



**MORNINGTON
PENINSULA**
Shire

AGENDA

COUNCIL MEETING

TUESDAY, 18 OCTOBER 2022

5.30PM

**MUNICIPAL OFFICES
BESGROVE STREET, ROSEBUD**

MORNINGTON PENINSULA SHIRE COUNCIL

WARDS AND COUNCILLORS

Briars	Cr Steve Holland Cr Anthony Marsh Cr Despi O'Connor
Cerberus	Cr Lisa Dixon
Nepean	Cr Susan Bissinger Cr Sarah Race
Red Hill	Cr David Gill
Seawinds	Cr Antonella Celi Cr Kerri McCafferty Cr Debra Mar
Watson	Cr Paul Mercurio

SENIOR LEADERSHIP TEAM

Mr John Baker Ms Pauline Gordon Ms Sam Stanton Mr Mike McIntosh	Chief Executive Officer Director – Community Strengthening Director – Corporate Strategy and Business Improvement Director – Planning and Infrastructure
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RECORDING

Please note that this Council Meeting will be livestreamed to the Mornington Peninsula Shire's YouTube channel and a recording of the meeting will be available on the Shire's website.

Recording of persons in the public gallery is not intended but may occur incidentally. By attending this meeting you consent to being filmed at the meeting and the possible use of subsequent recordings in a live streaming or published video of the meeting.

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1 OPENING AND WELCOME

Appointed Chairperson – Mayor, Cr Anthony Marsh

1.1 Acknowledgement of Country

To be read by Cr McCafferty

Mornington Peninsula Shire acknowledges the Bunurong people, who have been the custodians of this land for many thousands of years; and pays respect to their elders past and present. We acknowledge that the land on which we meet is the place of age-old ceremonies, celebrations, initiation and renewal; and that the Bunurong peoples' living culture continues to have a unique role in the life of this region.

2 PROCEDURAL MATTERS

2.1 Apologies

2.2 Disclosure of Conflicts of Interest Pursuant to Sections 126 – 131 of the *Local Government Act 2020*

2.3 Confirmation of Minutes

RECOMMENDATION

That the Minutes of previous Council Meetings held on 4 and 7 October 2022, be confirmed.

2.4 Council Decision Register

- Attachment(s)
1. 2019 Council Decision Register Summary
 2. 2020 Council Decision Register Summary
 3. 2021 Council Decision Register Summary
 4. 2022 Council Decision Register Summary

PURPOSE

Council has requested a Decision Register for all its Council resolutions to be maintained by Shire Team Leaders and Managers.

Attached are Summaries of the 2019-2022 Decision Registers (Attachments 1-4) as at 10 October 2022.

RECOMMENDATION

That Council receives and notes the Decision Register Summaries for 2019-2022 (Attachments 1-4) as at 10 October 2022.

2.5 Public Question Time

Questions from the public shall be dealt with at commencement of the meeting.

The aim of public question time is to provide an opportunity for the public to ask general questions at Council Meetings requiring routine responses. Questions are received without notice and are responded to without research or reference to Council records.

Questions must be in writing, with the person submitting the question to be in the public gallery at the time.

Questions which contain material that relates to specific people or properties will be summarised at the discretion of Council.

Responses to public questions answered at the meeting, will be general in nature, provided in good faith and should not exceed two minutes. These responses will be summarised in the minutes of the meeting.

Questions requiring research or a detailed reply will be provided a written response as soon as possible following the meeting from the nominated officer. These written responses will be collated for each meeting and available via the Shire's website.

This segment does not substitute for appeal or other formal business procedures with the Council.

3 MANAGEMENT REPORTS

CORPORATE STRATEGY & BUSINESS IMPROVEMENT

3.1 2021-2022 Annual Report

Prepared By	Adam Wenczel, Innovation and Organisational Performance Officer
Authorised By	Director - Corporate Strategy and Business Improvement
Document ID	A11355202
Briefing Note Number	Not Applicable
Attachment(s)	1. 2021-22 Annual Report

EXECUTIVE SUMMARY

The purpose of this report is to present the 2021/2022 Annual Report (Attachment 1) to a meeting of Council which is open to the public, in accordance with section 100 of the *Local Government Act 2020* (the Act).

RECOMMENDATION

That Council, having considered its contents, receives, and notes the 2021-22 Annual Report (Attachment 1).

COUNCIL & WELLBEING PLAN

The 2021-22 Annual Report outlines progress against each of the three Council and Wellbeing Plan's Themes, Strategic Objectives, Strategies and Strategic Indicators.

RELEVANT COUNCIL DECISIONS AND POLICIES

Not applicable.

Background

The 2021-22 Annual Report was prepared under sections 98 and 99 of the Act and contains:

- A report of operations of the Council
- Audited performance statement
- Audited financial statement
- Copies of the auditor's reports on the financial and performance statements.

Council must subsequently consider the Annual Report at a meeting of Council open to the public in accordance with section 100 and for the purposes of section 18(1)(d) of the Act, the Mayor must report on the implementation of the Council and Wellbeing Plan by presenting the Annual Report at a Council meeting open to the public.

3.1 (Cont.)

At the time of preparing this report Council officers were waiting on final confirmation from the Victorian Auditor-General's Office (VAGO) regarding the inclusion of the changes to the audited financial and performance statements and were yet to receive copies of the official VAGO certification for inclusion in the audited financial and performance statements.

Applicable signatures for inclusion by the Mayor, Deputy Mayor and Chief Executive Officer (CEO) will then be obtained as there have been changes to what was previously taken to Council on 6 September 2022. It is foreshadowed that confirmation of this material will be supplied to Council via an Addendum to the Agenda for the Council Meeting being held on 18 October 2022.

DISCUSSION**Annual Report Highlights**

The activities outlined in the 2021-22 Annual Report demonstrate the ways in which Council has not only sought to respond to the challenges presented by the COVID-19 pandemic but maintained its focus on service delivery.

Challenges and highlights over the year include:

- COVID-19 continued to present our staff and community with challenges as we readjusted to an ever-changing world. We had to modify services to ensure the safety of our community and volunteers whilst trying to maintain our focus on getting on with the job of delivering on our new 2021-2025 Council and Wellbeing Plan and supporting the community with a \$10 million COVID recovery package.
- Council spent an additional \$3.5 million to mitigate the damage caused by the October storm events during the year. With over 3,000 calls for assistance, we had up to 12 teams, plus sub-contractors, working up to seven days a week to inspect and remove dangerous trees and debris.
- Three-hundred and forty-three residents made 461 visits through our Local Economy Booster Program with \$82,768 injected into the local tourism economy, giving Peninsula tourism operators a much-needed boost.
- As part of our commitment to the economic recovery of the Peninsula, Council committed \$10 million funding to complete the missing links for a 100 kilometres world class cycling and walking destination. We successfully advocated for \$7 million in funding from the Victorian and Australian Governments and will continue to advocate for the remaining \$33 million to complete the missing links.
- Council offered a range of grants to support the community and our Community Investment Funding for the 2021-22 financial year reached \$2.658 million.
- Council partnered with Chisholm TAFE, Frankston Mornington Peninsula Local Learning and Employment Network and the Brotherhood of Saint Laurence to address staff shortages in the hospitality sector. Two entry-level hospitality short courses were created and delivered over the year with 40 people completing a course.
- The CEO and Mayor met with various election candidates leading up to Federal and State elections to advocate on behalf of our community and present each candidate with an information pack outlining Council's advocacy priorities for the Peninsula.
- Council supported the community who successfully campaigned to save Flinders Pier with the Victorian Government announcing in the year \$1.5 million would be allocated to restore the timber Flinders Pier.

3.1 (Cont.)

- Council completed a number of capital works projects, including the Somerville Active Recreation Hub, Stage 4 of the Hastings Streetscape Renewal project and our award-winning Rye Coastal Foreshore Biofiltration project.
- Yawa Aquatic Centre was named 'Community Facility of the Year' at the 2022 Parks and Leisure Australia Awards of Excellence. This award recognises facilities demonstrating innovative features of design, development and operation and it is a huge credit to our team and to the previous Council for its leadership.
- Council's financial position remains strong. We achieved a surplus and maintained a strong cash position while also paying down our loan liability. Council was able to deliver an underlying surplus of \$0.7 million in the 2021–22 financial year which is a reduction of \$6.9 million on the prior year. This surplus was achieved despite many challenges the Council faced through the year, the impacts of COVID-19, storm events and the changes in macroeconomic dynamics.

Options for consideration

Not applicable.

ENGAGEMENT

Not applicable.

COMMUNICATIONS PLAN

Media releases were sent out on 5 October 2022 and via Council's website, advising of the online availability of the 2021-22 Annual Report from the 19 October 2022 onwards and of Council's livestreamed meeting being held on the 18 October 2022, where the Annual Report will be presented.

The Annual Report and Council Meeting was promoted via:

- Peninsula Buzz newsletter – 1 October 2022
- Media release – 5 October 2022
- Website news item – 5 October 2022
- Newspaper advertorial – 11 October 2022
- Social media posts.

Once received and noted the 2021-22 Annual Report will be made available on the Shire's website.

LEGAL AND REGULATORY FRAMEWORK

In accordance with section 100 and for the purposes of section 18(1)(d) of the Act, the Mayor must report on the implementation of the Council Plan by presenting the annual report at a Council meeting open to the public within four months of the end of the financial year.

SUSTAINABILITY CONSIDERATIONS

Not applicable.

3.1 (Cont.)

FINANCIAL CONSIDERATIONS

Not applicable.

