;
2. Notes that the focus of the FMAC Coordination Group this quarter was to develop and finesse the Young Street Action Plan, which was adopted by Council on 12 August 2024. Young Street is a key entry point within the FMAC and improving the visitor experience of this street will provide better outcomes to the community and the FMAC.
3. Acknowledges a number of initiatives that occurred in support of the Young Street Action Plan, including:
 - Increased patrols by Council's Rapid Response Team
 - Increased cleaning of the public toilet and directional street signage
 - Council's facilitation of two new pop-up retail offerings, from two previously vacant shops in Young Street
 - Preliminary discussions with Metro Trains and South East Community Links to establish an outreach service at the Frankston Railway Station.
4. Notes that this is the last quarterly progress report that Council will receive on the FMAC Coordination Group. Going forward, Council will instead receive updates on any progress as part of either the Young Street Action Plan Quarterly Report or City Futures Quarterly Report.

Carried Unanimously**Note:** Refer to page 5 of these Minutes where this item was Block Resolved.

Chairperson's initials

11.2 Statutory Planning Progress Report for June and July 2024

(SC Communities)

Recommendation (Director Communities)

That Council:

1. Receives the Statutory Planning Progress Report (Appendix A and B) for the months of June 2024 and July 2024;
2. Notes that in June 2024, 82% of applications determined were within the statutory timeframe, above the target of 70%;
3. Notes that in July 2024, 86% of applications determined were within the statutory timeframe, above the target of 70%;
4. Writes to the Minister for Planning expressing its concern about the operation of the State Government's Development Facilitation Program, including the lack of engagement with Council and consideration of Council's objections and adopted policy, and specifically in respect of the Minister's approval of the proposed development at 11 Beach Street, Frankston;
5. Notes that Council officers will undertake a review to identify new options to further refine and improve Council's major development application process, including process steps, and the expertise and resource required to deliver a fast-tracked process with a 16-week guaranteed timeframe, subject to a set framework and agreed threshold criteria and further requirements. Options to be presented in a briefing, with a report to Council by March 2025;
6. Notes that this Progress report contains a register as to the number of planning decisions made by the Minister of Planning in relation to major applications in the Frankston municipality and that the Minister did not make any decisions in June or July 2024;
7. Resolves that Attachment C (General Planning Applications of Councillor Interest Updates) and Attachment D (Major Development Updates) remain confidential indefinitely on the grounds that they contain land use planning information and private commercial information (*Local Government Act 2020, s.3(1)(c) and (g)*). These grounds apply because it contains private information and would, if prematurely released, impact the reputation of Councillors and Council.

Motion

That Council:

1. Receives the Statutory Planning Progress Report (Appendix A and B) for the months of June 2024 and July 2024;
2. Notes that in June 2024, 82% of applications determined were within the statutory timeframe, above the target of 70%;
3. Notes that in July 2024, 86% of applications determined were within the statutory timeframe, above the target of 70%;
4. Writes to the Minister for Planning expressing its concern about the operation of the State Government's Development Facilitation Program, including the lack of engagement with Council and consideration of Council's objections and adopted policy, and specifically in respect of the Minister's approval of the proposed development at 11 Beach Street, Frankston;
5. Notes that Council officers will undertake a review to identify new options to further refine and improve Council's major development application process,

Chairperson's initials

- including process steps, and the expertise and resource required to deliver a fast-tracked process with a 16-week guaranteed timeframe, subject to a set framework and agreed threshold criteria and further requirements. Options to be presented in a briefing, with a report to Council by March 2025;
6. Notes that this Progress report contains a register as to the number of planning decisions made by the Minister of Planning in relation to major applications in the Frankston municipality and that the Minister did not make any decisions in June or July 2024;
 7. Resolves for future Statutory Planning Progress Reports - in addition to the 'Ministerial Applications – Delegated Officer Comments' table currently included, an additional 'Ministerial Applications – Determinations' table is to be added. The table is to include information about applications determined by the Minister for Planning, including whether the application was subject to public notice, and the decision outcome;
 8. Resolves the 'Ministerial Applications – Delegated Officer Comments', and the 'Ministerial Applications – Determinations' tables from each Statutory Planning Progress Report are to be uploaded to the Council's Transparency Hub following a Council resolution to note the information, to enable public awareness and scrutiny of the planning decisions made by the Minister for Planning within the Frankston municipality; and
 9. Resolves that Attachment C (General Planning Applications of Councillor Interest Updates) and Attachment D (Major Development Updates) remain confidential indefinitely on the grounds that they contain land use planning information and private commercial information (*Local Government Act 2020, s.3(1)(c) and (g)*). These grounds apply because it contains private information and would, if prematurely released, impact the reputation of Councillors and Council.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Bolam