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

OFFICE OF THE CEO

3.2 Removal of Section 173 Agreement - Peninsula Aero Club Pty Ltd and Westernport Airfield Pty Ltd

Prepared By	Amanda Sapolu, Executive Advisor to the Chief Executive Officer
Authorised By	Chief Executive Officer
Document ID	A11512693
Briefing Note Number	Not Applicable
Attachment(s)	Nil

EXECUTIVE SUMMARY

Council and the Peninsula Aero Club (PAC) and Westernport Air Field Pty Ltd (WAF) have agreed to end the section 173 Agreement currently registered on title.

It was agreed between the parties, that the sum of \$350,000 be paid from the Council to the PAC in exchange for the relinquishment of any obligations, liabilities and exposure that the Council may face in relation to the section 173 Agreement.

RECOMMENDATION

That the Council notes this post settlement report titled ‘Removal of Section 173 Agreement – Peninsula Aero Club Pty Ltd and Westernport Airfield Pty Ltd’.

COUNCIL AND WELLBEING PLAN

Strategic Objective 1.4 – An accessible built environment that supports diverse, current and future community needs.

Strategic Objective 3.5 – A community that is well connected through sustainable, accessible and integrated transport options.

DISCUSSION

Purpose

To inform Council of a deed of settlement to remove a section 173 Agreement from title.

Background

Council entered into a section 173 Agreement under the *Planning and Environment Act 1987*, with the PAC and the WAF on 5 August 2002. The section 173 is attached to the land at 98 Stuart Road Tyabb, the Tyabb Airfield.

The primary purpose of the Agreement was to provide funding for the PAC to enable them to seal the north-south runway at the Airfield, and the mechanism for them to reimburse Council. The Agreement also included obligations on the PAC (carry out improvements on the runway; develop and implement a business plan; share the profits of air shows; allow the airfield to be used for various emergency services; actively pursue funding): and obligations

3.2 (Cont.)

on the Council (support and encourage the location and the development of activities; develop and maintain effective planning controls; supervise the construction of the initial sealing; include the runway into Council's asset base; undertake an inspection; pursue funding; and meet the costs of routine and cyclic maintenance).

Items that were considered

The section 173 Agreement was indefinite, albeit with some provisions expiring 20 years from the date of commencement.

Given the impending expiry of some of the provisions, Council undertook a review of the Agreement in its entirety.

In considering the Agreement, Council considered:

- Its ongoing and indefinite obligations under the Agreement.
- Its obligations in relation to the maintenance and inspections of the runway.
- The continuing risk and liability relating to the runway.
- Any implied obligation to make the runway safe.
- Potential costs in relation to any potential litigation arising out of the Agreement.

After considering the potential risk, legal exposure and costs associated with each of these considerations, Council made a determination to terminate the section 173 Agreement. This would:

- Finalise any obligations Council may have under the Agreement.
- Remove any future liability.
- Remove any potential litigation risks and costs.

Under the *Planning and Environment Act 1987*, a section 173 Agreement can be ended by mutual agreement of the parties or at the direction of the Tribunal.

Council determined that ending by mutual agreement would be preferable and that Council should attempt to negotiate with the PAC.

ENGAGEMENT

Accordingly, Council undertook a negotiation with the PAC and WAF to negotiate the mutual termination of the section 173 Agreement.

This negotiation resulted in an agreement from the PAC and the WAF to terminate the Agreement on payment of \$350,000 to reflect the considerations outlined above.

COMMUNICATIONS PLAN

Appropriate communications have been drafted.

LEGAL AND REGULATORY FRAMEWORK

On payment of the amount, the relevant forms were lodged with the Titles Office to have the section 173 agreement removed from title.

3.2 (Cont.)

SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

Council made payment of \$350,000 to the PAC as a negotiated settlement amount to terminate the section 173 Agreement.

This amount needs to be considered alongside any avoided costs including:

- Costs associated with ongoing obligations.
- Costs of litigation attached to personal or property damage attributable to the runway resulting from Council inspection or maintenance.
- Costs involved in potential litigation resulting from a unilateral decision to exit the section 173 Agreement.
- Potential costs of having to re-seal the runway.

CONFLICTS OF INTEREST

No person involved in the preparation of this report has a conflict of interest in the subject matter of this report.

PLANNING & INFRASTRUCTURE

3.3 Draft Recreational Facilities for Mountain Bike and BMX Strategy

Prepared By	Jayne Robinson, Recreation Planning and Project Officer
Authorised By	Director - Planning and Infrastructure
Document ID	A11480828
Briefing Note Number	BN1641 – 13 September 2022
Attachment(s)	<ol style="list-style-type: none">1. Draft Recreational Facilities for Mountain Bike and BMX Strategy2. Risk Management Plan- Pilot Program

EXECUTIVE SUMMARY

The draft Recreational Facilities for Mountain Bike and BMX Strategy (draft Strategy) (Attachment 1) outlines a strategic plan to guide the future provision, distribution and standard of recreational bike park facilities (skills parks, pump tracks and dirt jumps) across the Mornington Peninsula to assist in meeting the community's need for more informal recreation opportunities.

A key component of the draft Strategy is the implementation of a six week Dirt Jumps Pilot Program to be held at Citation Reserve, Mount Martha from 30 October to 11 December 2022. This program will test the concept of the community playing an active role in the building and maintenance of a dirt jumps site with the support, training and guidance from experienced trail and jump educators. The outcomes will inform the final strategy in relation to the development and management of local community-built dirt jumps and whether local level dirt jump sites can be community built.

RECOMMENDATION

That Council:

1. **Place the draft Recreational Facilities for Mountain Bike and BMX Strategy (Attachment 1) on public exhibition for a period of 6 weeks from 20 October to 1 December 2022.**
2. **Endorse the commencement and delivery of the six week Dirt Jumps Pilot Program at Citation Reserve, Mount Martha from 30 October until 11 December 2022.**

COUNCIL AND WELLBEING PLAN

This aligns with the Council and Wellbeing Plan, in particular:

- Theme 3 – Strategic Objective 3.4: A flourishing, healthy and connected community with vibrant arts, culture, sport and recreational opportunities that foster connections and participation across generations, backgrounds and abilities.

RELEVANT COUNCIL DECISIONS AND POLICIES

Not applicable

3.3 (Cont.)**DISCUSSION****Purpose**

The purpose of this report is to seek Council endorsement to place the draft Recreational Facilities for Mountain Bike and BMX Strategy (Attachment 1) on six weeks public exhibition. Including the commencement of the 6-week Dirt Jumps Pilot Program at Citation Reserve.

The draft Strategy proposes the following number of sites under the facility hierarchy of Local, District and Regional:

- Local Level – Up to nine sites (the number of sites is dependent on demand and the outcomes of the Citation Reserve Dirt Jumps Pilot Program, as to whether these sites are to be Council built or community built)
- District Level – Up to four sites
- Regional Level – One site is desirable.

Background

Over the past two years (mainly during COVID lockdowns) there has been a high number of reports of illegal dirt jumps being built by the community across the Mornington Peninsula Shire (Shire), with the majority occurring in the Northern Planning Area, particularly in Mount Martha and Mornington where no bike park facilities exist.

The Shire has a responsibility to ensure the safety of the community and to minimise environmental impacts, and as such is currently removing the jumps. This has resulted in significant community feedback, some positive with majority negative.

Following the above, '@leisure Planners' a leading sport, leisure, and open space consultancy company with significant experience in this area were engaged to assist in the development of the new Recreational Facilities for Mountain Bike and BMX Strategy. The purpose of this Strategy (Attachment 1) is to ensure dirt jumps, skills parks and pump tracks are in appropriate locations and designed together with the community.

A key finding from initial consultations held in 2021 found that the community (mainly children) want to be involved in the building of dirt jumps and want to know where they are allowed to build, as this is what they enjoy the most along with riding the jumps.

Given that the Shire currently does not have the internal capacity and the required expertise to support the community in safely building dirt jumps, @leisure Planners have been engaged to assist in the set up and delivery of a six week Dirt Jumps Pilot Program at Citation Reserve. This site was chosen as the Mount Martha area was a hot spot where the majority of community-built jumps were reported.

This has also led to engaging with Cycling Australia who support the pilot program project along with trail building company Trailscapes, who are providing experienced trail educators to work with the community in safely building the dirt jumps at Citation Reserve, as per the Risk Management Plan (Attachment 2).

The outcome/findings of the pilot program will inform the final strategy on Council's future approach to managing community-built dirt jumps.

3.3 (Cont.)**Addressing Risk- Pilot Program**

Officers across multiple teams, including Legal and Risk Teams, have worked together to complete a detailed review of the risks associated with the Pilot Program. Full details of this are incorporated into the Risk Management Plan (Attachment 2).

The key risks identified and how they are being addressed are:

Failure to manage Occupational Health and Safety on site:

This is being mitigated through implementing controls such as the employment of two experienced trail and jump educators to supervise and educate the community (mainly children) during three planned sessions in the six week period on how to safely build the jumps.

The trail and jump educators' will also be completing weekly inspections of the site to check the community (mainly children) is maintaining the site safely and that the jumps are as per Council's agreed parameters (page 54 in Attachment 2).

Safety signage will be installed on site (Appendix 4, page 66, Attachment 2) and participants will be required as part of registering (via the Shire's website) to be involved in the program to sign off on a code of conduct form (page 52, Attachment 2) and waiver (page 57, Attachment 2).

Required level of insurance for the Pilot Program has also been put in place (page 55, Attachment 2).