That Council:

1. Receives the Statutory Planning Progress Report (Appendix A and B) for the months of June 2024 and July 2024;
2. Notes that in June 2024, 82% of applications determined were within the statutory timeframe, above the target of 70%;
3. Notes that in July 2024, 86% of applications determined were within the statutory timeframe, above the target of 70%;
4. Writes to the Minister for Planning expressing its concern about the operation of the State Government's Development Facilitation Program, including the lack of engagement with Council and consideration of Council's objections and adopted policy, and specifically in respect of the Minister's approval of the proposed development at 11 Beach Street, Frankston;
5. Notes that Council officers will undertake a review to identify new options to further refine and improve Council's major development application process, including process steps, and the expertise and resource required to deliver a fast-tracked process with a 16-week guaranteed timeframe, subject to a set framework and agreed threshold criteria and further requirements. Options to be presented in a briefing, with a report to Council by March 2025;
6. Notes that this Progress report contains a register as to the number of planning decisions made by the Minister of Planning in relation to major applications in the

Chairperson's initials

Frankston municipality and that the Minister did not make any decisions in June or July 2024;

7. Resolves for future Statutory Planning Progress Reports - in addition to the 'Ministerial Applications – Delegated Officer Comments' table currently included, an additional 'Ministerial Applications – Determinations' table is to be added. The table is to include information about applications determined by the Minister for Planning, including whether the application was subject to public notice, and the decision outcome;
8. Resolves the 'Ministerial Applications – Delegated Officer Comments', and the 'Ministerial Applications – Determinations' tables from each Statutory Planning Progress Report are to be uploaded to the Council's Transparency Hub following a Council resolution to note the information, to enable public awareness and scrutiny of the planning decisions made by the Minister for Planning within the Frankston municipality; and
9. Resolves that Attachment C (General Planning Applications of Councillor Interest Updates) and Attachment D (Major Development Updates) remain confidential indefinitely on the grounds that they contain land use planning information and private commercial information (*Local Government Act 2020, s.3(1)(c) and (g)*). These grounds apply because it contains private information and would, if prematurely released, impact the reputation of Councillors and Council.

Extension of Time

Moved: Councillor Aitken

Seconded: Councillor Asker

That Cr Aitken be granted an extension of time.

Carried Unanimously

The motion was

Carried Unanimously

12. CONSIDERATION OF REPORTS OF OFFICERS**12.2 Capital Works Quarterly Report - Q4 - April to June 2024**

(LU Infrastructure and Operations)

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

That Council:

1. Receives and notes the quarterly progress report for the fourth quarter (April to June 2024) of the 2023/24 Capital Works Program;
2. Notes that \$83.398 million of expenditure was achieved in 2023/24 against a total Adjusted Capital Works Program budget of \$93.346 million, which equates to an outstanding 90.7% program expenditure delivery rate (expenditure and savings) of the Annual Program;
3. Recognises the outstanding achievement of an 87.27% average delivery rate for the capital works program over the past four financial years of this Council term, including the successful completion of numerous major projects as detailed in this report. This accomplishment is especially significant given the challenges posed by the Covid pandemic and the subsequent recovery period, and is a testament to the dedication, resilience, and expertise of Council's team;
4. Notes that for transparency and disclosure of the capital works program to the public, the full details have been provided in the open attachments to the report;
5. Notes there were no reported projects where variations have exceeded the pre-approved variation amount is in accordance with S7 Instrument of Sub-Delegation by CEO; and
6. Endorses the list of 2023/24 project funding proposed to be carried forward into the 2024/25 Capital Works Program, an amount which totals \$8.512 million.