Environmental damage to the site:

This is being mitigated by working in partnership with the Natural Systems Team on selecting a specific area within Citation Reserve as an appropriate site for this activity. The trail educators during the three planned sessions will also educate the children about vegetation protection and its importance. The jumps will be built by the appropriate soil, which will be delivered to site, this will allow for no digging to occur in the existing ground/vegetation.

Options for consideration

- Proceed with the six week Pilot Program to test the concept, as to whether local level dirt jumps can be built and maintained with community (mainly children) involvement.
- Not proceed with the Pilot Program and Council to continue to plan, construct and manage these types of facilities via the existing Capital Works process.

ENGAGEMENT

The following external consultation was undertaken in 2021 by @leisure Planners in partnership with Shire officers and has been key in developing the draft strategy (Attachment 1) and the pilot program.

- Interviews with Parks Victoria, Red Hill Riders, Mornington Cycling Club, Balcombe Estuary Reserves Group, schools, Youth Advisory Committee, Somers Bike Park Community Project, Hillview Quarries, AusCycling and Municipal Association of Victoria insurers.
- Community feedback obtained via the Shire's Recreational Facilities for Mountain Bike and BMX Shape Web page, which was also promoted through social media platforms and school posters. This led to 4,219 individual visitors.

- Phone calls to community members who left their contact details in their submissions.
- Benchmarking with other Local Government Areas – Cardinia, Casey, Frankston, Moonee Valley, Rural City of Wangaratta, Greater Bendigo, Hornsby, Adelaide and Northern Beaches.

COMMUNICATIONS PLAN

Community consultation on the draft Strategy and advertisement of the pilot program will be completed via the following methods:

- The Shire's Shape webpage (there will be a webpage inviting community feedback on the draft Strategy and a separate web page with information and registration details for members of the community that would like to participate in the Pilot Program. Both pages will also include links to one another).
- Social media posts
- Media releases
- Signage installed at Citation Reserve
- Posters.

LEGAL AND REGULATORY FRAMEWORK

The Council's obligations under the *Occupational Health and Safety Act 2004* (Victoria) were duly considered. To that effect, a Risk Management Plan was prepared. A copy of the final plan is attached to this report (Attachment 2).

SUSTAINABILITY CONSIDERATIONS

The draft Strategy supports a sustainable approach for the future development of recreational bike park facilities.

The implementation of the strategy will consider a range of sustainability criteria, including but not limited to climate change, biodiversity, cultural heritage, Environment Sustainable Design initiatives and also include Environmental Protection Authority for potential sites previously used for landfill or other commercial uses.

The future development of more bike park facilities will further benefit the community's social, health and wellbeing.

FINANCIAL CONSIDERATIONS

The costs associated with the Citation Reserve Dirt Jumps Pilot Program are covered in the Mountain Bike and BMX Strategy Budget. Indicative bike park construction costs are shown on page 41 section 7.2 in the draft Strategy. A more detailed implementation and cost plan will be included in the final Strategy that is anticipated to be brought to Council to consider for adoption in early 2023.

CONFLICTS OF INTEREST

No person involved in the preparation of this report has a conflict of interest in the subject matter of this report.

3.4 Draft Coastal and Marine Management Plans - Flinders, Mount Eliza and Portsea

Prepared By	Isabelle Spinks, Coastal Planner; Hayden Forrest, Coastal Planner; Gerard Cook, Coastal Planner
Authorised By	Director - Planning and Infrastructure
Document ID	A11480813
Briefing Note Number	BN1642
Attachment(s)	<ol style="list-style-type: none">1. Draft Flinders Coastal and Marine Management Plan2. Draft Mount Eliza Coastal and Marine Management Plan3. Draft Portsea Coastal and Marine Management Plan

EXECUTIVE SUMMARY

The draft Flinders, Mount Eliza and Portsea Coastal and Marine Management Plans (draft CMMPs) are being presented to Council for consideration and to seek endorsement to commence public exhibition. Public exhibition is planned to run for a period of six weeks from 21 October 2022 to 4 December 2022.

RECOMMENDATION

That Council resolves to place the draft Coastal and Marine Management Plans for Flinders, Mount Eliza and Portsea (Attachments 1-3) on public exhibition for six weeks from 21 October 2022 to 4 December 2022.

COUNCIL AND WELLBEING PLAN

Theme 1: A healthy natural environment and well-planned townships

Strategic Objective 1.1: An accessible and unique natural environment that helps our community to be healthy and well.

Strategic Objective 1.2: A healthy ecosystem, in which our coastline, bushland, wildlife and green wedge is resilient to the climate emergency and development.

Strategic Objective 1.3: A sustainable built environment that respects the natural environment and protects the community from the impacts of the climate emergency.

Strategic Objective 1.4: An accessible built environment that supports diverse, current and future community needs.

RELEVANT COUNCIL DECISIONS AND POLICIES

The development of Coastal and Marine Management Plans are a statutory requirement for the foreshore reserve Committees of Management under the *Marine and Coastal Act 2018* (the Act).

3.4 (Cont.)**DISCUSSION****Purpose**

The purpose of this report is to present the draft CMMPs for Flinders, Mount Eliza and Portsea to Council and seek endorsement for public exhibition.

Background

The draft CMMPs set the future direction for the sustainable management of the Flinders (Attachment 1), Mount Eliza (Attachment 2) and Portsea (Attachment 3) foreshore reserves, having regard to the interests of all users and to State, regional and local policies and strategic directions, including the Marine and Coastal Policy 2020.

The draft CMMPs address and respond to local community issues and needs and provide practical management options. The draft CMMPs provide clear strategies to manage increasing demands of the foreshore areas, including the pressures associated with managing areas subject to the increasing effects of a changing climate.

The development of the draft CMMPs began in November 2021 and has involved extensive community consultation, including meetings with key stakeholders, local volunteer community groups and lease holders. Initial consultation sessions were held with interested members of the community between January and May 2022 followed by targeted workshops to refine issues and actions held between May and July 2022.

The public also had the opportunity to provide feedback through online surveys which were published on the Mornington Peninsula Shire (the Shire) website and community pop-ups. Summaries of each key engagement activities including a list of all stakeholders are provided in Attachment A within each of the draft CMMPs.

The recommendations in the draft CMMPs have been developed from the feedback received during the community consultation and have been broken into the following five objectives which align with the Marine and Coastal Policy 2020:

1. Acknowledge Traditional Owners' rights, aspirations and knowledge.
2. Protect and enhance the marine and coastal environment.
3. Respect natural processes and strengthen resilience to climate change.
4. Use and develop sustainably.
5. Stewardship of collaborative management.

The objectives are supported by goals that act as overarching principles to be considered for any decision making, planning, works or initiatives over the next five to ten years. Specific actions that describe the projects and tools used to achieve the objectives over the next five years are also included.

Concurrent development of the draft CMMPs identified challenges and opportunities which are repeated at various locations. Therefore, the draft CMMP actions have been defined at three scales:

- Shire-wide actions – Applicable across the Shire and developed through coordination of the draft CMMPs.
- Region-wide actions – Specific for each draft CMMP area.

3.4 (Cont.)

- Precinct actions – Specific to locations within each draft CMMP area.

Please refer to the attachments for details of the specific actions included within the draft CMMPs.

ENGAGEMENT

Extensive engagement was completed between January and July 2022 to better understand values, issues and opportunities. This initial round of engagement was well received by the community, resulting in 220 written responses (120 for Mount Eliza, 50 for Flinders and 50 for Portsea) from the broader community and additional feedback from a range of stakeholders including:

- Coastal Advisory Groups.
- Department of Environment, Land, Water and Planning.
- Parks Victoria.
- Victorian Fisheries Association.
- Local license and lease holders.

Bunurong Land Council Aboriginal Corporation have also provided input and advice during the development of the draft CMMPs and will continue to be involved throughout the CMMP development and future implementation. This will ensure Traditional Owner rights, aspirations and cultural values are understood and embedded in future management of our foreshore reserves.

Further details on the engagement completed to date are provided in Attachment A within each draft CMMPs.

During the six-week public exhibition period, further engagement with the community, stakeholders and rights holders will be completed.

COMMUNICATIONS PLAN

When the draft Plan is on public exhibition, the community will be informed and encouraged to provide feedback via the following ways:

- Project webpage on 'Shape' – <https://shape.mornpen.vic.gov.au/coastal-and-marine-management-plans>.
- On-site signs and footpath decals.
- Social media channels.
- Local newspaper advertisement.
- On-site 'pop-up' engagement events.
- Direct contact with local stakeholder groups.

LEGAL AND REGULATORY FRAMEWORK

Council is obligated to manage coastal Crown Land, that it is the Committee of Management for, in accordance with the *Marine and Coastal Act 2018*, *Marine and Coastal Policy 2020*,

3.4 (Cont.)

Siting and Design Guidelines for Structures on the Victorian Coast 2020 and Marine and Coastal Strategy 2022.

SUSTAINABILITY CONSIDERATIONS

Our foreshore reserves provide vital economic, cultural, social and environmental values to the community and visitors.

Council has a responsibility to plan and manage our foreshores in a way that protects and enhances these values, taking into consideration the increasing impacts of climate change.

FINANCIAL CONSIDERATIONS

To date, the development of the draft CMMPs has cost approximately \$180,000. This does not include Officer time or time contributed by stakeholders, Coastal Advisory Groups, or government agencies.

The costs associated with putting the draft CMMPs out for public exhibition are covered by the remaining available budget.

CONFLICTS OF INTEREST

No person involved in the preparation of this report has a conflict of interest in the subject matter of this report.

3.5 CN2645 - Alexandra Park Pavilion Upgrade

Prepared By	Sam Polatidis, Team Leader - Project Delivery (Northern Peninsula)
Authorised By	Director - Planning and Infrastructure
Document ID	A11483623
Briefing Note Number	Not applicable
Attachment(s)	1. Tender Assessment (confidential)

EXECUTIVE SUMMARY

The purpose of this report is to recommend the acceptance of a tender submission for the redevelopment of Alexandra Park Pavilion, Mornington.

RECOMMENDATION

That Council:

1. **Having considered all tender submissions, hereby accepts the tender submission received from Tenderer B for the lump sum value of \$XXX plus \$XXX GST being for CN2645 – Alexandra Park Pavilion Upgrade, Mornington which includes the recommended tender options listed within this report.**
2. **Approves the contingency sum identified within the confidential section of this report, which is not to be disclosed to the tenderer until and if required by a contract variation.**
3. **Delegates the execution of the contract for the awarded tender to the Chief Executive Officer pursuant to section 11 of the *Local Government Act 2020*.**

Part B

That Council resolves that Attachment 1 to this report be retained as a confidential item, pursuant to section 3 (1) (g) (ii) of the *Local Government Act 2020* as it contains private commercial information that if released would unreasonably expose the business, commercial or financial undertaking to disadvantage.

COUNCIL & WELLBEING PLAN

This project responds to a range of community outcomes and strategic themes outlined in the Council and Wellbeing Plan 2021-2025.

Theme 1: A healthy natural environment and well-planned townships

- Strategic Objective 1.3: A sustainable built environment that respects the natural environment and protects the community from the impacts of the climate emergency.
 - 1.3.4 Implement the Environmentally Sustainable Design Policy for Shire buildings and civil works.
- Strategic Objective 1.4: An accessible built environment that support diverse, current and future community needs.

3.5 (Cont.)

- 1.4.1 Apply universal design principles in the construction, refurbishment and use of Shire owned facilities, public spaces and open spaces.
- 1.4.2 Build and maintain Shire infrastructure and facilities based on community needs and facility condition.

Theme 3: A flourishing, healthy and connected community

- Strategic Objective 3.2: A resilient and confident community where everyone connects and is supported.
 - 3.2.4 Increase social connection and reduce social isolation in our community
- Strategic Objective 3.3: A community in which people from all generations, backgrounds and abilities can access local services.
 - 3.3.3 Deliver programs, services and events that engage and empower children, young people and their families.
 - 3.3.6 Advocate for more local services to meet current and future community need.

RELEVANT COUNCIL DECISIONS AND POLICIES

At the Council Meeting held on 29 January 2019, Council resolved to:

1. *That Council commits to matching the \$2 million of Federal Government funding on offer for the Alexandra Park Pavilion redevelopment project.*
2. *That the Alexandra Park Pavilion redevelopment project is included in the 2019/2020, 2020/2021 and 2021/2022 capital works programs with a total project cost of \$4.6 million. This would include Council funding of \$2 million, Federal Government funding of \$2 million, Alexandra Park Project group funding of \$500,000 and \$100,000 from the Australian Football League Victoria.*
3. *Officers commence the process for developing an incorporated plan and having it inserted within the schedule to the Public Park and Recreation Zone.*
4. *That officers explore the option of delivering the project under a community capital model together with Alexandra Park Project Group.*
5. *That a Memorandum of Understanding be formalised between Council, the Alexandra Park Project Group and The Bays Hospital to confirm funding commitments, usage and parking.*

To deliver this hybrid building it was required to seek a planning scheme amendment as Alexandra Park is zoned Public Park and Recreation Zone (PPRZ) and the inclusion of the medical consulting suites for The Bays Healthcare Group did not fit within the existing Mornington Peninsula Planning Scheme.

Council proceeded with the planning scheme amendment process for this project. After several years, in February 2022, the planning scheme amendment was approved by the Victorian State Government.

COLLABORATIVE PROCUREMENT

- Not applicable.

3.5 (Cont.)**DISCUSSION****Purpose**

The purpose of this report is to recommend the acceptance of a tender submission for the redevelopment of Alexandra Park Pavilion, Mornington.

Tenders have been received for the construction works and following evaluations by a panel of Council officers, a recommendation is made for acceptance of a tender submission.

Background

In 2018 Council identified that Alexandra Park Pavilion in Mornington was in need of redevelopment due to poor condition and noncompliant sporting facilities and amenities. The original scope of works was an internal refurbishment of these noncompliant facilities \$1.3 million.

In 2019 Council in conjunction with the Alexandra Park Project Group (Community Group), The Bays Hospital and Greg Hunt, Federal Minister for Health, identified an opportunity which would result in a funding contribution of \$2.6 million towards the Alexandra Park Pavilion Redevelopment Project. The opportunity would provide for health/medical consulting suites within the pavilion for exclusive use by The Bays Hospital, as well as a multi-use shared space and other supporting facilities within the pavilion.

To include space for The Bays Hospital within the pavilion, it was identified that the scope of works would need to change to the demolition of the current pavilion and construction of a two-story building. This new building would provide the necessary sporting facilities for a multi-use function space, with four consulting suites and a rehab space for The Bays Hospital.

Council at its meeting held 29 January 2019, resolved to proceed with the new scope of works. This included the need to seek a Planning Scheme amendment to accommodate the four medical suites.

The planning scheme amendment process was approved in February 2022, by the Victorian State Government.

Detailed plans and specifications were developed under the direction of a project steering group consisting of key stakeholders: Alexandra Park Project Group, The Bays Hospital and Shire officers. Consultant James Millar Architects and Turner and Townsend are providing architectural and building contract administration services respectively.

The Alexandra Park Pavilion design includes the following key spaces:

- Home and away change rooms
- Umpires change rooms
- Kitchen kiosk
- Office
- Rehabilitation/Gym room
- Football, cricket and netball storerooms
- Public toilets

3.5 (Cont.)

- Social room
- Reception
- 4 Medical consulting suites
- Providing *Disability Discrimination Act 1992* (DDA) compliant access to the building
- Upgrade of the existing car park.

The new double story building features sustainable design initiatives including low energy lighting, solar panels and efficient heating and cooling to reduce greenhouse emissions. Appropriate use has been made of windows for natural lighting and ventilation. Water savings will be achieved using water-efficient taps and cisterns. Gas has been eliminated from the site in accordance with Council's Environmental Sustainable Design Policy.

Options recommended for acceptance

The following tender options have been included in the contract:

- Feature suspended ceiling baffles in multipurpose room in lieu of perforated plaster ceiling.
- New Balcony to Multipurpose Room.
- Landscaping works, including timber deck, bleachers seating, additional pathways and street furniture.
- Provision of temporary amenities and change room.

This project is jointly funded between the Victorian State Government's Growing Suburbs Fund (\$2.9 million), The Bays Hospital (\$2.6 million) and the Mornington Peninsula Shire Capital Works program, Alexandra Park Project Group (\$400,000) and AFL Victoria (\$100,000).

TENDER INVITATION

The tender was released to the market on 2 July 2022 via The Age, the Shire's website and Tenderlink.

The tender closed at 3.00pm on 3 August 2022.

Two submissions were received.

TENDER EVALUATION

Zero submissions did not pass mandatory gateways or were deemed to be non-conforming submissions.

Both submissions progressed to the evaluation and were assessed against the following criteria:

Criteria	Weighting
Compliance with the RFT document	Pass/Fail
Independent financial assessment and capability	Pass/Fail

Willingness to undergo supplier verification	Pass/Fail
Extent of proposed departures from the Agreement	Degree of compliance
Previous Experience <ul style="list-style-type: none"> • Previous relevant experience with a value above \$5 million • A minimum of 1 similar project delivered within the last 2 years • A minimum of 1 similar project delivered within the last 2 years • Supporting documentation 	15%
Demonstrated Resources <ul style="list-style-type: none"> • Technical, managerial, and physical resources • Quality of the proposed organisation and management structure performing the contract • Demonstrated ability to comply with the construction specification 	15%
Approach and methodology <ul style="list-style-type: none"> • Construction Methodology • Risk management and mitigation principles • Level of Quality Assurance Certification 	15%
Program <ul style="list-style-type: none"> • Nominated Program and demonstrated capacity to deliver the services within the nominated construction period • Contractors' identification of key milestones and critical path • Duration of key tasks • Available date for commencement of work • Overall duration of works 	10%
Tender Price	45%

Evaluation was guided by an approved Evaluation Plan.

EVALUATION PANEL

The Evaluation Panel consisted of:

Name	Position	Role in Tender 2645
Derek Rotter	Manager – Project Delivery	Technical Advisor Non-Scoring

3.5 (Cont.)

Name	Position	Role in Tender 2645
Parteek Mittal	Project Manager	Scoring
Daniel Garrood	Project Planner	Scoring
Athanasios Karabatsas	Project Manager	Scoring
Sam Polatidis	Team Leader – Project Delivery Northern Peninsula	Scoring
Shing-Him Chan	Head Consultant (James Miller Architects)	Technical Advisor Non-Scoring
Holly Phillips	Sub Consultant (Plan Cost)	Technical Advisor Non-Scoring

CONTRACT VALUE

A lump sum contract has been adopted for the contract works. A detailed project specification has been documented.

A contract contingency amount nominated in the confidential section of this report is recommended to be included in the contract value.

TERM OF CONTRACT

It is anticipated that construction will commence in November 2022 and take approximately 14 months to finish the construction.