Carried Unanimously**Note:** Refer to page 5 of these Minutes where this item was Block Resolved.

Chairperson's initials

12.3 Frankston City Health and Wellbeing Plan 2021-2025 - Year Three Annual Report and Draft Year Four Action Plan

(TB Communities)

Council Decision

Moved: Councillor Harvey

Seconded: Councillor Baker

That Council:

1. Receives the Year Three Annual Report for the Health and Wellbeing Plan 2021-2025, noting that its completion is a statutory requirement; and
2. Adopts the Draft Year Four Action Plan (2024-25) for the Health and Wellbeing Plan 2021-2025.

Carried Unanimously

Note: Refer to page 5 of these Minutes where this item was Block Resolved.

12.4 Draft Affordable Housing Policy for community engagement
(TB Communities)

Council Decision

Moved: Councillor Baker

Seconded: Councillor Harvey

That Council:

1. Notes that the development of a draft Affordable Housing Policy is part of Council’s Housing Advisory Committee’s 2024 Work Plan;
2. Notes the information provided in the Background Analysis and Technical Report prepared by SGS Economics & Planning that has helped to guide and inform the Draft Affordable Housing Policy;
3. Endorses the Draft Affordable Housing Policy for community engagement, to take place in early 2025; and
4. Seeks a report back to Council no later than May 2025 to consider the Draft Affordable Housing Policy for adoption, taking into account any submissions received during the community engagement.

Carried Unanimously

12.5 Connecting City, Creek and Coast - A Masterplan for Nepean Boulevard*(TB Communities)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Notes the Nepean Boulevard Master Plan is a long term plan that builds on the Nepean Boulevard Vision bringing together key advocacy opportunities to improve Nepean Highway and is an extension of other endorsed Council strategies and plans, including the Frankston Council Plan 2021-2026, Frankston Metropolitan Activity Centre (FMAC) Structure Plan, Frankston Coastal Marine Management Plan 2024, Frankston Integrated Transport Strategy 2022-2042, Frankston Riding Strategy 2024 and the Safer Communities Strategy 2023;
2. Notes that phase one (1) preliminary consultation has been undertaken through the Nepean Boulevard Vision;
3. Notes that the Nepean Boulevard Vision was publicly exhibited for a period of four (4) weeks from 25 May to 22 June 2023;
4. Notes the ongoing consultation with the relevant road authority, the Department of Transport and Planning, to inform development of the Nepean Boulevard Master Plan;
5. Notes that the Department of Transport and Planning has provided 'in-principle support' for the Nepean Boulevard initiative, subject to the satisfactory resolution of further traffic modelling, and is committed to working with Council to realise the outcomes of this initiative;
6. Notes that a next stage of transport modelling, testing and assessment is critical and will continue between Council and DTP whilst Nepean Boulevard Master Plan phase two (2) engagement is underway;
7. Notes that Council has committed \$6 million to the Nepean Boulevard initiative through the Long-Term Infrastructure Plan to fund a first stage of works and has resolved to partner with Victorian and Federal Governments to fund the initiative;
8. Supports Council-led advocacy to the State and Federal Governments and other key stakeholders to support the outcomes of the opportunities identified in the Nepean Boulevard Master Plan;
9. Notes the Nepean Boulevard Master Plan presents design opportunities, building on the Nepean Boulevard Vision, to support ongoing engagement, coordination and advocacy activities. Future potential implementation of the NBMP will be subject to further funding, technical analysis, detailed design, consultation and authority approvals;
10. Notes that the Nepean Boulevard Master plan recognises an Early Works package already underway and funded from existing budget including;
 - a. Early works central median landscaping and upgraded entry signs in two locations to the north and south of the Nepean Boulevard corridor;
 - b. Early works lighting to central median trees between Davey Street and Beach Street; and
 - c. Public art sculpture at Mile Bridge;
11. Endorses the Nepean Boulevard Master Plan for phase two (2) key stakeholder and community engagement in early 2025;

Chairperson's initials

- 12. To ensure the Master Plan is aligned with community and key stakeholder outcomes and priorities, an action plan will be developed following phase two (2) community and stakeholder engagement that can be updated as required;
- 13. Authorises the Director Communities to make editorial changes, corrections, formatting and design necessary to finalise the Nepean Boulevard Master Plan prior to phase two (2) key stakeholder and community engagement; and
- 14. Seeks a report back to Council no later than May 2025 to consider the Action Plan that has been developed for the Master Plan for Nepean Boulevard for adoption, taking into account any submissions received during the community engagement.