DELEGATED AUTHORITY ASSESSMENT

Yes/No	Instrument of Delegation Conditions
Yes	The full amount is within budget.
No	That the recommended tenderer is the lowest cost tender.
Yes	That the recommended tender is NOT the lowest cost tender and is >\$200,000.01 therefore Council determination required.

It has been determined in accordance with current Instruments of Delegation that Council will be the final decision-making authority.

CONFLICTS OF INTEREST

No person involved in the preparation of this report has a conflict of interest in the subject matter of this report.

3.6 Response to Notice of Motion 341 regarding Combustible Cladding

Prepared By Ashley Hansen, Team Leader - Municipal Building Surveyor
Authorised By Director - Planning and Infrastructure
Document ID A11521228
Briefing Note Number
Attachment(s) Nil

This report has been withdrawn and will be listed at a later date

COMMUNITY STRENGTHENING

3.7 Dogs in Public Places Policy

Prepared By	Talana Cook, Team Leader - Community Safety
Authorised By	Director - Community Strengthening
Document ID	A11472837
Briefing Note Number	BN1644 – 13 September 2022
Attachment(s)	<ol style="list-style-type: none">1. Draft Dogs in Public Places Policy2. Community Engagement Framework

EXECUTIVE SUMMARY

The development of a Dogs in Public Places Policy to ensure a consistent approach to assess the suitability and design of designated off leash and prohibited areas for dogs on Mornington Peninsula Shire (Shire) owned and managed land, is identified as one of the actions in the Shire's Domestic Animal Management Plan 2021-2025.

A draft Dogs in Public Places Policy (the Policy) has been developed and is now presented to Council to be released for public submissions (Attachment 1).

RECOMMENDATION

That Council releases the draft Dogs in Public Places Policy (Attachment 1) for public comment from 20 October 2022 to 1 December 2022.

COUNCIL AND WELLBEING PLAN

The Domestic Animal Management Plan and responsible animal management, including dog controls, support Theme 1: A healthy natural environment and well-planned townships of the Council and Wellbeing Plan 2021-2025.

RELEVANT COUNCIL DECISIONS AND POLICIES

Not applicable.

DISCUSSION

Purpose

The purpose of this report is to update Council on the development of the Dogs in Public Places Policy and to present Council with a draft Policy and seek approval for the draft to be released for public comment.

Background

Under section 26 of the *Domestic Animals Act 1994* (the Act) Council may by resolution make an order to:

- Prohibit the presence of dogs in any public place in the municipality.

3.7 (Cont.)

- Impose conditions on the presence of dogs in any public place in the municipality relating to:
 - Means of restraint.
 - Times at which the presence of dogs is or is not permitted.
 - Any other conditions specified in the order.

Council Orders made and Gazetted in 2007 and 2019 require that dog owners must keep dogs under effective control by means of a chain, cord or leash held by the owner and attached to the dog while the dog is in a reserve or public place, except where the reserve is a designated off leash area or a prohibited area. The 60 designated off leash areas and 94 prohibited areas in the municipality are set out in the aforementioned Orders.

Historically, determination of dog controls was largely done on an *ad hoc* basis which led to concerns from the community (supported by officers) that current controls, including signage, are inconsistent and confusing. As a result of these concerns Community Safety Officers conducted physical site audits of 154 leash free and prohibited areas to identify Gazettal anomalies, signage concerns and potential risks.

Development of the draft Policy

Outcomes of the site audits were discussed with internal stakeholders (Property Services, Coastal Planning, Foreshore Camping, Bushland Reserves, Natural Systems, Parks and Roadsides, Recreation Planning, Sport and Recreation and The Briars) to provide input on the issues identified.

During May 2021, a Have Your Say online survey was conducted with a view to developing the new Domestic Animal Management Plan. This survey also included questions relating to the development of the Dogs in Public Places Policy and an invitation to provide input into the development of the Policy.

On 29 November 2021 a workshop was held with Councillors to obtain their input into the development of the Policy.

An initial draft Policy was developed based on the outcomes of the site audits, as well as feedback received from the abovementioned internal stakeholders and the input from the community in the online survey. This draft was to be presented to Council on 8 February 2022 to release for public submissions; however, a decision was made to defer the matter as further discussion of the draft was required.

On 24 March 2022 a further workshop was held with Councillors to discuss their concerns and obtain further input on the initial draft Policy. During the workshop Councillors indicated that further consideration must be given to:

- The presence of dogs on sports fields and ovals.
- Dates and times of controls.
- Assessment criteria.

Based on the Councillor feedback received, amendments were made to the initial draft Policy. These amendments include:

- Leash free areas – bushland parks, reserves, and sporting grounds:

3.7 (Cont.)

- Wording around assessment criteria was updated to reflect recommendations, rather than requirements.
- Requirement that leash free areas be connected to local path network removed.
- Requirement to provide adequate parking and natural shade removed.
- Requirement for central location of leash free areas within proximity to populated areas removed.
- Leash free areas – beaches and foreshore areas:
 - Requirement for areas to be located near car parks and public toilets removed.
 - Requirement to ensure compatibility with activities and other users removed.
 - Requirement to not allow leash free areas at foreshore camping grounds removed.
- Dog prohibited areas:
 - Prohibition of dogs on sports grounds removed.
- Consistent dog control regulations:
 - Seasonal controls introduced instead of daylight-saving specific dates.

Dog control signage

The draft Policy sets out a procedure for prescribing or amending dog controls and proposes consistent, simplified, and easier to understand controls for Shire owned and managed sites. Signage requirements are also included in the Policy.

Financial considerations in relation to amended/updated signage is discussed on page 4 of the report.

ENGAGEMENT

Initial community input was sought during May 2021 via a Have Your Say online survey as described above.

If the recommendation to release the draft Policy for public comment is adopted, further community consultation will be conducted from 20 October 2022 to 1 December 2022.

COMMUNICATIONS PLAN

A Community Engagement Framework has been developed and is attached to this briefing note as Attachment 2. Community consultation on the draft Policy will be conducted from 20 October 2022 to 1 December 2022 via:

- The Shire's Shape our Future engagement platform.
- Hard copy surveys available at Service Centres.
- Written submissions received via the engagement platform, email or post.
- Community listening posts.

3.7 (Cont.)

- Targeted consultation with/invitations to key external stakeholders e.g. dog walking groups, vets and puppy training schools.
- Targeted consultation with/invitations to internal stakeholders.
- Corflute signs with QR codes in parks and foreshore areas inviting feedback.
- Leaflets with QR codes displayed/distributed via community notice boards.

The consultation will include what the changes in the draft Policy would mean for dog owners if it were adopted and implemented, including changes to dog controls and any associated impacts. This will enable residents to make informed commentary.

Other options for dog controls on beach and foreshore areas (e.g. alternative times dogs may be allowed leash free during summer) will be provided for consideration as part of the community consultation.

Feedback received will be analysed to determine possible amendments and the Policy will be presented to Council for adoption in early 2023.

LEGAL AND REGULATORY FRAMEWORK

Council Orders stipulating dog controls in the municipality are made under section 26 of the Act as discussed on the first page of this report.

SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

As part of the audit process mentioned above, officers identified incorrect signage that will have to be replaced. It should also be noted that changes made to current controls (e.g. changing to seasonal controls instead of current daylight-saving specific dates) will result in expenditure to replace existing signs in addition to the expenditure of replacing incorrect signage.

Data provided by the Asset Management team indicate that there are roughly 469 Council signs that contain information on dogs. Plate replacement cost for these signs vary, depending on the type and size of the sign. Below is a rough estimate of the cost to replace existing dog signage (plates only).

Location	Unit Cost Rate Code	Plate Replacement Cost (per plate)	Asset Count	Replacement cost
Building/OpenSpace	SGN_COMF	\$1,420	17	\$24,140
Building/OpenSpace	SGN_GU	\$339	41	\$13,899
Building/OpenSpace	SGN_INF	1602	1	\$1,602
Building/OpenSpace	SGN_REC	\$1,282	43	\$55,126
Building/OpenSpace	SGN_REG	\$266	167	\$44,422
Building/OpenSpace	SGN_TOT	\$400	10	\$4,000
Building/OpenSpace	SGN_WARN	349	11	\$3,839
Carpark	SGN_GU	\$339	1	\$339

3.7 (Cont.)

Carpark	SGN_PK	215	1	\$215
Carpark	SGN_REG	\$266	6	\$1,596
Foreshore	SGN_COMF	\$1,420	6	\$8,520
Foreshore	SGN_GU	\$339	7	\$2,373
Foreshore	SGN_REC	\$1,282	13	\$16,666
Foreshore	SGN_REG	\$266	68	\$18,088
Foreshore	SGN_TOT	\$400	10	\$4,000
Road Reserve	SGN_COMF	\$1,420	7	\$9,940
Road Reserve	SGN_GU	\$339	4	\$1,356
Road Reserve	SGN_INF	1602	1	\$1,602
Road Reserve	SGN_REC	\$1,282	13	\$16,666
Road Reserve	SGN_REG	\$266	37	\$9,842
Road Reserve	SGN_SEV	170	1	\$170
Road Reserve	SGN_ST	380	1	\$380
Road Reserve	SGN_TOT	\$400	3	\$1,200
Total plate replacement cost (estimated – existing plates only)				\$239,981
Foreshore plate replacement cost (estimated – existing plates only)				\$45,647

The Shire's corporate signage budget will be utilised to fund installation of signs; however, additional funding may be required depending on the cost of signage as determined by officers.

CONFLICTS OF INTEREST

No person involved in the preparation of this report has a conflict of interest in the subject matter of this report.