Carried Unanimously

Note: Refer to page 5 of these Minutes where this item was Block Resolved.

12.6 Update on Landscape Compliance process and Guidelines
(TB Communities)

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Hill

That Council:

1. Affirms Council’s commitment to robust and locally appropriate landscaping, to green and soften new development across the municipality and improve environmental outcomes;
2. Endorses the revised Landscape Guidelines (Sept 2024), which have been strengthened since they were first produced in 2020 to include reference to the Biodiversity Action Plan and Urban Forest Action Plan;
3. Notes the strengthening of Council’s standard landscape planning conditions, including to require a two-stage inspection of landscaping required as part of new development. These two-stages include when the landscaping has been planted to ensure is completed in accordance with the endorsed landscape plan, and within 12-months thereafter to ensure that the landscaping has been maintained and if not, to identify maintenance requirements and which plants require replacement;
4. Notes the commencement of the Landscape Compliance Officer, whose role is to proactively inspect new developments to ensure the landscaping complies with the respective planning permit; and
5. Embeds the Landscape Guidelines (Sept 2024) into practice and notes that officers will present the revised Landscape Guidelines to Landscape professionals and frequent Planning Permit Applicants to highlight changes made to these Guidelines so as to ensure a greater understanding of Council’s expectations and desired landscape improvements amongst those using the Guidelines as part of their proposals for development.

Carried Unanimously

12.7 Frankston City Bike Riding Strategy 2024-2039

(SA Infrastructure and Operations)

Council Decision

Moved: Councillor Harvey

Seconded: Councillor Baker

That Council:

1. Notes the extensive community consultation with the community and internal and external stakeholders throughout this project since October 2023.
2. Adopts the Frankston City Bike Riding Strategy 2024-2039 including the recommended Action Plan as detailed in the strategy;
3. Notes that the recommended actions in the strategy are proposed to be funded through a number of funding avenues including Council’s Long Term Infrastructure Plan and through advocacy to various funding streams including Federal and State funding programs; and
4. Notes further ongoing consultation with traders, residents and property owners directly abutting the infrastructure will occur during the design and implementation stages of the relevant projects identified in the Action Plan.

Carried Unanimously

Note: Refer to page 5 of these Minutes where this item was Block Resolved.

12.8 Annual Volunteering Frankston Award Nominations

(TB Communities)

Council Decision

Moved: Councillor Harvey

Seconded: Councillor Baker

That Council:

1. Approves the independent Community Panel’s recommendations for the 2024 Annual Volunteering Frankston Awards winners within the nominee categories: Service, Leadership, Teamwork, Youth, Initiative, and Community Organisation (as noted in the confidential Attachment A);
2. Awards a \$1,000 monetary prize to the winning recipient of the Community Organisation award;
3. Resolves that Attachment A be retained as confidential until after the announcement of the award recipients at the Awards Ceremony on 26 November 2024; and
4. Resolves Attachment B (Nomination Assessment) 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 nominees and the persons who nominated them, who have not consented to their information being disclosed. Release of this information might undermine public confidence and make people reluctant to submit nominations in the future, which would compromise Council’s ability to run similar awards programs in the future.

Carried Unanimously

Note: Refer to page 5 of these Minutes where this item was Block Resolved.

12.9 Frankston Business Collective Update

(FM Customer Innovation and Arts)

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

That Council:

1. Recognises the Frankston Business Collective (FBC) was founded in 2021/22 and became a not-for-profit independent body on 28 February 2023;
2. Notes the success of the FBC in forming an active membership base and structure ranging from Essential to Strategic with a scaled membership fee, and conducting an ongoing series of sold out business networking and training events;
3. Notes the high value strategic partnerships with the FBC including Bendigo Bank, Mornington Peninsula Magazine, Frankston Football Club and McClelland Gallery;
4. Notes Council officers are working closely with the FBC to continue developing the relationship between the business community, the FBC and the Economic Development team;
5. Notes the Reciprocal Membership between the Committee for Frankston and Mornington Peninsula and the FBC with a view to supporting each organisation's agenda,
6. Notes Council officers are working with the FBC Board to determine future budget requirements. This will be brought to Council as part of the 24/25 mid-year budget review;
7. Receives FBC quarterly updates via a new quarterly report to Council entitled "Business and Economy" which will combine an update on the FBC with the quarterly update on the Economic Scorecard. This next quarterly report will include the finalised FBC Financial Report FY 23/24; and
8. Resolves that the attachment A is to remain confidential indefinitely on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets and if released would unreasonably expose the business, commercial or financial undertaking to disadvantage (Local Government Act 2020, s.3(1)(g)). These grounds apply because the information includes detailed financial information, if released, would impact the relationship between Council and FBC.

Carried Unanimously

Note: Refer to page 5 of these Minutes where this item was Block Resolved.

Chairperson's initials

12.10 Award of Contract CN11415 - Sandfield Reserve Playspace Upgrade and BBQ and Picnic Areas

(DD Infrastructure and Operations)

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

That Council:

1. Awards contract CN11415 for Sandfield Reserve Playspace Upgrade and BBQ and Picnic Areas to LJM Constructions Pty Ltd (ACN 610 919 581) for \$2,924,018.10 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. Commits an additional \$360,000 to Sandfield Reserve Playspace Upgrade, BBQ and Picnic Areas to address a budget shortfall in the 2024/25 Annual Budget. This will be achieved by deferring \$360,000 from CW 14530 Monterey Reserve Masterplan Implementation project from 2024/25 to 2025/26;
5. Commits an additional \$10,000 recurrent budget in Council's future operations budgets commencing 2025/26 for increased ongoing maintenance of Sandfield Playspace and BBQ & Picnic Areas; and
6. Resolves 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**Note:** Refer to page 5 of these Minutes where this item was Block Resolved.

12.11 Award of Contract CN11417 - Frankston Park Oval Reconstruction

(DD Infrastructure and Operations)

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

That Council:

1. Awards contract CN11417 Frankston Park Oval Reconstruction to Hendriksen Contractors Pty Ltd (ACN 093 866 758) for \$1,203,821.46 Excluding GST;
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; and;
4. Resolves 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**Note:** Refer to page 5 of these Minutes where this item was Block Resolved.

Chairperson's initials

12.12 Award of Contract CN11376 - Seaford Child and Family Centre

(VG Infrastructure and Operations)

Council Decision**Moved: Councillor Aitken****Seconded: Councillor Tayler**

That Council:

1. Awards Contract CN11376 for Seaford Child and Family Centre to Harris HMC Interiors (VIC) Pty Ltd (ACN: 130 177 614) for a total lump sum of \$4,134,747.00 excl. GST.
2. Notes the ongoing annual maintenance costs for proposed Seaford Child and Family Centre will increase from \$20,500 to an estimated cost of around \$25,500 excluding GST per annum, and as such will require necessary adjustment in 2025/26 operating budget for the Facilities Management;
3. Authorises the Chief Executive Officer to sign the Contract;
4. Delegates approval of contract variations within the contingency amount outlined in the confidential attachment to the Chief Executive Officer; and
5. Resolves the attachment A to this report to be retained confidential on the grounds that it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, pursuant to the Local Government Act 2020 s3(1)(a).

Carried Unanimously

12.13 Award of Contract CN11377 - Langwarrin Community Hub

(VG Infrastructure and Operations)

Council Decision

Moved: Councillor Harvey

Seconded: Councillor Baker

That Council:

1. Awards Contract CN11377 for Langwarrin Community Hub to More Building Group Pty Ltd (ACN: 614 992 933) for a total lump sum of \$6,638,950.00 excl. GST;
2. Note that the project has received \$6.75M through the Early Childhood Grants (Building Blocks Grants) from State Government;
3. Notes the ongoing annual maintenance costs for proposed Langwarrin Community Hub will increase from \$20,000 to an estimated cost of around \$35,000 excluding GST per annum, and as such will require necessary adjustment in 2025/26 operating budget for the Facilities Management;
4. Authorises the Chief Executive Officer to sign the Contract;
5. Delegates approval of contract variations within the contingency amount outlined in the confidential attachment to the Chief Executive Officer; and
6. Resolves the attachment A to this report to be retained confidential on the grounds that it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, pursuant to the Local Government Act 2020 s3(1)(a).