CONCLUSION

The draft Dogs in Public Places Policy has been developed based on the outcomes of site audits, as well as feedback received from internal stakeholders and input from the community in an online survey.

The Policy is presented to Council to seek approval for it to be released for public comment from 20 October to 1 December 2022.

Following the completion of the public submission period, feedback received will be analysed to determine possible amendments, and it is proposed that the Policy be presented to Council for adoption in early 2023.

OFFICE OF THE CEO

3.8 Making a Confidential Resolution Public

Prepared By	Amanda Sapolu, Executive Advisor to the Chief Executive Officer
Authorised By	Chief Executive Officer
Document ID	A11536852
Briefing Note Number	Nil.
Attachment(s)	Nil

EXECUTIVE SUMMARY

Council may consider making the resolution for item 7.2 on 6 September 2022 no longer confidential and therefore public.

RECOMMENDATION

That the resolution made at item 7.2 at the Ordinary Council Meeting held on 6 September 2022 be determined as no longer confidential.

COUNCIL & WELLBEING PLAN

RELEVANT COUNCIL DECISIONS AND POLICIES

- Resolution of 6 September 2022
- Agenda Item 3.2 – 18 October 2022 Meeting
- Public Transparency Policy

DISCUSSION

Purpose

To present a recommendation that a resolution previously resolved as confidential, be determined as no longer confidential.

Background

On 6 September 2022 Council considered an item relating to the Peninsula Aero Club and the Westernport Air Field. On the 18 October 2022 Council Meeting Agenda, an item is listed relating to a Deed of Settlement between Council and the Peninsula Aero Club and the Westernport Air Field.

It was considered necessary at the time of the 6 September resolution to retain the resolution as confidential so as to protect Council's position in anticipated legal proceedings. However, the subsequent settlement of the matter and the bringing of a post settlement report to Council, means any confidentiality is redundant.

Further, the release of the 6 September resolution, means that the public is in a better position to understand Council's decision-making process.

Options for consideration

Council may choose to resolve that the 6 September 2022 resolution is no longer confidential.

ENGAGEMENT

This issue was discussed at a Councillor pre-meeting session.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

The *Local Government Act 2020* determines the basis on which Council may make information confidential and the criteria that must be met.

SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

CONFLICTS OF INTEREST

No person involved in the preparation of this report has a conflict of interest in the subject matter of this report.

4 COUNCILLORS AND DELEGATES REPORTS

At each Council Meeting, all Councillors will have the opportunity to provide an overview of any meetings attended as an appointed representative of Council.

If a Councillor chooses to provide details, the name of the conference/event and the Councillor attending will be noted in the Minutes for that meeting. If a Councillor requires additional information on the conference/event to be included in the Minutes, the Councillor must submit it in writing to Governance by 12.00 noon the day following the meeting.

Association/Committee	Representative/s	Substitute Representative/s	Shire Contact
Arts and Culture Advisory Panel	Cr Mercurio	Cr Race	Natasha Petkovic-Jeremic, Manager – Community Activation
Association of Bayside Municipalities	Cr Holland	Cr Dixon	Laura Crilly, Team Leader – Water and Coasts
Audit and Risk Committee	Cr Celi Cr Race	Cr Marsh	Bulent Oz, Chief Financial Officer
Australian Coastal Councils	Cr Gill	N/A	Laura Crilly, Team Leader – Water and Coasts
Australia Day Committee	Cr Holland	Cr Mercurio	Danielle Morrissey, Events Marketing Officer
Bass Park Trust	Cr Marsh (to 30 June 2022)	N/A	Pam Vercoe, Acting Manager – Governance
Community Consultative Committee on Gaming	Cr Mercurio		Roz Franklin, Senior Social Planner, Housing Justice and Advocacy
Communities That Care (CTC)	Cr Celi	Cr Dixon	Rebekah Popplewell, Communities That Care Coordinator
Department of Environment, Land, Water and Planning Wildlife Management Plan for Mornington Peninsula	Cr Gill Cr Mar Cr Marsh		
Disability Advisory Committee	Cr McCafferty	Cr Mercurio	Virginia Richardson, Disability Inclusion Officer
Greater South East Melbourne	Mayor	N/A	John Baker, Chief Executive Officer
Health and Wellbeing Committee	Cr Celi	Cr Gill	Kate Hills, Team Leader – Community Wellbeing
Inter Council Aboriginal Consultative Committee	Cr Dixon		Pam Vercoe, Acting Manager – Governance
Interface Councils	Mayor	Deputy Mayor	Randal Mathieson, Manager – Advocacy, Communications and Engagement

Association/Committee	Representative/s	Substitute Representative/s	Shire Contact
Koala Conservation Group	Cr Mar	N/A	
Literacy Advisory Committee	Cr Mar	Cr Celi	Pam Vercoe, Acting Manager – Governance
Metropolitan Transport Forum	Cr Dixon	Cr Mercurio	Claire Davey, Traffic and Road Safety Officer
Metropolitan Waste and Resource Recovery Forum	Cr Mar		Daniel Hinson, Team Leader – Circular Economy and Waste
Mornington Liquor Industry Accord	Cr Holland	Cr Mercurio	Anita Buczkowsky, Team Leader – Economic Development
Mornington Peninsula and Western Port Biosphere Reserve Foundation – Council Liaison Group	Cr McCafferty	Cr Race	Simon Thorning, Team Leader – Natural Systems
Mornington Peninsula Cemetery Trust	Cr Celi Cr Dixon Cr Marsh	N/A	Nathan Kearsley, Manager – Property and Commercial Services
Mornington Peninsula Shire Council Tourism Advisory Forum	Cr Bissinger Cr Dixon Cr Mar	N/A	Anne-Marie Haluszka, Team Leader – Tourism Services
Municipal Association of Victoria (MAV)	Mayor	Deputy Mayor	Pam Vercoe, Acting Manager – Governance
MAV Emergency Management Committee			Brett Fletcher, Emergency Management Coordinator
Peninsula Advisory Committee for Elders	Cr Mar	Cr Dixon	Chris Munro, Manager – Community Partnerships
Point Nepean National Park Management Advisory Committee	Cr Bissinger	N/A	Allan Cowley, Strategic Planning Projects Manager
South East Councils Climate Change Alliance	Cr McCafferty	Cr Race	Chris Yorke, Energy and Carbon Management Officer and Nicci Tsernjavski, Climate Change Partnerships Officer
Triple A Housing Committee	Cr Bissinger	Cr Celi	Roz Franklin, Senior Social Planner, Housing Justice and Advocacy
Victorian Local Governance Association (VLGA)	Cr Race		Pam Vercoe, Acting Manager – Governance

5 NOTICES OF MOTION

Notices of Motion must be received 10 clear business days prior to a meeting.

5.1 Notice of Motion 368 (Cr Gill)

Cr David Gill has given notice of his intention to move the following motion at the meeting.

1. *That following on from the koala research being undertaken by Desley Whisson from Deakin University and the Citizen Science efforts of local koala protection groups, a formalised count of koalas on the Mornington Peninsula be commissioned by the Council.*
2. *That the outcome be reported, if possible, in time for the Council Koala Forum being held in March 2023.*
3. *That local Members of Parliament and State election candidates be asked to support these actions publicly and consider what they can do to ensure the viability of our wildlife on the Mornington Peninsula.*

Officer Comment Prepared by	Simon Thorning, Team Leader – Natural Systems
Authorised by	Mike McIntosh, Director – Planning and Infrastructure

OFFICER COMMENT

The work of Dr Desley Whisson and her research colleagues and students at Deakin University on the ‘Collaborative Koala project on the Mornington Peninsula’ is detailed in a research services agreement between Deakin University and Mornington Peninsula Shire. The collaborative work builds on earlier research work by Dr Whisson and her students. The relationship between the two organisations was formulated after investigation of what other research and commercial bodies could provide and after an invitation to three research bodies to provide a fee for service proposal on a brief developed by Mornington Peninsula Shire staff, and follows all Shire procurement process requirements. The collaboration contributes to implementing the Council Biodiversity Conservation Plan.

The total project funding to be provided by the Shire is \$49,155 ex GST. Deakin University have calculated their in-kind contributions to be \$86,266 ex GST.

The project runs until June 2024, with most of the research being completed by June 2023.

The core project has four primary objectives:

1. Establish a long-term koala and habitat monitoring strategy that uses simple, low-cost methodology;
2. Provide an initial assessment of koala distribution and abundance and supervise two additional years of monitoring;
3. Quantify threats to the koala population;
4. Foster citizen science by involving the community in koala monitoring.

5.1 (Cont.)

Using initial data recorded from 100 scientifically selected locations the collaborative study has produced an interim map showing predicted probability of koala presence across the Mornington Peninsula.

Initially the project methodology involved two approaches – one being the placing of sound recording devices at the 100 locations to pick up koala calls and the other being two person surveys of the same locations. Use of the two approaches has shown conclusively that use of sound recording devices is far more reliable than two person surveys. Ongoing work for the project will therefore use sound recording devices.

Use of sound devices for the project means that a new set of citizen science tasks will need to be planned for willing members of the koala conservation group and other volunteers. These new tasks should be provided within 2022. Existing data from the koala conservation group has been incorporated into the study.

The work of this project follows the best scientific methodology to achieve realistic scientific outcomes which include a map showing predicted probability of koala presence, a complete understanding of habitat available to koalas and the levels of quality variation in that habitat, the location of threats to koalas and the distribution of threats relative to distribution of quality habitat.

The remainder of the project will refine the data through further acoustic data collection and review how to best incorporate willing citizen science to ensure the data remains current and any changes in koala abundance, koala distribution, in quality of habitat, or in level of threat can be efficiently evaluated and a suitable intervention planned if possible.

In summary, achieving the outcome of long-term monitoring of 100 carefully selected sites to continually refine predicted probability of koala occurrence has cost \$49,155 plus \$86,266 in-kind research contribution, plus countless hours of trained volunteer time to come.

The best follow-up to this research may be to advocate to the Victorian State government to develop a local koala protection plan based on the research outcomes.

Legal Implications

No legal implications other than the need to follow Shire procurement processes when engaging research bodies.

Financial and Resourcing Implications

Populations studies of wild species including species counts appear to be commercially cost prohibitive. The current study achieves realistic scientific outcomes for a Mornington Peninsula Shire outlay of \$50,000 over three years.

Council may wish to consider contributing to a State government led local koala protection plan if it occurs. Such a plan may cost in excess of \$50,000 to develop with as yet unknown costs for implementation.

Potential Alternative Wording

That following completion of the research being undertaken by Deakin University, Council advocates to State Government for the development and implementation of a local koala protection plan.

5.2 Notice of Motion 369 (Cr Gill)

Cr David Gill has given notice of his intention to move the following motion at the meeting.

That Councillors be encouraged to provide background information to be published on the public agenda with Councillor Notices of Motion.

Officer Comment Prepared by	Pam Vercoe, Manager – Governance
Authorised by	John Baker, Chief Executive Officer

OFFICER COMMENT

Under the Governance Rules (the Rules), a Councillor can submit to the Chief Executive Officer (CEO) a Notice of Motion (NOM) to be included in the agenda for a meeting.

A NOM must be submitted in writing no later than 10 business days before the meeting it is intended to be considered to ensure sufficient time. Once a NOM is received, the CEO ensures it meets the criteria under the Rules such as relating to the role of Council under the Act and can reject a NOM that may be prejudicial to any person or Council, is defamatory, discriminatory or offensive, or related to the day to day management of Council by the CEO.

If a NOM is rejected by the CEO, a Councillor may submit a revised NOM within 24 hours for consideration.

Councillors are provided with a copy of the agenda one week before a Council meeting. The 10 day requirement for NOM's to be submitted allows sufficient time for a considered officer comment to be made, to be approved by the relevant Director and the required proof-reading and agenda preparation to be completed.

Background information provided by Councillors is considered by officers when completing their comments but is removed from the published agenda.

If background information provided is incorrect, defamatory, discriminatory or offensive, the CEO should be able to amend, reword or remove as appropriate. This would be communicated back to the Councillor prior to the publishing on the agenda.

If Councillors consider this appropriate, alternate wording has been provided following.

Legal Implications

No direct legal implications.

Financial and Resourcing Implications

No direct financial or resourcing implications.

Potential Alternative Wording

That Councillors provide background information to a Notice of Motion that is published on the public agenda.

That the CEO will ensure any background information that is incorrect, defamatory, discriminatory or offensive is amended, reworded or removed prior to inclusion in the public agenda.

5.3 Notice of Motion 370 (Cr Gill)

Cr David Gill has given notice of his intention to move the following motion at the meeting.

That Council agrees in principle for a hand beach cleaning program on Mornington Peninsula Shire beaches and that the Chief Executive Officer brings back to Council a recommendation on whether implementation should go ahead based on cost, efficiency, community benefit and consideration of the role of volunteers.

Officer Comment Prepared by	Laura Crilly, Team Leader – Water and Coasts
Authorised by	Mike McIntosh, Director – Planning and Infrastructure

OFFICER COMMENT

Caution should be exercised when seeking an ‘agrees in principle’ decision without understanding:

1. the costs associated with hand beach cleaning; and
2. the availability of a consistent volunteer workforce to assist with this
3. the risks and liability associated with this approach ongoing.

While recent a survey indicated that some community members support moving to hand cleaning methods alone, further investigation is required to determine if swapping hand cleaning for mechanical cleaning altogether would provide a net benefit for the community (environmentally & financially). It is anticipated that these investigations will inform the most appropriate model to apply to cleaning our beaches and providing the best value for our community and other beach users. A business case and recommendations will be brought back to Council for consideration.

Legal Implications

Potential legal implications would need to be considered as part of a review into beach cleaning methods.

Financial and Resourcing Implications

Financial and resourcing implications may be significant and would need to be considered as part of a review into beach cleaning methods.

Potential Alternative Wording

Not Applicable.

5.4 Notice of Motion 371 (Cr Holland)

Cr Steve Holland has given notice of his intention to move the following motion at the meeting.

Mornington Peninsula Shire Council requests that any risk or engineering reports and advice that informed the decision to temporarily close the Beleura Cliff Path be released to the public before 21 October 2022.

Officer Comment Prepared by	Laura Crilly, Team Leader – Water and Coasts
Authorised by	Mike McIntosh, Director – Planning and Infrastructure

OFFICER COMMENT

On 16 September 2022, Shire officers and the consulting engineer met regarding the Beleura Cliff path landslips (October and November 2021), to discuss the risk assessment and the recommended controls. At this meeting it was determined that the only viable short-term management option was to temporarily close the path, while remediation options were designed and implemented, to mitigate the risk.

On 22 September 2022 a site meeting with community members (Beleura Cliff Friends Group, Coastal Advisory Group, Mornington Environment Association), Briars Ward Councillors, Shire Superintendent, Coastal Planner, Water and Coasts Team Leader, Planning and Infrastructure Director and consulting engineer (Stantec) was held at the landslip location to discuss the temporary closure and next steps.

A commitment was made to reopen the path as soon as was practicably safe and possible and a third party be engaged to undertake a more comprehensive risk assessment and provide options in a report ('Options Report') for risk mitigation that would enable reopening. These options, when available, were to be shared and discussed with relevant community members prior to arriving at a recommended plan of works.

On 7 October 2022 another landslip occurred at the same location, hitting the temporary fencing, with fallen material closing the path access completely.

The work commissioned to assess options, 'Options Report', for future reopening of the path will now need to be revisited after this incident. This report will be made available publicly, where practicable, balancing the need for transparent decision making and ensuring that officers act in the best interests of Council. Some information may also be commercial in confidence or otherwise confidential or unable to be released. This is yet to be determined.

Legal Implications

The Options Report will be reviewed by the Shire's Legal Department with a view to making as much of the report public as possible.

Financial and Resourcing Implications

Not applicable.

Potential Alternative Wording

Not applicable.

5.5 Notice of Motion 372 (Cr Holland)

Cr Steve Holland has given notice of his intention to move the following motion at the meeting.

1. *Mornington Peninsula Shire Council requests that a Tree Canopy (Urban Forest) Strategy be developed and presented to Council for adoption before 1 August 2023.*
2. *An initial report should be brought to Council before 1 January 2023 outlining a preliminary timeline to develop, workshop and implement such a strategy, and also include any potential costs (initial or ongoing) that should be considered as part of the 2023-24 Budget process.*
3. *The strategy would apply to all areas on the Mornington Peninsula within the Urban Growth Boundary and the purpose of the strategy would be to:*
 - *substantially increase canopy cover across residential and commercial areas on the Mornington Peninsula (by a percentage and date to be determined)*
 - *improve general amenity, recognising the value of established vegetation in relation to the character of our townships and the wellbeing of our residents*
 - *increase flora diversity and improve the health of our local ecosystems*
 - *mitigate the urban heat island effect and reduce average ground temperatures in summer.*
4. *The Council acknowledges that the implementation of such a strategy may necessitate the amendment of existing Council policies, including those relating to nature strip landscaping.*

Officer Comment Prepared by	Simon Thorning, Team Leader – Natural Systems and Daniel Kabel, Environmentally Sustainable Design Infrastructure Officer
Authorised by	Mike McIntosh, Director – Planning and Infrastructure

OFFICER COMMENT

Councillors are due to receive a briefing 25 October 2022 on the results of the community engagement on nature strips and street trees carried on the Shire's Shape our Future platform from 16 May 2022 to 27 June 2022. 297 detailed responses were received and over 3000 people viewed the information provided. This is a very strong response with a detailed insight into community thinking on this issue.

The survey results provide a strong sense that people are very interested in trees and other vegetation in their streetscape in urban areas, in being part of the decision-making process, and in implementing outcomes.

While streetscapes are only one element of the urban space, another key element being private land, it is recommended that Councillors use the opportunity provided by the 25 October briefing to reflect on the policy considerations applicable to urban greening, urban forest, nature strips and street trees.

5.5 (Cont.)**Legal Implications**

Nil.

Financial and Resourcing Implications

A Strategy of this type is important to allow the Shire to significantly increase canopy cover across the peninsula. It is not currently allowed for in the 2022/23 financial work plans or budget.

It is recommended that funding and resources be allocated to this project in the 2023/24 financial year. This strategy is likely to cost approximately \$150,000 and be completed over a 12-month period.

If funding is re-allocated in the current financial year and resources reallocated to this project, it is likely that the progress of other strategic work in the Climate Change and Natural Systems teams will be impacted and may not be delivered within planned timeframes. These include actions from the Climate Emergency Plan and Biodiversity Conservation Plan.

Potential Alternative Wording

The alternative wording below is recommended to allow budget and resources to be allocated to this project, and to allow consideration of community feedback on the recent engagement on nature strips and street trees.