Carried Unanimously

Note: Refer to page 5 of these Minutes where this item was Block Resolved.

Chairperson's initials

13. RESPONSE TO NOTICES OF MOTION

13.1 Further response to 2022/NOM8 Outreach Support Services

(TB Communities)

Council Decision

Moved: Councillor Harvey

Seconded: Councillor Baker

That Council:

1. Notes the work undertaken to deliver the following two pilot projects in order to action 2022/NOM8:
 - a. Student social worker placement in Frankston City Libraries;
 - b. Program of free training for volunteers supporting local charitable groups providing support for people experiencing or at risk of homelessness;
2. Notes that the student social worker placement has taken some time to secure and is due to commence from September 2024, and will be evaluated at the end of the placement with a further report provided to Council upon its completion; and
3. Notes that the program of free training for volunteers has been completed and evaluated, and a decision was made at the Council Meeting on 3 June 2024 to continue this program with \$32,000 committed in the 2024-25 Annual Budget for its delivery.

Carried Unanimously

Note: Refer to page 5 of these Minutes where this item was Block Resolved.

14. NOTICES OF MOTION**14.1 2024/NOM17 - Saving our Local Trees**

(SC Communities)

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

That Council:

1. Acknowledges the concern of the local community, that mature trees are at McClelland College School site in Frankston are in danger of removed as part of a planned development, by the Victorian State Government, to construct a new early years and child care centre at this site. This new building will be owned, developed and operated by the Victorian State Government and will provide low cost, long day care;
2. Notes that the development is exempt from local provisions including the Planning Scheme and Local Laws, as it is being undertaken by the State Government's Department of Education;
3. Notes that the part of the McClelland College school site that faces Belar Avenue contains many large, landmark trees which are visible on the skyline. These trees are home to the Tawny Frog Mouth Bird, which prefers open woodland for its habitat. Local residents advise that these birds roost at the site, as do other birds, insects and wildlife who use the trees as habitat. The trees are an important part of the local ecosystem as they provide high places for birds and other wildlife to roost, ensuring protection from predation;
4. Notes that the trees provide shade and contribute to alleviating the heat bank effect;
5. Acknowledges that the local community sees the importance of these trees in greening the local environment, particular because of their size; and
6. Writes to the Minister of Education, Ben Carroll MP and Victorian School Building Authority to express concern at the potential removal of trees in developing the site and encourages the VSBA to retain as many trees on site as possible as part of developing the site with a new Early Years and Child Care Centre.

Councillor Asker left the chamber at 9:11 pm.

Councillor Asker returned to the chamber at 9:13 pm.

Carried Unanimously

14.2 2024/NOM18 - Paid Car Parking at Bayside Shopping Centre

(SB Customer Innovation and Arts)

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

That Council:

1. Notes that as part of the Victorian Government's Housing Statement, the State Government is working to deliver 60,000 new homes close to services, jobs, and public transport in an initial 10 activity centres across Melbourne. It's part of Victoria's plan to deliver more homes for more Victorians, in the places people want to live;
2. Notes that the State Government's draft Activity Centre Plan for Frankston, which is currently under public engagement by the Victorian Planning Authority:
 - a. Envisages a destination for shopping, dining, arts and bayside lifestyle, seeking Frankston become an even greater place to live; and
 - b. Is expected to guide how Frankston will change over the next few decades, between now and 2051;
3. Notes that the Frankston City Council's current parking plan, which provides for free two-hour parking at four key Frankston locations (Young Street, Cranbourne Road, Playne Street and Mechanics Hall) within the city centre, has been in place since the COVID-19 pandemic, and remains to incentivise shoppers to come spend in Frankston to support its continued economic growth;
4. Encourages Vicinity Centres to now review its car parking philosophy at the Bayside Shopping Centre, to be more consistent with other key centres connected by rail, such as at contemporary shopping centres owned by Vicinity Centres at the Glen, or those owned by Westfield at Southland, where the first 3 hours parking are free.; and
5. Writes to and engages with Vicinity Centres to discuss this opportunity, and seek its commitment, as a part of its corporate social responsibilities to further revitalising the Frankston Activity Centre.

The Deputy Mayor left the meeting at 9:19 pm.

Carried Unanimously

The Deputy Mayor was not present in the meeting at the time of voting

15. LATE REPORTS

Nil

16. URGENT BUSINESS

Nil

17. CONFIDENTIAL ITEMS

Nil Reports

Chairperson's initials

QUESTION TIME**Questions received without Notice**

The following questions without notice were received for the Council Meeting 2024/CM11 – 19 August 2024. In accordance with the *Public Submissions and Question Time Policy*, the questions and responses are published below:

Keira Reijn**Question 1-3**

Re item 7.1 Projects for submission to Thriving Suburbs grant program,

1. Will Nairm Marr Djambana's funding revert back to the previously committed \$2m, if they are unsuccessful in securing the full 90% funding from the Thriving Suburbs Program?
2. Will FCC, commit to funding Nairm Marr Djambana, Masterplan Stage 2, and Stage 3?
3. Why has Nairm Marr Djambana's funding been reallocated before alternative funding has been successfully found?

Response

Arising from the discussions at the Council meeting, an amendment was made to the adopted resolution in order to remove any doubt that Council's \$2M commitment to Nairm Marr Djambana would indeed be reinstated in the event that Nairm Marr Djambana's application to the Thriving Suburbs Grant was unsuccessful.

In regard to the funding, Council resolved to support Nairm Marr Djambana's application to the Thriving Suburbs grant program for the delivery of Stage 1.B (ie. a \$7.5m project that requires a \$750k allocation from Council). As identified above, if this is unsuccessful, Council will reinstate its \$2M commitment to the project.

Maria Bikos**Question 1**

Re item 7.1 Projects for submission to Thriving Suburbs grant program,

Why is council proposing to reduce much needed funding towards the building of a fit-for-purpose facility at Nairm Marr Djambana for First Nations community which uniquely follows the proven Social & Emotional Wellbeing model of care?

Response

Council is strongly committed to supporting the work of Nairm Marr Djambana, and resolved to support Nairm Marr Djambana's application to the Thriving Suburbs grant program for the delivery of Stage 1.B (ie. a \$7.5m project that requires a \$750k allocation from Council).

Arising from the discussions at the Council meeting, an amendment was also made to the adopted resolution in order to remove any doubt that Council's \$2M commitment to Nairm Marr Djambana would indeed be reinstated in the event that Nairm Marr Djambana's application to the Thriving Suburbs Grant is unsuccessful. Therefore, please be assured, there is no reduction in the funds that Council has committed to the Nairm Marr Djambana redevelopment.

Aunty Yvonne Luke

Question

Re item 7.1 Projects for submission to Thriving Suburbs grant program,

Will Council resolve to re-instate the commitment of \$2million to Nairm Marr Djambana towards construction of the purpose-built Gathering Place in Council's application for grant funding for the Bruce Park and Len Phelps Pavilion is unsuccessful?

Response

Arising from the discussions at the Council meeting, an amendment was made to the adopted resolution in order to remove any doubt that Council's \$2M commitment to Nairm Marr Djambana would indeed be reinstated in the event that Nairm Marr Djambana's application to the Thriving Suburbs Grant is unsuccessful.

Deb Mellet

Question

Re item 7.1 Projects for submission to Thriving Suburbs grant program,

Will Council resolve that in the event of unsuccessful grant application(s) under the Thriving Suburbs program for the Nairm Marr Djambana Gathering Place, the funding in this agenda will revert to the previously committed amounts made at the September 11 Council Meeting pending revised costing in the next long term infrastructure plan review and annual budget adoptions. To support Councils practice of seeking equal funding contributions

Response

Arising from the discussions at the Council meeting, an amendment was made to the adopted resolution in order to remove any doubt that Council's \$2M commitment to Nairm Marr Djambana would indeed be reinstated in the event that Nairm Marr Djambana's application to the Thriving Suburbs Grant was unsuccessful.