1. *Mornington Peninsula Shire Council requests that a Tree Canopy (Urban Forest) Strategy be developed and presented to Council for adoption before 30 June 2024.*
2. *An initial report should be brought to Council before 31 January 2023 outlining a preliminary timeline to develop, workshop and implement such a strategy, and also include any potential costs (initial or ongoing) that should be considered as part of the 2023-24 Budget process.*
3. *The strategy would apply to all areas on the Mornington Peninsula within the Urban Growth Boundary and the purpose of the strategy would be to:*
 - *substantially increase canopy cover across residential and commercial areas on the Mornington Peninsula (by a percentage and date to be determined)*
 - *improve general amenity, recognising the value of established vegetation in relation to the character of our townships and the wellbeing of our residents*
 - *increase flora diversity and improve the health of our local ecosystems*
 - *mitigate the urban heat island effect and reduce average ground temperatures in summer.*
4. *The Council acknowledges that the implementation of such a strategy may necessitate the amendment of existing Council policies, including those relating to nature strip landscaping.*

5.6 Notice of Motion 373 (Cr Mar)

Cr Debra Mar has given notice of her intention to move the following motion at the meeting.

1. *For a workshop with Officers and Councillors to be held before the end of 2022 to discuss future issues for our wildlife and the health and wellness of our communities associated with the loss of habitat, biodiversity and ecosystems with a view that the 'Rights of Nature' and biodiversity have the right to exist and flourish on the Mornington Peninsula.*
2. *That the Council receives a briefing about the latest developments in recognising 'Rights of Nature' as a potential principal factor in Council's operational, planning processes and advocacy.*
3. *That Officers consult the Mornington Peninsula Biodiversity Conservation Plan, Mornington Peninsula Green Wedge Management Plan, Mornington Peninsula Climate Emergency Plan and the Council and Wellbeing Plan in conjunction with health and wellness organisations in preparing this briefing as well as any other relevant bodies such as local conservation groups including and not limited to, the Mornington Peninsula and Western Port Biosphere Reserve Foundation, Friend Groups, Mornington Peninsula Koala Conservation Group and other conservation groups.*
4. *Following the briefing, a report comes to Council by 1 March 2023 around the integration of a 'Rights of Nature' approach with Council's planning processes, education campaigns and advocacy programs.*

Officer Comment Prepared by	Simon Thorning, Team Leader – Natural Systems
Authorised by	Mike McIntosh, Director – Planning and Infrastructure

OFFICER COMMENT

'Rights of Nature' are described as laws that prohibit human activities that would interfere with the ability and rights of ecosystems and natural communities to exist and flourish.

The Mornington Peninsula Planning Scheme currently provides protections for the townships, substantial and diverse local economy, and areas of national and international conservation significance. The Environmental Significance Overlays within the Planning Scheme are recognised as providing Mornington Peninsula with particularly strong protection for the natural environment.

Council's Biodiversity Protection Plan has 47 actions directed at protecting and improving biodiversity including through work with volunteers, direct action to remove weeds and pests, knowledge building, and protection and enhancement of wildlife habitat on private and public land. The Biodiversity Conservation Plan includes actions to progressively review the Planning Scheme to improve biodiversity protection.

Related Council policies that also include strong protection and action for nature and biodiversity include Mornington Peninsula Green Wedge Management Plan, Mornington Peninsula Climate Emergency Plan and the Council and Wellbeing Plan.

Considering the implementation of a 'Rights of Nature' approach on the Mornington Peninsula is likely to require considerable officer time and cost. Indeed, it is not yet known if it is possible.

5.6 (Cont.)**Legal Implications**

At this stage, the legal standing of 'Rights for Nature' is unclear and may not be able to be implemented as requested in the proposed Notice of Motion.

Financial and Resourcing Implications

This work is not currently funded or allowed for in 2022/23 work plans.

Financial and resourcing implications are uncertain at this stage depending on the scope and findings of the work requested. Hosting a workshop and completing the significant consultation requested will also require considerable time and resources from the Natural Systems team that are currently allocated to completing funded actions under the Biodiversity Conservation Plan and Tootgarook Wetlands Management Plan.

Potential Alternative Wording

None suggested.

5.7 Notice of Motion 374 (Cr Holland)

Cr Steve Holland has given notice of his intention to move the following motion at the meeting.

Council requests that a review of the Footpaths and the Pedestrian Access Strategy commences before the end of 2022, and returns to Council for amendment before 1 April 2023, incorporating the following priorities:

- *residents' pedestrian safety*
- *residents' basic amenity*
- *the character of the area.*

Officer Comment Prepared by	Katanya Barlow, Manager – Strategic and Infrastructure Planning
Authorised by	Mike McIntosh, Director – Planning and Infrastructure

OFFICER COMMENT

The Mornington Peninsula Shire is responsible for the construction of footpaths across the Peninsula. Each year, a significant number of community requests for new footpaths are received. Council adopted the Pedestrian Access Strategy in 2019 to guide funding and delivery of new footpaths remains equitable given the significant construction costs of footpaths.

The strategy aims to create a safe, accessible, and connected pedestrian network and is guided by state government policy on pedestrian network planning, land use planning and transport planning.

The Pedestrian Access Strategy is guided by the following strategic objectives:

1. Improve the safety and accessibility of the path network.
2. Development of a connected and integrated township network of paths.
3. Enhance the user experience to facilitate and encourage pedestrian movement.
4. Promote the use and tourism of recreational trails.

The Principal Pedestrian Network (PPN) is a mapped network of integrated and connected routes which encourage pedestrian movement, whilst also supporting safe and accessible travel into and around key destinations. The PPN has identified a network of streets throughout the Peninsula where new footpaths are needed and where existing footpaths form part of the network.

All paths which have been identified on the PPN are evaluated against a Prioritisation Matrix which uses the following factors to determine construction priority:

Safety (50%)

- Road Safety: Are the current conditions creating a hazardous environment for pedestrians?

5.7 (Cont.)

- Topography: Is there space off the road where people can walk and is there any difficult terrain to negotiate?

Strategic Priority (50%)

- Network Priority: What function does this footpath play within the network?
- Pedestrian Demand: Is there a significant number of residents already using this route? Have there been a significant number of requests made for a new footpath already?
- Proximity to Primary and Secondary locations: Does this footpath serve key destinations such as schools, shopping centres, health centres and others?

When designing paths on the PPN, the following principles are considered:

- Compliance with the *Disability Discrimination Act*.
- Compliance with the Australian Standards.
- Consistency with the prevailing neighbourhood character.
- Community expectations.
- Service levels based of potential usage.
- Safe and accessible.
- All weather surfaces and easily maintainable.
- Avoiding the removal of vegetation where possible.
- Avoiding and minimising impacts to biodiversity, particularly threatened species, large trees and landscape connectivity.
- Enhancing the pedestrian experience through complimentary infrastructure and wayfinding, where possible.
- How the path is prioritised as per the Evaluation Methodology in the Strategy.

Delivery of footpaths on the PPN is dependent on money being allocated in Council's annual budget or Council successfully obtaining external grants.

New footpath requests that are not on the PPN or are on the PPN but are of a lower priority for construction can be funded via a special charge scheme, where property owners deemed to gain a special benefit from the works are required to contribute towards the cost of the project.

Legal Implications

None.

Financial and Resourcing Implications

The Pedestrian Access Strategy was adopted in 2019 and a review is not scheduled until 2024. Should Council wish to bring forward this review then staff resourcing, and budget will need to be reallocated from existing funded projects. Given the current work program is at capacity, should no resources be allocated towards it, accommodating this Notice of Motion would result in the delay of the Integrated Transport Strategy and current speed limit

5.7 (Cont.)

reduction applications. These projects would be delayed until next financial year should this review be prioritised.

Potential Alternative Wording

None.

6 URGENT BUSINESS

Under Council's Governance Rules, no business may be admitted as urgent business unless it:

1. Relates to a matter which has arisen since distribution of the Agenda.
2. Cannot because of its urgency, be reasonably listed in the Agenda of the next Council Meeting.
3. Councillors by a majority vote, vote in favour of a matter being dealt with as urgent business.

7 CONFIDENTIAL ITEMS

Advice to the Public

All reports, information and recommendations contained in 'Section 7 – Confidential Items' of this Agenda have been designated by the Chief Executive Officer as confidential pursuant to section 66 (2) (a) of the *Local Government Act 2020*.

MEETING CLOSED TO THE PUBLIC

The Council may resolve that the meeting be closed to members of the public in accordance with section 66 (5) (a) of the *Local Government Act 2020* if the meeting is discussing any of the following:

- (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.
- (b) Security information, being information that if released is likely to endanger the security of Council property or the safety of any person.
- (c) Land use planning information, being information that if prematurely released is likely to encourage speculation in land values.
- (d) Law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person.
- (e) Legal privileged information, being information to which legal professional privilege or client legal privilege applies.
- (f) Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.
- (g) Private commercial information, being information provided by a business, commercial or financial undertaking that:
 - (i) Relates to trade secrets.
 - (ii) If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- (h) Confidential meeting information, being the records of meetings closed to the public under section 66 (2) (a).
- (i) Internal arbitration information, being information specified in section 145.
- (j) Councillor Conduct Panel confidential information, being information specified in section 169.
- (k) Information prescribed by the regulations to be confidential information for the purposes of this definition.
- (l) Information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*.

RECOMMENDATION

That Council considers the confidential report listed below in a meeting closed to the public in accordance with section 66 (2) (a) of the *Local Government Act 2020*:

7.1 Residual Waste - Opportunities Review

This matter is considered to be confidential under section 3 (1) (a) of the *Local Government Act 2020* as it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.